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country of origin research and information

CORI Country Report Uzbekistan, November 2010

Commissioned by the United Nations High Commissioner for Refugees (UNHCR).
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Preface

Country of Origin Information (COI) is required within Refugee Status Determination (RSD) to provide objective evidence on conditions in refugee producing countries to support decision making. Quality information about human rights, legal provisions, politics, culture, society, religion and healthcare in countries of origin is essential in establishing whether or not a person's fear of persecution is well founded.

CORI Country Reports are designed to aid decision making within RSD. They are not intended to be general reports on human rights conditions. They serve a specific purpose, collating legally relevant information on conditions in countries of origin, pertinent to the assessment of claims for asylum. Categories of COI included within this report are based on the most common issues arising from asylum applications made by Uzbekistan nationals. This report covers events up to 30 November 2010.

COI is a specific discipline distinct from academic, journalistic or policy writing, with its own conventions and protocols of professional standards as outlined in international guidance such as The Common EU Guidelines on Processing Country of Origin Information, 2008 and UNHCR, Country of Origin Information: Towards Enhanced International Cooperation, 2004.

CORI provides information impartially and objectively, the inclusion of source material in this report does not equate to CORI agreeing with its content or reflect CORI's position on conditions in a country. It is acknowledged that all sources have a bias, it is for decision makers to place a weight on sources, assessing relevance to each individual application.

CORI Country Reports are prepared on the basis of publicly available information, studies and commentaries within a specified time frame. All sources are cited and fully referenced. Every effort has been taken to ensure accuracy and comprehensive coverage of the research issues, however as COI is reliant on publicly available documentation there may be instances where the required information is not available. The reports are not, and do not purport to be, either exhaustive with regard to conditions in the country surveyed, or conclusive as to the merits of any particular claim to refugee status or asylum. Every effort has been made to compile information from reliable sources; users should assess the credibility, relevance and timeliness of source material with reference to the specific research concerns arising from individual applications.

CORI is an independent centre providing specialist research resources to support Refugee Status Determination.

CORI works internationally with all parties to RSD, including governments, legal representatives and NGOs, producing commissioned research reports and providing knowledge management services. CORI works to improve standards of COI production through capacity building and training.

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A. Background and Recent Developments

1. Population Demography and Ethnic and Religious Composition

According to a September 2010 report by the *World Bank*, Uzbekistan had a population of 27.31m in 2008.¹ The organisation further notes with regard to the country's demographics,

"An estimated 37% of the Uzbekistan population lives in urban areas, with about three million inhabitants in the capital Tashkent, the largest city. The country has a very young and rapidly growing population and is facing a serious employment generation challenge, especially in rural areas where two-thirds of Uzbekistan's populations live."²

The NGO *Minority Rights Group International* reports in 2010 that the principal languages of Uzbekistan are Uzbek, Russian, Tajik, Kazakh and Tatar.³ The group further reports,

"Minority groups include Russians (6%), Tajiks (4.8%), Kazakhs (4%), Tatars (1.6%); other minorities include Karakalpaks, Koreans, Meskhetian Turks and Jews (National Census, estimate for 1998). Uzbekistan is made up of a number of traditional populations of Turkic (Uzbeks, Kazakhs, Karakalpaks), Semitic (Bukhara Jews), and Iranian origins (Tajiks), as well as more recent minorities which arrived in the country during the Russian and Soviet domination (Russians, Crimean Tatars, Meskhetian Turks, Koreans and some Jews)."⁴

The *UK Foreign and Commonwealth Office* reports in May 2010 that the country's main religious groups are Sunni Muslim (88%), Eastern Orthodox (9%), and other (3%).⁵

Minority Rights Group International provides the following information as of 2010 with regard to Uzbekistan's minority groups in its ethnic composition,

"Most Meskhetian Turks are Sunni Muslims who speak an East Anatolian variety of Turkish. Uzbekistan had one of the largest communities of Meskhetian Turks in the Soviet Union, but a pogrom [sic] which started in the Ferghana Valley in 1989 led to most of these [] fleeing the country, so that it is widely believed there are less than 15,000 (European Centre for Minority Issues, 2004) of them remaining in the country, mainly in Bukhara, Navoi and Samarkand. While many are involved in agriculture, they still constitute a rather urbanised, entrepreneurial and affluent segment of society."⁶

"The Karakalpaks' language belongs to the Kipchak family of Turkic languages, and they are closely related linguistically and culturally to the Kazakhs. They are mainly Sunni Muslims and about half a million of them live on the southern shore of the Aral Sea in the Autonomous Republic of Karakalpakstan (Government of Karakalpakstan, 2006). There are also Karakalpak villages in the Ferghana Valley."⁷

"Unofficial figures from 2005 suggest that about two-thirds of all the country's Slavic minorities have emigrated. [] The Slavic minorities are almost exclusively urban, 45 per cent

¹ World Bank, Uzbekistan – Country Brief, September 2010, <http://www.worldbank.org/uz/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/UZBEKISTANEXTN/0..menuPK:294197~pagePK:141132~piPK:141107~theSitePK:294188,00.html>, accessed 12 October 2010

² World Bank, Uzbekistan – Country Brief, September 2010, <http://www.worldbank.org/uz/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/UZBEKISTANEXTN/0..menuPK:294197~pagePK:141132~piPK:141107~theSitePK:294188,00.html>, accessed 12 October 2010

³ Minority Rights Group International, Uzbekistan Overview, 2010, <http://www.minorityrights.org/2479/uzbekistan/uzbekistan-overview.html>, accessed 12 October 2010

⁴ Minority Rights Group International, Uzbekistan Overview, 2010, <http://www.minorityrights.org/2479/uzbekistan/uzbekistan-overview.html>, accessed 12 October 2010

⁵ UK Foreign and Commonwealth Office, Country Profile - Uzbekistan, 18 May 2010, <http://www.fco.gov.uk/en/travel-and-living-abroad/travel-advice-by-country/country-profile/asia-oceania/uzbekistan?profile=all>, accessed 12 October 2010

⁶ Minority Rights Group International, Meskhetian Turks, 2010, <http://www.minorityrights.org/2486/uzbekistan/meskhetian-turks.html>, accessed 10 October 2010

⁷ Minority Rights Group International, Karakalpaks, 2010, <http://www.minorityrights.org/2485/uzbekistan/karakalpaks.html>, accessed 10 October 2010

of them residing in the Tashkent Oblast, with much of the rest in other industrial centres. Russians and Uzbeks have remained largely separate communities. Recognising the need for Russian specialists, the government had offered them after independence various incentives to retain their services. But the growing 'Uzbekisation' of the country led most Russians and other Slavs to leave the country."⁸

2. Political Actors and System in Uzbekistan

A 2005 study appearing in *New York University's* Globalex database describes Uzbekistan's system of governance,

"The highest representative body of the state is the Oliy Majlis, the Supreme Assembly of the Republic of Uzbekistan. This body exercises legislative powers. In accordance with the results of the Referendum of January 27 2002 the structure of the Oliy Majlis was changed. The Oliy Majlis of the Republic of Uzbekistan was enacted on June 1, 2004 as a bicameral parliament and consists of a Legislative chamber and a Senate. []

The Senate and the Legislative chamber of Oliy Majlis adopt and amend the Constitution and laws of [the] Republic of Uzbekistan, legislatively regulate customs, currency and credit systems, problems of the administrative - territorial structure, and alteration of frontiers of the Republic of Uzbekistan and approve of the state's budget. They ratify [] the decrees of the President on the establishment and abolition of the state institutions [] [in the] country. []

The Senate ratifies [] the decrees of the President on the appointment and removal of the higher officials of [the] country and elections of the Constitutional Court, Supreme Court, Higher Economic Court of the Republic of Uzbekistan, and other representative bodies, ratifies the international treaties and agreements and realizes other activity."⁹

The law firm, *Baker & McKenzie*, in a January 2010 report states that Uzbekistan retains a highly centralized political system, noting,

"Uzbekistan consists of 12 viloyats (regions) and the autonomous Republic of Karakalpakstan. As a result of Uzbekistan's highly centralized form of government, the 12 viloyats, the city of Tashkent, and the autonomous Republic of Karakalpakstan have little political power. A 'khokim' or prefect is appointed by the President for each viloyat. Karakalpakstan has its own head of Government, who is subordinate to the President of Uzbekistan."¹⁰

The *US Department of State (USDOS)* report issued in March 2010 covering the events of 2009 notes,

"Uzbekistan is an authoritarian state []. The constitution provides for a presidential system with separation of powers among the executive, legislative, and judicial branches. In practice President Islam Karimov and the centralized executive branch dominated political life and exercised nearly complete control over the other branches. Of the 150 members of the lower house of parliament, 135 are elected, and 84 of the 100 senators are chosen in limited elections open only to elected members of local councils. The president appoints the remainder."¹¹

⁸ Minority Rights Group International, Russians and Ukrainians, 2010 <http://www.minorityrights.org/2484/uzbekistan/russians-and-ukrainians.html>, accessed 10 October 2010

⁹ NYU Globalex, A Guide to Legal Research in Uzbekistan, July 2005, <http://www.llrx.com/features/uzbekistan.htm>, accessed 9 October 2010

¹⁰ Baker & McKenzie, Doing Business in Uzbekistan, January 2010, pp. 7-8, <http://www.bakermckenzie.com/BKZakakhstanDoingBusinessUzbekistanJan10/>, accessed 12 October 2010

¹¹ US Department of State (USDOS), 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

In its 2010 annual report, *Freedom House* states that Uzbekistan's executive and parliamentary system do not constitute democratic institutions,

"Uzbekistan is not an electoral democracy. President Islam Karimov uses the dominant executive branch to repress all political opposition. []

Only four political parties, all progovernment, are currently registered, and no genuine opposition parties function legally. A 2007 law intended to expand the role of registered parties had no real effect on the moribund political arena. Unregistered opposition groups like *Birlik* and *Erk* function primarily in exile. []

December 2009 parliamentary elections offered voters no meaningful choice, although the four pro-government parties indulged in mild criticism of each other. Corruption is pervasive. Uzbekistan was ranked 174 out of 180 countries surveyed in Transparency International's 2009 Corruption Perceptions Index."¹²

The human rights organization, *The Observatory for the Protection of Human Rights Defenders* notes in its 2010 annual report that Uzbekistan's political system retains limitations on political parties and activities,

"The increase in arrests and sentencing on political grounds has been made possible by a criminal justice system that is corrupt and follows orders. No human rights association or political party was registered in 2009. Government refusal to authorise the registration of opposition political parties made it impossible for the latter to take part in the election process.

For the December 27, 2009 parliamentary elections, which took place in a climate of intensified repression of defenders, journalists and all independent voices, the two opposition parties "Erk" and "Birlik" remained banned and the Central Election Committee authorised only four pro-Government parties already seating [sic] in Parliament to take part in the elections. Mr. Bahodir Choriev, the leader of the "Birdamlik" opposition movement, was expelled from Uzbek territory on December 11, 2009, two months after his return from exile and two weeks before the first round of the parliamentary elections."¹³

The World Bank's 2010 Country Brief on Uzbekistan states that the current Uzbek system of governance requires further amelioration in order for the country to be managed with a greater degree of answerability to its people,

"Stronger governance in terms of openness, transparency, and accountability to public (e.g., in government operations, public expenditure management, policy making, data and legislation) is essential to the credibility of economic policies and for improvements in the investment climate, service delivery, and in creating an effective and stable environment for the private sector.

Progress continues on selected aspects of the governance reform agenda, such as treasury modernization, public financial management, anti-money laundering and counter-terrorism financing standards, and transparency. However, it remains a top-down driven process that needs to address more systematically issues such as: public accountability of state agents; access to, and transparency of socio-economic and poverty data and independent verification of information. []

¹² Freedom House, *Freedom in the World 2010 - Uzbekistan*, January 2010, <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7946Freedom House/>, accessed 9 October 2010

¹³ The Observatory for the Protection of Human Rights Defenders. *Steadfast in Protest; Annual Report 2010, 2010*, pp.427-428, <http://www.fidh.org/IMG/pdf/2010/OBS2009UK-full.pdf>, accessed 9 October 2010

Greater public access to information will be needed if civil society and the public are to hold government bodies accountable for service delivery.”¹⁴

A 2010 report by *Freedom House*, *Nations in Transit 2010*, states that there has been little progress towards implementing democratic or human rights reform in Uzbekistan,

“As he has done since Uzbekistan became independent, President Karimov maintained his tight grip on the country through state control over domestic media and by neutralizing potential threats to the regime with efficient security services. []

Without any incentive to make effective democratic changes, it is unsurprising that Uzbek authorities have not altered policies on governing the country. The executive branch continued to dominate the Uzbek government in 2009 with no movement to give citizens any say in how the country was governed. []

Uzbekistan’s December parliamentary elections further demonstrated the government’s disinterest in reforming the electoral system or introducing the most basic features of a competitive election, such as a legitimate opposition party. Only the four, registered, pro-presidential parties participated in the poll, which explicitly excluded the participation of independent candidates or individuals sponsored by social or “initiative” groups. []”¹⁵

The 2010 *Freedom House* report further notes that regional democratic governance remains corrupted by local officials and lacks independence from the central authorities,

“Provincial, district, city, and village officials are appointed based on perceptions of loyalty to the state and are therefore expected to carry out the wishes of President Karimov on local levels. But there is evidence in recent years that these local officials govern their territory as their own personal fiefdoms while doing all possible to publicly exhibit loyalty to the regime and faithful execution of the tasks assigned by the central authorities. Local officials serve the state, not their constituencies, and too often some of these officials take advantage of their positions to promote their personal interests, often breaking the laws of the country and preying on local residents.”¹⁶

A December 2009 report by the *BBC News* notes that Uzbekistan’s political system restricts the involvement of opposition parties and limits open debate in the country’s media,

“Uzbekistan has a highly authoritarian political system and a poor human rights record.[]

There is no single opposition movement and no independent media, and none of the registered political parties in this election oppose President Karimov’s government.

Uzbekistan’s main opposition parties, *Birlik* (Unity) and *Erk* (Freedom), have been denied registration since the 1990s. Their leaders live in exile. []

“Parliament does not play any role in an ordinary person’s life. People don’t believe that their voice will matter or make any difference,” says Tashkent-based journalist Sergei Ezhkov.”¹⁷

The Institute for War & Peace Reporting in a June 2009 article on reforms to the electoral process in Uzbekistan reports that observers view the likely impact of such changes with differing opinions,

¹⁴ The World Bank, *Country Brief 2010 - Uzbekistan*, 1 September 2010, <http://www.worldbank.org.uz/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/UZBEKISTANEXTN/0,,menuPK:294197~pagePK:141132~piPK:141107~theSitePK:294188,00.html>, accessed 9 October 2010

¹⁵ *Freedom House*, *Nations in Transit 2010*, 2010, pp.572-573, <http://www.freedomhouse.eu/images/nit2010/NIT-2010-Uzbekistan-final.pdf>, accessed 9 October 2010

¹⁶ *Freedom House*, *Nations in Transit 2010*, 2010, pp.573-574, <http://www.freedomhouse.eu/images/nit2010/NIT-2010-Uzbekistan-final.pdf>, accessed 9 October 2010

¹⁷ *BBC News*, *Life in secretive Uzbekistan ahead of poll*, 27 December 2009, <http://news.bbc.co.uk/2/hi/asia-pacific/8427255.stm>, accessed 9 October 2010

“Changes to the electoral system in Uzbekistan will take effect later this year, but it will take more than the appearance of democratic mechanisms to bring about political change, NBCentral Asia experts say.[]

In line with legislative changes approved late last year, the lower house of parliament is to be expanded from 120 to 150 seats. The various legal political parties – all of them pro-government – will be able to compete for 135 seats using a proportional representation system. The remaining 15 seats will be given to the Ecological Movement of Uzbekistan.

Another change is that parties will be able to post agents at polling stations to observe the count.

Viktor Ivonin, an analyst based in Tashkent, says the reforms make sense, reflecting a cautious, incremental approach to political pluralism.[]

Others warn that the changes are merely cosmetic in that no opposition parties are allowed to exist, still less field candidates in elections. The small opposition in Uzbekistan is harassed and many members have fled abroad.

Farhad Tolipov, a political scientist in Tashkent, says they authorities routinely intervene to influence the conduct and outcome of polls, so it is difficult to believe promises by the Central Electoral Committee that this will not happen in the forthcoming ballot.

“Officials generally claim that the public mood is in favour of strong central authority,” he said. “They then translate this into tight control over the political process.”¹⁸

Reporting on the December 2009 election in Uzbekistan, *The New York Times* states,

“Voters went to the polls in Uzbekistan on Sunday for a parliamentary election its president has trumpeted as a test for democracy, despite the fact that all four parties in the race staunchly support his government.

Turnout as the polls closed was nearly 88 percent of the eligible voters, according to the Central Election Commission.

President Islam A. Karimov, a former Communist Party boss who has led the country since 1989, has been criticized for silencing political opposition.[]

Mr. Karimov acknowledged on Sunday that “previously, there were no political parties vying for political influence and power,” but he said this year’s race for the Parliament’s lower chamber had injected genuine competition into the process, largely because the four parties have vocally criticized one another.”¹⁹

The *OSCE Office for Democratic Institutions and Human Rights* states in its April 2010 report on the December 2009 elections that Uzbekistan, despite improvements to the electoral process, fails to meet the OSCE’s requirements for free and fair elections,

“The OSCE/ODIHR has never deployed a full fledged election observation mission to Uzbekistan due to a lack of minimum conditions for democratic elections. Previous elections were assessed as generally falling short of OSCE commitments.

¹⁸ Institute for War and Peace Reporting, Uzbekistan; New election rules kick in later this year, 13 June 2009, <http://iwpr.net/report-news/uzbekistan-new-election-rules-kick-later-year>, accessed 18 November 2010

¹⁹ The New York Times, Polls Close in Uzbekistan Elections - NYTimes.com, 27 December 2009, <http://www.nytimes.com/2009/12/28/world/asia/28uzbekistan.html?scp=87&sq=uzbekistan&st=nyt>, accessed 12 October 2010

The 27 December 2009 parliamentary elections took place in the context of Uzbekistan's declared "step-by-step approach" towards further democratization. While some of the December 2008 amendments to the election law slightly improve the legal framework for elections, their good faith implementation remains indispensable to ameliorate electoral practices in Uzbekistan. However, other amendments, such as providing 15 reserved seats in the lower chamber for the Ecological Movement of Uzbekistan and the abolishment of the possibility for civic initiative groups to nominate independent candidates, constituted further departures from OSCE commitments.[]

Political movements that are openly critical of the state authorities have not in the past been able to register as political parties. In the run-up to these elections, they did not attempt to register again. The field of candidates did not offer real political alternatives to voters."²⁰

Radio Free Europe/Radio Liberty states in a July 2009 report that the Uzbek government is involved in civic affairs, noting that activists say Uzbekistan is controlling civil society with 'goNGOs',

"Rights activists say the Uzbek government is using government-operated NGOs (GoNGOs) to control civil society in the country, RFE/RL's Uzbek Service reports.

Suhrob Ismoilov of Rapid Response Group, one of just a few independent NGOs still left in Uzbekistan, told RFE/RL's Uzbek Service that the creation of the GoNGOs in recent years has "resulted in civil society's deep lethargy." []

A former NGO specialist with an international organization that worked in Uzbekistan before the Andijon events and asked to remain anonymous told RFE/RL that the "quasi-NGOs" could actually be useful in keeping civil society alive.

The latest GoNGO initiated by the Uzbek government is Kongil Nuri (Rays of the Soul), which was recently established in the western Karakalpakstan region and was the initiative of the Karakalpakstan Women's Committee, a government agency.

The newest GoNGO will reportedly focus on providing socio-legal support to women."²¹

The *UN's Committee on the Elimination of Discrimination Against Women* commented in February 2010 on the inadequate facilitation of the advancement of women in Uzbekistan's political system, noting:

"While welcoming the continued coordination and other activities of the Women's Committee of Uzbekistan, a non-governmental organization that has been designated as the national machinery for the advancement of women, the Committee remains concerned that the institutional status of the Women's Committee may not be sufficient for it to exert its influence within the Government structure, in particular in respect of policymaking and implementation. The Committee is also concerned at inadequate budget allocations from the State party to the Women's Committee and that such inadequacies could prevent the Women's Committee from effectively carrying out its mandate. Furthermore, the Committee regrets the lack of a comprehensive national plan of action for the advancement of women."²²

The *UN Committee on the Elimination of Discrimination Against Women* further notes in its February 2010 concluding observations on Uzbekistan,

²⁰ OSCE Office for Democratic Institutions and Human Rights, Final report on December 2009 parliamentary elections in Uzbekistan, 7 April 2010, p.1, http://www.osce.org/documents/odihr-el/2010/04/43367_en.pdf, accessed 12 October 2010

²¹ Radio Free Europe/Radio Liberty, Activists Say Uzbekistan Controlling Civil Society With 'GoNGOs', 22 July 2009, http://www.rferl.org/content/Activists_Say_Uzbekistan_Controlling_Civil_Society_With_GoNGOs/1782559.html, accessed 12 October 2010

²² UN CEDAW, Uzbekistan - Concluding observations of the Committee on the Elimination of Discrimination against Women, 5 February 2010, p.4, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-UZB-CO-4.pdf>, accessed 12 October 2010

“While noting that the State party’s amendment to the election law in 2004 requiring that at least 30 per cent of candidates for Parliament nominated by political parties be female has resulted in a further increase in the representation of women in Parliament, from 17.5 to 22 per cent, and the election in 2008 of the first female Speaker of the lower house of Parliament (the legislative chamber of the Oliy Majlis), the Committee remains concerned about the continuing under-representation of women in public, political and professional life and in decision-making positions and senior management in general and the lack of information on proactive and sustained measures taken since the consideration of the previous report to promote and accelerate an increase in such representation.”²³

3. Foreign and Diplomatic Relations with Neighboring Countries Under Different Agreements

3.1. Shanghai Cooperation Agreement

The Shanghai Cooperation Organisation (SCO) details the mission of the alliance as encouraging mutual confidence, good-neighbourly relations and co-operation,

“The Shanghai Cooperation Organisation (SCO) is a permanent intergovernmental international organisation creation of which was proclaimed on 15 June 2001 in Shanghai (China) by the Republic of Kazakhstan, the People’s Republic of China, the Kyrgyz Republic, the Russian Federation, the Republic of Tajikistan and the Republic of Uzbekistan.[]

The main goals of the SCO are strengthening mutual confidence and good-neighbourly relations among the member countries; promoting effective cooperation in politics, trade and economy, science and technology, culture as well as education, energy, transportation, tourism, environmental protection and other fields; making joint efforts to maintain and ensure peace, security and stability in the region, moving towards the establishment of a new, democratic, just and rational political and economic international order.”²⁴

The Canada-based research and media group *The Centre for Research on Globalisation* describes the basis and background for the Shanghai Cooperation Organization (SCO) in May 2009, noting,

“The SCO grew out of the Shanghai Five alliance of Russia, China, Kazakhstan, Kyrgyzstan and Tajikistan formed in 1996 on the basis of the Treaty on Deepening Military Trust in Border Regions to insure border demarcation and security in an area of the world thrown into turmoil by the precipitate break-up of the Soviet Union five years earlier.

Mutual concerns of the five nations also included cross-border armed extremism based in the Ferghana Valley that takes in parts of Uzbekistan, Kyrgyzstan and Tajikistan and the threat of violent secessionist movements often connected to it.[]

When Uzbekistan joined the Shanghai Five in June of 2001 the group was formalized as the Shanghai Cooperation Organization and commenced annual heads of state and heads of government (prime ministers) summits.[]

That genuine structural problems exist in the political systems of SCO member states is indisputable. Five of the six were thrust into sudden independence in 1991 with the near instantaneous break-up of the Soviet Union in 1991 and the USSR’s former Central Asian republics were among the most adversely affected by that catastrophic occurrence. Social

²³ UN CEDAW, Uzbekistan - Concluding observations of the Committee on the Elimination of Discrimination against Women, 5 February 2010, p.7, <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-UZB-CO-4.pdf>, accessed 12 October 2010

²⁴ SCO, Brief introduction to the Shanghai Cooperation Organisation, 2010, <http://www.sectsc.org/EN/brief.asp>, accessed 9 October 2010

dislocation, economic destitution, cross-border armed incursions and general destabilization are not conducive to the optimal development of electoral and other political institutions.”²⁵

UK daily newspaper *The Guardian* reports in a January 2009 article that the co-operation between the member countries of the SCO is focused on national rather than collective interests,

“Since its launch, the SCO's military exercises have become increasingly ambitious, growing from largely bilateral to inclusion of all members. The SCO is also beginning to work together in the fight against drug trafficking and organised crime.[]

Yet cooperation within the SCO remains focused on national rather than collective objectives, because its members' interests vary so much.[]

These diverging objectives make it hard to believe that the SCO will ever evolve into an eastern version of Nato. True, its members have held joint military exercises and have expressed a desire to build the SCO into a more mature security organization. But the SCO still lacks many essential elements of a full-grown Nato-style security organization.

The SCO has no integrated military-political structure, and no permanent operational headquarters. It has no rapid-reaction force and does not engage in regular political deliberations.”²⁶

The *Council on Foreign Relations* states in a March 2009 report that the regional impact of the SCO has expanded,

“Though the SCO's presence in the region is growing, it is still not very strong, most experts say. As opposed to a fully developed counterpoint to the North Atlantic Treaty Organization (NATO), the SCO serves more as a forum to discuss trade and security issues, including counterterrorism and drug trafficking.”

A September 2010 report by *Reuters* news group notes that security and economic co-operation are the principle concerns of the SCO,

“The SCO initially focused on regional security and confidence-building, including border conflicts, terrorism and militant Islam. Its activities have expanded to cover economics and trade, transportation and law enforcement. Security and economic cooperation remain priorities.

Some Western commentators have likened the SCO to a potential NATO-style grouping that could one day challenge the West. In practice, however, the organisation has limited itself to smaller military exercises and security initiatives.

China and Russia are the dominant members. Russia regards central Asia as its sphere of influence but Chinese economic sway is growing. At an informal level, the SCO is a diplomatic platform that helps address and contain potential friction.”²⁷

3.2 Minsk Agreement

The Minsk Agreement was signed by the heads of state of Belarus, the Russian Federation, and Ukraine on December 8, 1991.²⁸

²⁵ Global Research, The Shanghai Cooperation Organization/ Prospects For A Multipolar World, 22 May 2009, <http://www.globalresearch.ca/index.php?context=va&aid=13707>, accessed 9 October 2010

²⁶ The Guardian, Central Asia's waking giant, 5 January 2009, <http://www.guardian.co.uk/commentisfree/2009/jan/05/china-russia>, accessed 12 October 2010

²⁷ Reuters AlertNet, FACTBOX-The Shanghai Cooperation Organisation, 13 September 2010, <http://www.alertnet.org/thenews/newsdesk/LDE68B0BR.htm>, accessed 9 October 2010

²⁸ Minsk Agreement, 8 December 1991, Available from, <http://www.dipublico.com.ar/english/treaties/belarus-russia-ukraine-minsk-agreement/>, accessed 12 November 2010

Article 1 of the treaty states, "The high contracting parties form the Commonwealth of Independent States."²⁹

An article by not for profit institution *Nonproliferation for Global Security Foundation (NPSGlobal)* states that,

"At the initiative of Russian President Boris Yeltsin, on December 8, 1991, the leaders of the Russian, Ukrainian, and Belarusian republics met in Belavezhszkaya Pushcha to issue a declaration that the USSR was dissolved and replaced by the Commonwealth of Independent States (CIS). But Yeltsin's proposal did not immediately win widespread acceptance. On December 21, 1991, Yeltsin joined the leaders of ten other former Soviet republics gathered in Alma-Ata, Kazakhstan, to sign the "Alma-Ata Declaration" that officially dissolved the USSR. On December 25, 1991, Gorbachev resigned as president of the USSR and surrendered the powers of his office to Boris Yeltsin. The next day, the Supreme Soviet voted to repeal the declaration written in 1922 that had officially established the USSR and dissolved itself. By the end of 1991, official Soviet institutions began ceasing operations and their functions were taken over by the governments of the succeeding independent states."³⁰

The *Carnegie Endowment for International Peace* comments on the expansion of the CIS following the initial Minsk Agreement meeting,

"Convening a summit of the five Central Asian republics in Ashgabat on December 13, 1991, the leaders of these states asked to join the new commonwealth. Another summit was held in Almaty on December 21, 1991, which was attended by the leaders of eleven Soviet republics; the three Baltic states and Georgia declined to attend.

There the leaders all signed a protocol that was declared to be a part of the Minsk Agreement of December 8, and eight "high contracting parties" joined the three initial members as founders of the new Commonwealth.

The stated goals of the new organization were straightforward. The purpose of the Commonwealth of Independent States was to allow member or participating states to coordinate their foreign and security policies, to develop a common economic space with a common customs policy, to maintain orderly control over the military assets of the former USSR, to develop shared transportation and communications networks, to preserve the environment and maintain environmental security, to regulate migration policy, and to take coordinated measures against organized crime."³¹

The Alma Ata Declaration was signed by the following on 21 December 1991,

"The Republic of Armenia, the Republic of Azerbaijan, the Republic of Belarus, the Republic of Kazakhstan, the Republic of Kyrgyzstan, the Republic of Moldova, the Russian Federation, the Republic of Tajikistan, the Republic of Turkmenistan, the Republic of Ukraine and the Republic of Uzbekistan"³²

A March 2008 report by the *American University Washington College of Law* comments on the application of the Minsk Agreement by Uzbekistan and Kyrgyzstan in relation to refugees and asylum seekers, noting that the treaty presents certain legal questions,

²⁹Minsk Agreement, 8 December 1991, Available from, <http://www.dipublico.com.ar/english/treaties/belarus-russia-ukraine-minsk-agreement/>, accessed 12 November 2010; Library of Congress, The Minsk Agreement - Library of Congress Federal Research Division / Country Studies / Area Handbook Series / Belarus / Appendix B, available at: http://memory.loc.gov/frd/cs/belarus/by_appnb.html, accessed 12 October 2010

³⁰ Nonproliferation for Global Security Foundation, *The Soviet Anti-Plague System*, 2006, <http://npsglobal.org/eng/component/content/article/147-articles/330-the-soviet-anti-plague-system-an-introduction-sonia-ben-ouagrham-gormley-alexander-melikishvili-raymond-zilinskas.html>, accessed 10 October 2010

³¹ The Carnegie Endowment for International Peace, *Getting It Wrong: Regional Cooperation and the Commonwealth of Independent States*, 1999, http://www.carnegieendowment.org/files/GettingWrong_CH1.pdf, accessed 9 October 2010

³² US Library of Congress, Appendix C – Belarus and Moldova, the Alma Ata Declaration, http://memory.loc.gov/frd/cs/belarus/by_appnc.html, accessed 9 October 2010

“After the Andijan massacre of May 2005, in which hundreds of protesting Uzbekistani civilians were killed by government troops, Uzbekistanis have been seeking asylum in Kyrgyzstan and other neighboring countries. Some refugees have obtained asylum through the Kyrgyzstani government. Many, however, have not applied for asylum in Kyrgyzstan due to fear of being returned to Uzbekistan by Kyrgyzstani authorities.

Kyrgyzstan is a signatory of several international conventions protecting the rights of refugees including the United Nations Convention Relating to the Status of Refugees.[]

Kyrgyzstan and Uzbekistan are also signatories of the Minsk Agreement, signed by the members of the Commonwealth of Independent States (CIS), which includes Russia and other former Soviet republics. Under this agreement, Kyrgyzstan is bound to protect the rights of citizens from CIS countries and is prohibited from extraditing persons in cases where the persons may be tortured. At the same time, the agreement requires a signatory state, such as Kyrgyzstan, to extradite persons when a fellow CIS member state mandates their arrest for crimes in their home country, provided that a similar crime exists in the deporting country.

Uzbekistan, citing the Minsk Agreement, urges Kyrgyz authorities to return persons accused of crimes in the Andijan massacre. To maintain good ties with its neighbor and comply with its responsibilities under the Minsk Agreement, Kyrgyzstan extradited some refugees to Uzbekistan on the grounds that they faced criminal charges. Once extradited, however, the Uzbekistani government pressed political charges against them for engaging in opposition activity. []

Over the past two years, the Kyrgyzstani government has exhibited two different approaches to the question of refugees from Uzbekistan. On the one hand, it has granted asylum to Uzbekistani refugees under its obligations in international conventions. On the other hand, it has returned refugees to Uzbekistan under its obligations in the Minsk Agreement, under political pressure from Uzbekistan.”³³

3.3 Cooperation on Judicial Matters

An August 2009 report by the news agency *Transitions Online* states that stringent border measures are fueling tensions in enclaves on the Uzbek border, and that public frustration is mounting over the inability of officials in the region to grapple with border-related issues,

“During the early post-Soviet period, Ferghana Valley borders were largely porous and unguarded. An insurgency waged by the Islamic Movement of Uzbekistan (IMU) during 1999 and 2000 prompted Central Asian authorities to tighten border controls, seeking to check the free movement of individuals across borders, as well as to step up the fight against drugs and arms trafficking. []

Sokhibjon, a taxi driver from Uzbek city of Ferghana, described the complexity of traveling between two Uzbek cities. “If you want to get to Shakhimardan from Ferghana, you have to cross at least four border checkpoints and several police stations. And you are likely to be harassed by border guards and customs inspectors.[]

Locals in Sokh complain of isolation of another type. Sokh’s 35,000 residents are predominantly ethnic Tajiks. The majority of local government officials are ethnic Uzbeks. Authorities in Tashkent have long viewed the Tajik-populated enclave with suspicion. The IMU incursions reinforced these suspicions and prompted the authorities to tighten control over movement in and out of the enclave. Between 1999 and 2001, landmines planted by

³³ American University Washington College of Law, International Legal Updates , 27 March 2008, p.36, <http://www.wcl.american.edu/hrbrief/15/2legal.pdf?rd=1>, accessed 12 October 2010

Uzbek authorities to prevent the infiltration of Islamic militants killed at least a dozen local residents. Though the government began to remove landmines in the early 2000s, stiff security measures continue to make travel outside the enclave difficult for residents.[] Regional governments have sought to delimit the state borders to reduce tensions in and around enclaves. For example, the Kyrgyz-Uzbek commission on border delimitation and demarcation has completed the delimitation of approximately 993 kilometers out of 1,375 kilometers of their common border.[]

Complex terrain and conflicting Soviet-era maps – printed at a time when defining the borders was not a pressing issue – present the toughest obstacle to delimitation. As a temporary solution, Uzbek and Tajik authorities have informally sought land corridors through Kyrgyzstan that would connect the enclaves to their respective territories.[]

Maksumjon Rakhmatullayev, an analyst from the Uzbek town of Ferghana, believes that "Local government officials are incapable of addressing [border-related] problems because they do not have enough power. They have to consult with their capitals for every issue and problem."³⁴

Radio Free Europe/Radio Liberty reports in August 2009 that continuing tensions exist between Uzbekistan and Kyrgyzstan in relation to events occurring at their borders,

"Uzbekistan unilaterally closed its border with Kyrgyzstan for two weeks as of August 28, RFE/RL's Kyrgyz Service reports. The Uzbek side said the reason is its planned celebrations of the country's Independence Day on September 1 and marking of the 2,200th anniversary of Tashkent, the capital. []

In May this year, several insurgents attacked police in the Uzbek cities of Khanabad and Andijan near the Kyrgyz-Uzbek border. Tashkent officially accused the Kyrgyz Border Guard Service, saying the attackers entered the Uzbek territory from Kyrgyzstan. Kyrgyz authorities denied the accusations."³⁵

3.3.1 Counter -Terrorism

RIA-Novosti reports in an April 2010 article that the Uzbek security forces are involved in discussions to combat terrorism with other Central Asian states,

"The Regional Anti-Terrorist Structure of the [] Shanghai Cooperation Organisation (SCO) will hold a meeting in the Uzbek capital, Tashkent, on Friday to discuss stepping up efforts to combat terrorism, the Russian delegation's head has said.[]

Sergei Smirnov said participants in the meeting would discuss the creation of a permanent expert working group, which would coordinate joint efforts by the SCO members aimed at fighting the international extremist organization Hizb ut- Tahrir.[]

Cooperation with other regional and international organizations responsible for fighting terrorism and extremism is also expected to be discussed, Smirnov said."³⁶

A July 2010 report by *Central Asia Online* discusses the efficacy of co-operation between Uzbekistan, Kyrgyzstan and other Central Asian countries in relation to the threat of terrorism, noting,

³⁴ Transitions Online, Stringent Border Measures Fueling Tensions in Enclaves, 14 August 2009, <http://www.tol.org/client/article/20794-stringent-border-measures-fueling-tensions-in-enclaves.html>, accessed 12 October 2010

³⁵ Radio Free Europe/Radio Liberty, Uzbekistan Shuts Border With Kyrgyzstan For Independence Day, 28 August 2009, http://www.rferl.org/content/Uzbekistan_Shuts_Its_Border_With_Kyrgyzstan_For_Celebrations_Of_Independence_Day/1809692.html, accessed 9 October 2010

³⁶ RIA Novosti, SCO to discuss joint anti-terrorism efforts, 2 April 2010, <http://en.rian.ru/russia/20100402/158403198.html>, accessed 12 October 2010

"While the recent inter-ethnic clashes in Kyrgyzstan's south may be seen as an opportunity by militants, officials say any conflict will not be a repeat of events in 2000, when Kyrgyz forces were only able to defeat extremists after suffering heavy losses.[] Several militant groups already have a presence in the Ferghana Valley, and while their exact number is unknown they may number several thousand strong, Alexander Sobyenin, chief of the planning service of Russia's Cross-Border Co-operation Association, said.[]

But Kyrgyz political scientist Mars Sariyev questioned the possibility of an incursion and noted that any third-party interference would be unwelcome.

"I don't believe in this scenario," Sariyev said. "Interethnic clashes led to the redeployment of considerable forces to the south, so any potential attack – should it occur, after all – would be repelled. But there are some less protected border stretches where breakthroughs might be possible, and Collective Security Treaty Organisation (CSTO) intervention would have a 50-50 chance of occurring in the event of an attack. But that would pose a threat to Kyrgyzstan's sovereignty." []

"For all I know, the IMU leaders' priority task today is to get a firmer foothold in north-eastern Afghanistan; so I don't think they may attempt to destabilise the situation in the Ferghana Valley. Besides, they are busy consolidating their organisation from within," he said.[]

CSTO intervention could be helpful, Kakchekeyev and Dmitry Aleksandrov, an analyst at the Russian Institute of Strategic Research, said.

"The CSTO might react to an international terrorist incursion, should it occur," Aleksandrov said. "But a large-scale military intervention would be unlikely – rather, we might expect some separate raids by small or larger fighter groups, not full-scale warfare."³⁷

A report by *Central Asia Online* in June 2010 comments on the allegations of the role of the Islamic Movement of Uzbekistan (IMU) and The Islamic Jihad Union (IJU) in ethnic violence, noting the scope of militant activities in the Ferghana valley,

"International terrorist organizations co-ordinated with relatives of deposed president Kurmanbek Bakiyev to foment the recent riots in southern Kyrgyzstan, the State National Security Service (SNSS) announced at a June 24 press conference.

Islamic Movement of Uzbekistan (IMU) and Islamic Jihad Union (IJU) field commanders decided to take their fight to Kyrgyzstan during a recent meeting in Pakistan. "The meeting's participants concluded that the time was right in the Osh and Dzhalsal-Abad oblasts to activate (their struggle) and spread it throughout all of Central Asia", SNSS chief Keneshbek Dushebayev said. []

Dushebayev said fifteen experienced Uzbek fighters, including mine-layers and snipers, slipped into Kyrgyzstan in May. He identified their leader as an Uzbek citizen nicknamed Ilkhom, from Kokand. An Uzbek nicknamed Abdullah guided them through Pakistan, Afghanistan, Tajikistan and Kyrgyzstan, he said. Abdullah is a Tashkent native and IJU member, he said.

Forgers in Kyrgyzstan created authentic-looking documents for the fighters, Dushebayev said. The "ethnic-cultural centres" allegedly involved were Uzbek community centres in southern Kyrgyzstan. Not everybody accepted Dushebayev's argument.

No third parties were involved in organising the riots, said NGO Religion-Politics-Law director Kadyr Malikov.

³⁷ Central Asia Online, IMU incursion prediction puts Kyrgyzstan on alert, 27 July 2010, http://www.centralasiainline.com/cocoon/caii/xhtml/en_GB/features/caii/features/main/2010/07/27/feature-02, accessed 9 October 2010

"Persecution of ethnic centres' leaders by the interim government gives those leaders no room to maneuver and no way for them to steer their followers toward stabilising the situation", Malikov said. "Many of those followers, generally young and left leaderless, can fall under the influence of fundamentalists who are already penetrating Kyrgyzstan. Having the ethnic conflict continue is to the fundamentalists' advantage".

Politically significant figures -- not just Kyrgyz and Uzbek elders -- need to work toward reconciliation, Malikov said. "Otherwise, the ethnic conflict will continue and the situation will be worsened by the participation of Islamist fundamentalist forces, which could lead to the CSTO (Collective Security Treaty Organisation) sending in troops after all and to Kyrgyz sovereignty being imperilled", Malikov said. []

Embittered ethnic Uzbeks in southern Kyrgyzstan are concerned that nobody -- Uzbekistan, Russia or the UN -- helped them when they were being slaughtered, said Aleksandr Kniazyev, a consultant at Kazakhstan's Institute for Political Solutions.

"Rumors are spreading that the IMU is coming to avenge slain Uzbek Muslims and to establish a just Islamic order in which nobody can commit genocide against Muslims", Kniazyev said.

"By its refusal to acknowledge the objective picture of what happened in June in the Osh and Dzhahal- Abad oblasts, the interim government is shoving a big part of the southern Uzbek community into the arms of the religious extremists, for whom destabilising the Fergana Valley is part of the grand plan for creating an 'arc of instability' in Eurasia", he said."³⁸

In its 2009 Country Report on Terrorism the *USDOS* states that,

"Uzbekistan cooperated with foreign governments on general security issues, including border control. Uzbekistan hosted the Central Asian Border Security Initiative (CABSI) meeting in October 2009, for the purpose of facilitating border security cooperation within the region. Tashkent was the seat of the six-nation Shanghai Cooperation Organization's Regional Anti-Terrorism Structure."³⁹

In March 2010, *Eurasianet* reported the continued cooperation between Uzbekistan and Russia on anti-terrorism initiatives,

"Uzbek and Russian security forces are working jointly to combat terrorism, Russian Deputy Prime Minister Sergey Ivanov says.

Speaking in Tashkent at the opening session of the Russian-Uzbek intergovernmental commission, Ivanov said Uzbekistan and Russia have a mutual understanding of terrorism.

"We know that Uzbekistan also encountered similar [terrorism] problems in the past. The Russian and Uzbek peoples understand well the deadly threat of terrorism," the Itar-Tass news agency quoted him as saying on March 31.

Referring to joint security work, Ivanov said, "I am sure that this [cooperation] will continue."

³⁸ Central Asia Online, Islamic extremists, Bakiyevs blamed in Kyrgyz violence, 24 June 2010, http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/features/caii/features/main/2010/06/24/feature-03, accessed 1 November 2010

³⁹USDOS, 2009 Country Reports on Terrorism - Uzbekistan, 5 August 2010, available from <http://www.unhcr.org/refworld/docid/4c63b6178.html>, accessed 29 November 2010

The Uzbek portion of the Ferghana Valley was hit by two terror attacks in 2009. Islamic militants clashed with security forces in the border town of Khanabad and a suicide bomber struck Andijan on May 26, authorities said.”⁴⁰

In October 2009 Uzbek online news source, *UzDaily* reported that Pakistan and Uzbekistan have an agreement on information sharing and are looking to increase cooperation to curb terrorism,

“Pakistan and Uzbekistan Tuesday agreed on enhancing cooperation in counter-terrorism and ensuring strict control on drug trafficking. The decision was taken in a meeting held between Prime Minister Syed Yusuf Raza Gillani and Uzbek Prime Minister Shavkat Mirziyoyev Miromonovich, as the two leaders arrived in the Chinese capital on 13 October to attend the 8th summit of Shanghai Cooperation Organization.

Pakistan and Uzbekistan, [] already share an agreement on intelligence sharing, called for enhancing collaboration in this field to ensure peace in the region.

Both the leaders agreed to jointly work for regional and international peace.”⁴¹

In June 2010, Chinese news source, *China.org.cn* reported that China and Uzbekistan have signed a statement agreeing on a “more coordinated effort to fight terrorism,”

“In the statement, China and Uzbekistan pledged to step up coordination and cooperation between their related government departments.

The two sides said they would continue to adopt effective measures to jointly fight all forms of terrorism, including the "Eastern Turkistan" terrorist forces, in a bid to maintain peace and tranquility in the two countries and in the region.

Terrorism, separatism and extremism are still the main threats to regional security and stability, they said, vowing to make a more coordinated effort to fight them in the region.

The two sides believed that it is necessary to take more coordinated steps to continue fighting various forms of religious extremism that has posed serious threats to regional security and stability.

China and Uzbekistan promised to exchange information in a timely manner within [a] bilateral framework and strengthen coordination between related government departments to ensure the security of the Shanghai Expo and Guangzhou Asian Games in China.

They also agreed to continue to boost cooperation in their fight against the illegal trafficking of narcotic and psychotropic drugs.”⁴²

In October 2009 *UzDaily* reports that the Permanent Representative of Uzbekistan at the UN, Murad Askarov called for greater cooperation in combating terrorism,

“Askarov said it is no secret that international terrorism organizations are seeking access to the WMD. He said the Central Asian region is continuing to face with firm crime intentions of international terror groups and various extremism structures. He said they are starting to use new technologies, using their information, personnel and financial resources.

⁴⁰ Eurasianet, Uzbekistan: Russia to continue anti-terror cooperation with Uzbek security forces, 31 March 2010, <http://www.eurasianet.org/departments/news/articles/eav040110d.shtml>, accessed 29 November 2010

⁴¹ *UzDaily*, Pakistan, Uzbekistan to enhance cooperation to curb drug smuggling, terrorism, 14 October 2009, <http://www.uzdaily.com/articles-id-7529.htm>, accessed 29 November 2010

⁴² *China.org.cn*, China, Uzbekistan sign joint statement to boost economic ties, fight terrorism, 10 June 2010, http://www.china.org.cn/world/hu_sco_2010/2010-06/10/content_20231143.htm, accessed 29 November 2010

Murad Askarov confirmed [the] firm position of Uzbekistan in strengthening of the central coordination role of the UN in fighting terrorism challenges. He added Uzbekistan, holding presidency in the Shanghai Cooperation Organization (SCO), advocates for further boosting interaction between the UN and the SCO, shaping true partnership relations between the organizations.

He said fight against international terrorism, radical, aggressive extremism and separatism, drug trafficking and organized crime undoubtedly is important part of the SCO activities. Askarov said the Regional Antiterrorism Structure plays [an] important role in this sphere in the SCO. He said the structure is [an] effective tool and platform for uniting efforts and political interaction of the member states' law enforcement bodies and special services."⁴³

3.3.2 Extradition

In its decision in *Garayev v Azerbaijan*, the *European Court of Human Rights* stated that Uzbekistan is party to the CIS Convention on Legal Assistance and Legal Relations in Civil, Family and Criminal Matters 1993 (1993 Minsk Convention),

"53. Article 58 of the 1993 Minsk Convention provides that a request for extradition must be accompanied by, among other documents, a detention order (Article 58 § 2). Upon receipt of a request for extradition the requested State should immediately take measures to search for and arrest the person whose extradition is sought, except in cases where no extradition is possible (Article 60).

54. The person whose extradition is sought may be arrested before receipt of a request for extradition, if there is a related petition. The petition must contain a reference to a detention order and indicate that a request for extradition will follow (Article 61 § 1). If the person is arrested before receipt of the extradition request, the requesting State must be informed immediately (Article 61 § 3).

55. A person arrested under Article 61 must be released if no request for extradition is received within forty days of the arrest (Article 62 § 1).

56. The chief prosecutors of the contracting States are responsible for dealing with matters concerning extradition and criminal prosecution (Article 80)."⁴⁴

In its 2008 submission to the Universal Periodic Review of Uzbekistan, the *International Committee of Jurists* states that Uzbekistan regularly requests the extradition of those who oppose the government back to Uzbekistan where they are at risk of ill treatment,

"Uzbekistan regularly requests the extradition or other transfer of opponents of the Government back to Uzbekistan, including those who sought refuge abroad after the Andijan events. There have been numerous instances of extradition or deportations, or attempted extraditions or deportations, to Uzbekistan, in particular from Member States of the Shanghai Co-operation Organisation. Kyrgyzstan extradited four Uzbek refugees and one asylum-seeker to Uzbekistan in August 2006, having forcibly returned four other Uzbek nationals in June 2005. In June 2007, there was a further deportation from Kyrgyzstan connected with the Andijan events and Uzbekistan made further requests for extradition of an Uzbek asylum seeker detained in Kyrgyzstan in May 2008. In February 2006, Ukraine returned 11 asylum seekers, some apparently connected to the Andijan events.

⁴³ UzDaily, Uzbekistan calls, UN, SCO to strengthen cooperation in combating terrorism, 8 October 2009, <http://www.uzdaily.com/articles-id-7414.htm>, accessed 29 November 2010

⁴⁴ European Court of Human Rights, *Garayev v. Azerbaijan*, Application no. 53688/08, Council of Europe: European Court of Human Rights, 10 June 2010, available from, <http://www.unhcr.org/refworld/docid/4c208ec42.html>, accessed 29 November 2010

In the context of the systematic torture, flagrantly unfair trials and other gross violations of human rights which prevail in the Uzbek criminal justice system, transfers by other states of suspects to Uzbekistan violate the absolute right of *non-refoulement*, where there is a risk of torture, ill-treatment or other gross violations of human rights, either because these violations are widespread or systematic or because there is such a risk to the individual. This was recently affirmed by the European Court of Human Rights in *Ismoilov and Others v Russia*, where it held that the applicants' extradition from Russia to Uzbekistan would violate Russia's obligations under the European Convention on Human Rights. Given the systematic violations in Uzbekistan of the absolute prohibition on torture, which is of a *jus cogens* nature, it is essential that states refrain from other acts of recognition or co-operation with the Uzbek criminal justice process, in violation of international law."⁴⁵

In June 2010, according to *Amnesty International*, Uzbek administrators have assisted the forcible repatriation of refugees to Kyrgyzstan with the aid of Kyrgyz officials,

"The Uzbek population does not trust the security forces of Kyrgyzstan who have proved unable to protect them and have been accused of collusion in killings and lootings. []

Amnesty International has been told that refugees were forced onto buses to Kyrgyzstan by refugee camp officers and Uzbekistani security forces in the Pakhtaabad district in Uzbekistan. []

Reportedly, officials from Kyrgyzstan have visited people in refugee camps in Uzbekistan urging them to return. One of the refugees in the Pakhtaabad district informed Amnesty International that the governor of Jalal-Abad Region visited the camp and told the refugees that everyone had to leave by 25 June."⁴⁶

In November 2010 the *Institute for War and Peace Reporting* stated that 29 Uzbek nationals were at risk of being extradited back to Uzbekistan, due to changes in Kazakh law, where they faced risk of ill treatment,

"A group of refugees from Uzbekistan is in imminent danger of being sent back home because of new legislation and practices in Kazakstan which appear to be taking precedence over the international standards on the treatment of refugees to which the country has signed up.

Human rights activists fear that if the asylum-seekers are sent back to Tashkent, they will face imprisonment and torture.

The 29 Uzbek nationals who were seeking asylum in Kazakstan were among a larger group of 45 individuals detained in June during a raid by law enforcement forces targeting illegal migrants.

Fifteen were subsequently released but 30 remained in custody because the authorities in Uzbekistan had filed extradition requests against them.

The Uzbek authorities accuse them of a range of offences including terrorism, religious extremism, and membership of banned Islamic groups, charges which the detainees deny.

⁴⁵ International Committee of Jurists, Human Rights Council, 3rd session of the Universal Periodic Review, 7 – 15 December 2008, ICJ submission to the Universal Periodic Review of Uzbekistan, July 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/UZ/ICJ_UZB_UPR_S3_2008_InternationalCommissionofJurists_uprsubmission.pdf, accessed 29 November 2010

⁴⁶ Amnesty International, Uzbekistan must halt forcible return of refugees to Kyrgyzstan | Amnesty International, 24 June 2010, <http://www.amnesty.org/en/for-media/press-releases/uzbekistan-must-halt-forcible-return-refugees-kyrgyzstan-2010-06-24>, accessed 9 October 2010

Seventeen of them had obtained certificates from the UN refugee agency UNHCR stating that they were seeking asylum.”⁴⁷

According to *Eurasinet* in September 2010 the *Association for Human Rights in Central Asia* stated in a press release that allegations against 30 Uzbek asylum seekers held in prison in Kazakhstan were based on information gained through torture,

“Authorities in Kazakhstan plan to extradite 30 Uzbek refugees charged with "extremism" back to Uzbekistan, Association Droit de l'Homme en Asie Centrale (Association for Human Rights in Central Asia), a human rights group founded by Uzbek exiles in Paris, reports in a press release today.

Human rights groups are concerned that the Uzbeks may face torture if returned to their homeland. The refugees have been in prison since their arrest June 9. The accusations against most of the prisoners are based on torture of the suspects, says the Association.”⁴⁸

International Federation for Human Rights (FIDH), has expressed concern that in Kazakhstan,

“The functioning of the department in charge of asylum inspires great deal of concern because of its lack of independence, as well as the presence of representatives of the special services within the Commission. The session which was held on June 10, following this wave of arrests, confirms that there is cause for concern. Indeed, according to testimony from NGO representatives present during the session, an Uzbek refugee was asked to provide written proof that he had been tortured as well as the names of his torturers.

Moreover, the law itself is causing concern for several reasons, in particular because it provides the ability to deny asylum to a person suspected of belonging to an extremist, or terrorist organisation or to a religious group which has been banned in his/her country (article 12-5). This element is directly inspired by the provisions of the 2001 Shanghai Convention on Combating Terrorism, Separatism and Extremism. It is most likely not a coincidence that the Uzbek asylum seekers and refugees were arrested the day before the opening of a meeting in Tashkent between member countries of the Shanghai Cooperation Organisation, while at the same time there is increasing pressure against the Uzbek refugees in Russia.”⁴⁹

On 10 June 2010 the European Court of Human Rights handed down its decision in *Garayev v Azerbaijan*, a case concerning the extradition of an Uzbek national to Uzbekistan, and found that “the applicant’s extradition to Uzbekistan would be in violation of Article 3 of the Convention [Council of Europe, Convention for the Protection of Human Rights and Fundamental Freedoms, Article 3, “No one shall be subjected to torture or to inhuman or degrading treatment or punishment.”]⁵⁰

Legal NGO, *Interights* provides the following analysis of *Garayev v Azerbaijan*:

“On 10 June 2010 the European Court of Human Rights handed down judgment in *Garayev v Azerbaijan*. The case concerned Garayev’s pending extradition to Uzbekistan. He complained that, if extradited, he would face a risk of being tortured by the Uzbek law enforcement authorities, in violation of Article 3 of the European Convention on Human Rights. Under Article 13, he complained that he had had no effective remedy by which to

⁴⁷ Institute of War and Peace Reporting, Uzbek refugees face extradition from Kazakstan, 2 November 2010, <http://iwpr.net/report-news/uzbek-refugees-face-extradition-kazakstan>, accessed 29 November 2010

⁴⁸ Eurasianet, 30 Uzbeks in Kazakhstan face extradition to Uzbekistan, 8 September 2010, <http://www.eurasianet.org/node/61884>, accessed 28 November 2010

⁴⁹ International Federation for Human Rights (FIDH), Kazakhstan: No extradition for asylum seekers in Uzbekistan! The UNHCR and the OSCE must remind Kazakhstan of its obligations, 18 June 2010, <http://www.fidh.org/Kazakhstan-No-extradition-for-asylum-seekers-in>, accessed 29 November 2010

⁵⁰ European Court of Human Rights, *Garayev v. Azerbaijan*, Application no. 53688/08, Council of Europe: European Court of Human Rights, 10 June 2010, available from, <http://www.unhcr.org/refworld/docid/4c208ec42.html>, accessed 29 November 2010

challenge his extradition on the ground of the existence of a risk of torture or ill-treatment in the event of his extradition. He also claimed that his detention pending extradition had been unlawful and that no judicial review had been available in respect of that detention, in breach of the provisions of Articles 5(1)(f) and 4 of the Convention.

Article 3

The Court considered reports of the UN human rights institutions and other documents on the situation of human rights in Uzbekistan, which detailed numerous credible reports of torture, routine beatings and use of force against criminal suspects or prisoners by the Uzbek law-enforcement authorities in order to obtain confessions. Such reports showed that it appears that any criminal suspect held in custody faces a serious risk of being subjected to torture or inhuman or degrading treatment both in order to extract confessions and as punishment for being a criminal. Despite the fact that Garayev is wanted for an offence which is not politically motivated, the Court considered that there are sufficient reasons to fear that a criminal suspect in such a situation would be at serious risk of being subjected to treatment contrary to Article 3 of the Convention. The Court concluded that Garayev's extradition would violate Article 3.

Article 13

The Court found a violation of Article 13 on the ground that despite the fact that the he had explicitly complained of the risk of torture or ill-treatment and that his allegations in this regard were sufficiently serious, the domestic courts ignored his arguments. Their decisions did not assess such a risk in Uzbekistan and it did not appear that the courts had taken these considerations into account when they examined the question of the applicant's extradition.

Articles 5(1)(f) and 5(4)

The Court noted that in the absence of clear legal provisions establishing the procedure for ordering and extending detention with a view to extradition and setting time-limits for such detention, the deprivation of liberty to which Garayev was subjected was not circumscribed by adequate safeguards against arbitrariness. Accordingly there was a violation of Article 5(1)(f). In particular, the Court held that 'Azerbaijani law governing detention of persons with a view to extradition were neither precise nor foreseeable in their application and fell short of the "quality of law" standard required under the Convention'.

Under Article 5(4) the thrust of the applicant's complaint did not concern the review of the initial decision on his placement in custody but rather his inability to obtain judicial review of his continued detention after a certain lapse of time. The Government had not shown that he had the opportunity to initiate proceedings with that purpose. Thus, as the Government failed to demonstrate that the applicant had had at his disposal any clearly and foreseeably defined procedural framework through which the lawfulness of his continued detention could have been examined by a court, the Court also held that there was therefore a violation of Article 5(4).⁵¹

In September 2010, *Eurasianet* reported that regional agreements allow for the extradition of individuals wanted by states, including terrorism suspects,

"As a signatory to the UN Convention on the Status of Refugees, Kazakhstan is committed to the principle of "non-refoulement," which prohibit[s] states from deporting individuals to countries where they may face torture or threat to life or freedom. But human rights groups have noted that Kazakhstan may believe that regional agreements take precedence over the UN, says EurasiaNet. The CIS Minsk Convention obliges states to extradite individuals

⁵¹ Interights, *Garayev v Azerbaijan*, Application No. 53688/08, <http://www.interights.org/garayev>, accessed 29 November 2010

wanted by other CIS members and the SCO's Astana Declaration commits members to extradite terrorism and extremism suspects."⁵²

The *United Nations Office on Drugs and Crime* reported that Uzbekistan has amended provisions in the Code of Criminal Procedure relating to extradition,

"In September, Uzbekistan adopted amendments to the Code of Criminal Procedure with a new section entitled "International cooperation in criminal matters". The amendments established the grounds and procedure for mutual legal assistance (MLA) and extradition that up to now had not been regulated by law. The amendments were drafted in line with UNODC ROCA recommendations that had been submitted to the relevant Uzbek authorities and, in particular, to the International Department of the General Prosecutor Office. This department was responsible for initiating the draft amendments. The new provisions of the Criminal Procedure Code allow extradition and MLA on the basis of reciprocity (previously, the only legal grounds for MLA and extradition were bilateral and multi-lateral treaties). The amendments also introduce a new article on the admissibility of evidence and, in accordance with the UN conventions against crime and corruption, simplify the evidentiary requirements. Moreover, the amendments provide for judicial review of the decision on extradition and its simplified procedure as was recommended by the UNODC Expert Working Group on best practices in extradition."⁵³

4. Non-state Actors, Including Islamic Fundamentalist and Terrorist Groups: Aim, Structure, Operational Capacities

4.1 Islamic Movement of Uzbekistan

GlobalSecurity.org describes in its July 2005 report the background to the Islamic Movement of Uzbekistan (IMU),

"The IMU is a coalition of Islamic militants from Uzbekistan and other Central Asian states. It is closely affiliated with al-Qaida and, under the leadership of Tohir Yoldashev, has embraced Usama Bin Ladin's anti-US, anti-Western agenda. In June 2001, the IMU changed its name to the Islamic Party of Turkestan, and expanded its original goal of establishing an Islamic state in Uzbekistan to the creation of an Islamic state in all of Central Asia. []

The IMU primarily targeted Uzbekistani interests before October 2001 and is believed to have been responsible for five car bombs in Tashkent in February 1999. Militants also took foreigners hostage in 1999 and 2000, including four US citizens who were mountain climbing in August 2000 and four Japanese geologists and eight Kyrgyzstani soldiers in August 1999."⁵⁴

An April 2008 report published by the *United States Naval Postgraduate School* documents the Islamic Movement of Uzbekistan's support base and activities in Central Asia,

"The Islamic Movement of Uzbekistan (IMU) is a group of Islamic militants from Uzbekistan and other Central Asian states. The IMU's goal is to overthrow Uzbekistani President Islam Karimov and to establish an Islamic state in Uzbekistan. The IMU is affiliated with al-Qa'ida (AQ) and under the leadership of Tohir Yoldashev, has embraced Usama bin Ladin's anti-Western global terrorist ideology.

⁵² Eurasianet, 30 Uzbeks in Kazakhstan face extradition to Uzbekistan, 8 September 2010, <http://www.eurasianet.org/node/61884>, accessed 28 November 2010

⁵³ United Nations Office on Drugs and Crime, Uzbekistan adopts amendments to the criminal Procedure Code, undated, <http://www.unodc.org/centralasia/en/news/uzbekistan-adopts-amendments-to-the-criminal-procedure-code.html>, accessed 28 November 2010

⁵⁴ GlobalSecurity.org, Islamic Movement of Uzbekistan, 6 July 2005, <http://www.globalsecurity.org/military/world/para/imu.htm>, accessed 12 October 2010

Activities: Since Operation Enduring Freedom, the IMU has been predominantly occupied with attacks on U.S. and Coalition soldiers in Afghanistan. The IMU also was active in terrorist operations in Central Asia. Government authorities in Tajikistan arrested several IMU members in 2005. In November 2004, the IMU was blamed for an explosion in the southern Kyrgyz city of Osh that killed one police officer and one terrorist. In May 2003, Kyrgyz security forces disrupted an IMU cell that was seeking to bomb the U.S. Embassy and a nearby hotel in Bishkek, Kyrgyzstan. The IMU was also responsible for explosions in Bishkek in December 2002, and Osh in May 2003, that killed eight people. The IMU primarily targeted Uzbekistani interests before October 2001, and is believed to have been responsible for several explosions in Tashkent in February 1999. In August 1999, IMU militants took four Japanese geologists and eight Kyrgyz soldiers hostage, and in August 2000, they took four U.S. mountain climbers hostage.

Strength: Approximately 500 members.

Location/Area of Operation: IMU militants are located in South Asia, Central Asia, and Iran. Their area of operation includes Afghanistan, Iran, Kyrgyzstan, Pakistan, Tajikistan, Kazakhstan, and Uzbekistan.

External Aid: The IMU receives support from a large Uzbek Diaspora, Islamic extremist groups, and patrons in the Middle East, Central Asia, and South Asia.”⁵⁵

Central Asia Online reports in a March 2010 article by a political scientist and colonel in the Kyrgyz military reserves, Toktogul Kakchekeyev, that the Islamic Movement of Uzbekistan seeks wider control over Central Asia and is involved in drug trafficking and money laundering activities in the region,

“Given their similarities to extremists from the problem countries of Afghanistan and Pakistan, analysts are fairly confident that IMU fighters control part of the drug trafficking in Kyrgyzstan.

Weapons illegally shipped into the region for members of the IMU have found use in a series of terrorist attacks, not only in Central Asia but also bordering countries.

The IMU has extensive plans for Central Asia. The organisation's closed nature has not stopped analysts from confidently classifying it as part of al-Qaeda. Consequently, over the next few years, the movement will take radical steps to penetrate deeper into the social life of Central Asian countries by taking advantage of relatively open economies and political systems.

One of the possible mechanisms for implementing this plan is money laundering. The money comes from sponsors who invest in the industrial and commercial sectors. This avenue could allow members of radical groups to participate directly in these countries' political life. They could come to power through nonviolent means, both economic and electoral.

Even now, some IMU supporters are said to have seeped through channels of corruption into Kyrgyzstan's law enforcement, national security agencies, army and nonprofit human rights organisations.

The present but invisible activities of Islamists have led to Central Asia witnessing an era of Islamic renaissance that joins radicalism, fundamentalism and modernism. Relying on Islamic solidarity, the IMU and similar organisations co-exist peacefully, even though they differ on Islam.

⁵⁵ The Naval Postgraduate School, Islamic Movement of Uzbekistan (IMU), April 2008, <http://www.nps.edu/library/Research/SubjectGuides/SpecialTopics/TerroristProfile/Current/IMU.html>, accessed 10 October 2010

For the sake of realising its global goals, the IMU joined the Islamic Party of Turkestan not long ago. The latter has as its most extensive mission the reunification of East Turkestan (present-day Xinjiang Province, China) with Central Asian Turkestan. Accomplishing such a goal, because China has shown a willingness to use great force to stop it, will require money and time.”⁵⁶

Reuters news agency notes in an August 2010 report that specialists' views differ on the priorities of the IMU in Central Asia, with some stating that Afghanistan remains its focus with regard to the militant insurgency,

“An Uzbek militant group linked to al Qaeda unveiled a new leader on Tuesday following the death a year ago of his predecessor, Central Asia's most wanted Islamist fighter, and called for a holy war in southern Kyrgyzstan.

Usman Adil described himself as the new leader of the Islamic Movement of Uzbekistan (IMU) in a statement published on an unofficial rebel website, www.furqon.com, believed to be the group's main communication platform. []

He said the IMU's former leader, Tahir Yuldashev, had been killed by a U.S. drone missile on Aug. 27, 2009, in South Waziristan [] .Yuldashev headed a militant underground opposed to Uzbekistan's government and was sentenced to death in absentia after his forces joined the Taliban's fight against U.S.-led troops in 2001. []

While Yuldashev's death is likely to be welcomed by secular governments in Central Asia, a former Soviet region north of Afghanistan where his group aims to establish Islamic rule, the plans of his little-known successor are not clear.

Opinion among political analysts was divided over whether the IMU might try to infiltrate back into the Ferghana valley, where three Central Asian republics intertwine, in the wake of the bloodshed in southern Kyrgyzstan in June in which at least 370 people were killed. []

"What's very interesting in the new IMU approach is the shift in emphasis towards Kyrgyzstan," said independent regional specialist Christopher Langton said. []

Paul Quinn-Judge, Bishkek-based Central Asia director for the International Crisis Group, said the initial comments suggested the IMU could maintain its policy of Afghanistan first, and the rest of Central Asia second.”⁵⁷

4.2 Islamic Jihad Union

The Norwegian Defence Research Establishment notes in a February 2009 publication on the Islamic Jihad Union that public information relating to the structure and aims of the organisation remains limited,

“There is very little publicly available information regarding the organisation of the IJU. Spokespersons and leadership frequently speak of “Martyr Brigades”, although it is difficult to tell how many individuals this refers to. What appears to be quite convincing is that the group has a brigade of Uzbek children, who now appear to have finished their training. Some are possibly as young as ten or twelve years of age. []

Although the IJU frequently mentions its martyr brigades in communiqués and interviews, it has only claimed responsibility for three suicide bombings since the 2004 attacks in Uzbekistan. All of them have been carried out by non-Uzbeks. []

⁵⁶ Central Asia Online, IMU said to seek control over Central Asia, 6 March 2010, http://centralasiaonline.com/cocoon/caii/xhtml/en_GB/features/caii/features/main/2010/03/06/feature-01, accessed 29 November 2010

⁵⁷ Reuters, Uzbek militant group names new leader, 17 August 2010, <http://www.reuters.com/article/idUSLDE67G0MR>, accessed 12 October 2010

The IJU maintains Uzbekistan as a central part of its ideology, but the West plays a much greater role in its imagery than it does in IMU's. The IJU seldom mentions the presence of Christian U.S. soldiers in Saudi Arabia, the situation in Palestine, or the apostate rulers in the Middle East – areas often focused upon by the al-Qaida. Turkey, which one might reasonably have assumed to figure prominently on its Turkish-language website, is also hardly ever mentioned in IJU communication.”⁵⁸

The Norwegian Defence Research Establishment further notes in its 2009 report,

“The leader of the IJU, Ebu Yahya Muhammed Fatih, says in a S'ehadet Zamanr interview that the group was established for the purpose of conducting jihad operations against the Karimov administration in Uzbekistan. It is the liberation of the Muslims of Uzbekistan from cruelty and tyranny which is the goal of the organisation.

This indicates an Uzbekistan-centred ideology, rather than a commitment to global jihad. This message is blurred however as he goes on to say that the group itself consists of mujahedin from all over the world, and that it does not operate on the basis of any tribe or nation. Fatih mentions that they are working together with Caucasian mujahedin who have common targets, but does not elaborate on who this may refer to. As the group continues to attack Afghan and American targets in Afghanistan rather than ones related to Karimov or Uzbekistan, there appears not to be a consistency between word and deed. In addition, one may wonder how many of these mujahedin from all over the world joined the group to fight Karimov.” []

Other factors, besides ideological pluralisation within the IMU, may have contributed to the creation of IJU. The change of leadership in 2001 may be one such factor, in that personal loyalty to Namangani may have kept the group together. As the IMU and its predecessors have moved from Uzbekistan to Tajikistan and from there to Afghanistan and Pakistan, it has become increasingly more difficult to attack Uzbekistan. Uzbekistan is more than 400km away from their present base in Mir Ali, across Afghanistan with its poor infrastructure and many enemies. It may well be that the IJU, and the IMU for that matter, have little other choice but to continue their fight for the sake of existence. As it seems now, the IJU is fighting for their host Haqqani. To their south, the IMU may be involved in a similar situation, mainly fighting for their host and protector, Baitullah Mehsud, rather than their primary enemy in Uzbekistan.”⁵⁹

Radio Free Europe/Radio Liberty notes in a February 2009 report that the Islamic Jihad Union originally attracted little attention from the Uzbek authorities despite claiming responsibility for several terrorist attacks in 2004,

“The Islamic Jihad Union (IJU) was among the groups that claimed responsibility for attacks in Tashkent and Bukhara in late March-early April 2004 that left 47 people dead, most of them attackers and police. Not much attention was paid to their claim at the time, as they were then unknown, leading the Uzbek government to search for other, better-known, suspects.

But the IJU resurfaced in 2007 when German police arrested three men with alleged ties to the organization for plotting domestic terrorist attacks against the U.S. military base at Ramstein and the U.S. and Uzbek consulates. German police arrested three more suspected IJU members of the group in September 2008. German and Uzbek authorities have been in frequent contact since the first arrests, indicating German officials see a link that goes back to Uzbekistan.”⁶⁰

⁵⁸ Norwegian Defence Research Establishment, *Islamic Jihad Union: al-Qaida's Key to the Turkic World?*, 23 February 2009, pp. 4, 18-19, 25, http://www.mil.no/multimedia/archive/00122/00687_122609a.pdf, accessed 10 October 2010

⁵⁹ Norwegian Defence Research Establishment, *Islamic Jihad Union: al-Qaida's Key to the Turkic World?*, 23 February 2009, pp. 33,36, http://www.mil.no/multimedia/archive/00122/00687_122609a.pdf, accessed 10 October 2010

⁶⁰ Radio Free Europe/Radio Liberty, *Ten Years After Terror's Arrival In Central Asia*, 16 February 2009, http://www.rferl.org/content/Ten_Years_After_Terrors_Arrival_In_Central_Asia/1494081.html, accessed 12 October 2010

The US National Counterterrorism Center notes in a 2010 report that the Islamic Jihad Union is an extremist organization that splintered from the Islamic Movement of Uzbekistan and opposes the secular administration of the country, seeking to replace the current regime with an Islamic government,

“The Islamic Jihad Union—also known as al-Djihad al- Islami, Dzhamaat Modzhakhedov, and the Islamic Jihad Group of Uzbekistan, among other names—is an extremist organization that splintered from the Islamic Movement of Uzbekistan. It adheres to an anti-Western ideology, opposes secular rule in Uzbekistan, and seeks to replace the current regime with a government based on Islamic law. []

The group first conducted attacks in April 2004, targeting a popular bazaar and police at several roadway checkpoints. These attacks killed approximately 47 people, including 33 terrorists, some of whom were suicide bombers. These attacks marked the first use of suicide bombers in Central Asia. The IJU’s claim of responsibility, which was posted to multiple militant Islamic Web sites, denounced the leadership of Uzbekistan. []

In September 2007, German authorities detained three IJU operatives, disrupting an IJU plot against unidentified US or Western facilities in Germany. []

Turkish authorities in April 2009 seized weapons and detained extremists with ties to the group. The IJU claimed responsibility for the May 2009 attacks in the Andijon region of Uzbekistan that killed one policeman. IJU members are scattered throughout Central Asia and parts of South Asia, including Afghanistan, where the group has claimed responsibility for attacks against Coalition forces.”⁶¹

Inteltrends reports in July 2010 that the Kyrgyz authorities are monitoring Islamic Jihad Union activity in the country and have detained suspected militants,

“Kyrgyzstan’s Ministry of Internal Affairs (MIA) is investigating the presence of “Islamic Jihad Union” members in the country, according to local news agency 24.kg.

MIA recently took custody of two individuals picked up in Tajikistan who claimed to be Kyrgyz. Authorities confirmed both were active members of Islamic Jihad Union who underwent jihadist training in Waziristan and then entered Tajikistan from Iran via Afghanistan’s Kunduz province.

MIA is continuing its investigation together with SSNS (Kyrgyzstan security services). Both individuals may be wanted in Uzbekistan.”⁶²

5. Police and Security Forces; Structures, Functions and Operational Capacities

5.1 Military

A 2010 report from the *US Library of Congress* states that:

“The Uzbek military is the most advanced among those of the Central Asian states. The armed forces consist of about 50,000 ground force troops and 17,000 air force troops. []

Uzbekistan’s military doctrine proclaims that it makes no territorial claims on other states and adheres to nuclear nonproliferation. Military cooperation between Russia and Uzbekistan is ensured through a 1992 Friendship Treaty, a 1994 military treaty, a 1999 accord on

⁶¹ NCTC, Islamic Jihad Union (IJU) - Terrorist Groups, 2010, <http://www.nctc.gov/site/groups/iju.html>, accessed 12 October 2010

⁶² Inteltrends, Islamic Jihad Union members present in Kyrgyzstan, 12 July 2010, <http://inteltrends.wordpress.com/2010/07/12/islamic-jihad-union-members-present-in-kyrgyzstan/>, accessed 12 October 2010

combating terrorism and Islamic extremism, and a November 2005 Treaty of Alliance. The latter accord calls for mutual consultations in case of a security threat to either party.”⁶³

In a 2010 briefing note on Uzbekistan, the *USDOS* notes that:

“Uzbekistan possesses the largest military forces in the Central Asian region, having around 65,000 people in uniform. Its structure is inherited from the Soviet armed forces, although it is moving rapidly toward a fully restructured organization, which will eventually be built around light and Special Forces. The Uzbek Armed Forces' equipment is not modern, and training, while improving, is neither uniform nor adequate yet for its new mission of territorial security. The government has accepted the arms control obligations of the former Soviet Union, acceded to the Nuclear Non-Proliferation Treaty (as a non-nuclear state), and has supported an active program by the U.S. Defense Threat Reduction Agency (DTRA) to demilitarize and clean up former weapons of mass destruction-related facilities in western Uzbekistan (Nukus and Vozrozhdeniye Island), as well as to guard against the proliferation of radiological materials across its borders. The Government of Uzbekistan spends about 2% of GDP on the military (2005 est.).”⁶⁴

Further, the *USDOS* reports that:

“Men are required to serve one year of military duty at the age of 18. A person who is determined by a medical commission to be physically unable to serve is offered "alternative service," which usually means paying 30 percent of one's salary to the Ministry of Defense for one year. University students can defer their service, and some universities have programs that will substitute for military service. There are also options to pay a fee in lieu of service.”⁶⁵

Radio Free Europe/Radio Liberty reports in a September 2010 article that tensions persist between security forces on the Uzbek-Kyrgyz border,

“Uzbek authorities today released a Kyrgyz border guard one day after an exchange of border officials between Kyrgyzstan and Uzbekistan[.] []

Kyrgyz Border Guard Service Deputy Commander Cholponbek Turusbekov told RFE/RL that on September 5 Kyrgyzstan released three Uzbek customs officers and one Uzbek national security officer and handed them over to the Uzbek side. The Uzbek authorities, in turn, released three Kyrgyz border guards.

Turusbekov said Colonel Ismatilla Anarbaev's release today was delayed by additional negotiations between the two sides over unspecified border issues.”

Turusbekov said Uzbek border guards detained the two senior Kyrgyz border officers, Anarbaev and Colonel Ziyad Begmatov, on August 31 near the southern Kyrgyz village of Pulgon in the Kadamjay district, which borders Uzbekistan.”⁶⁶

5.2 Police

According to a *US Library of Congress Report* there are “up to 19,000 internal security (police) troops and 1,000 national guard troops.”⁶⁷

⁶³ US Library of Congress, Uzbekistan: Recent developments and U.S. interests, 12 August 2010, <http://www.fas.org/sqp/crs/row/RS21238.pdf>, accessed 10 October 2010

⁶⁴ USDOS, Bureau of South and Central Asian Affairs, Background note; Uzbekistan, 19 August 2010, <http://www.state.gov/r/pa/ei/bgn/2924.htm>, accessed 10 October 2010

⁶⁵ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

⁶⁶ Radio Free Europe/Radio Liberty, Uzbeks Release Kyrgyz Border Guard To Complete Exchange, 6 September 2010, http://www.rferl.org/content/Uzbeks_Release_Kyrgyz_Border_Guard_To_Complete_Exchange/2150108.html, accessed 12 October 2010

The *USDOS* reports that:

“The Ministry of Interior (MOI) controls the police, who are responsible for law enforcement and maintenance of order. The National Security Service (NSS), headed by a chairman who answers directly to the president, deals with a broad range of national security and intelligence issues, including corruption, organized crime, and narcotics. Corruption among law enforcement personnel remained a problem. Police routinely and arbitrarily detained citizens to extort bribes. Impunity was a problem, and the government rarely punished officials responsible for abuses. The MOI's main investigations directorate has procedures to investigate abuse internally and to discipline officers accused of rights violations, and it reported that 60 officers had been disciplined. A human rights department formed within the Ministry of Interior has taken actions in some police brutality cases. The Human Rights Ombudsman's Office, affiliated with the parliament, also has the power to investigate such cases.”⁶⁸

A 2007 *US Library of Congress* report states that,

“The National Security Service (NSS), under the direct command of the president through the Ministry of Internal Affairs, has the responsibility for suppression of dissent and Islamic activity and surveillance of all possible opposition figures and groups, as well as prevention of corruption, organized crime, and narcotics trafficking. Because it receives no effective oversight, the NSS is considered one of the most powerful security police forces in the former Soviet Union. In 2005 NSS forces numbered between 17,000 and 19,000. Conventional police operations are the responsibility of the Ministry of Internal Affairs. Each governmental jurisdiction has a police force; the forces of larger jurisdictions are subdivided by function. The police forces reportedly are corrupt (particularly the tax and traffic police), and the level of public trust in them is very low. According to human rights organizations, both NSS and regular police use arbitrary arrest, intimidation, and violent tactics. At the community level, civilian police organizations of the *mahallas* aid the local police in crime prevention and deterrence of antigovernment activity.”⁶⁹

In its 2009 Country Report on Human Rights Practices, the *USDOS* states that law enforcement officials often use torture to obtain confessions,

“Although the constitution and law prohibit such practices, law enforcement and security officers routinely beat and otherwise mistreated detainees to obtain confessions or incriminating information. Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. Prisoners were subjected to extreme temperatures. Observers reported several cases of medical abuse, and one known person remained in forced psychiatric treatment.”⁷⁰

A June 2010 report by *Radio Free Europe/Radio Liberty* detailing a congressional discussion in Washington DC on human rights in Uzbekistan notes grave abuses of detainees by the Uzbek authorities,

“Yusuf Juma, who is currently serving a five-year prison sentence in Uzbekistan for “organizing an illegal gathering” to protest the rule of Uzbek ruler Islam Karimov, is regularly subjected to brutal treatment, according to his wife. []

⁶⁷ US Library of Congress, Uzbekistan: Recent developments and U.S. interests, 12 August 2010, <http://www.fas.org/sqp/crs/row/RS21238.pdf>, accessed 10 October 2010

⁶⁸ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

⁶⁹ US Library of Congress, Country Profile, Uzbekistan, February 2007, <http://memory.loc.gov/frd/cs/profiles/Uzbekistan.pdf>, accessed 29 November 2010

⁷⁰ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

Uzbek prison officials have broken her husband's ribs, she said, and knocked his teeth out, making eating almost impossible; their regular torture regimen includes placing him in a chemical "box" for long stretches of time; and they have repeatedly broken his fingers in order to prevent him from doing that which most threatens the regime -- writing his widely acclaimed poetry. []

Karimov's regime is known in the past to have boiled political prisoners alive. According to Catherine Cosman of the U.S. Commission on International Religious Freedom, Juma is just one of 5,000 prisoners of conscience in the ex-Soviet republic."⁷¹

In June 2010, the *European Court of Human Rights* stated that, "it appears that any criminal suspect held in custody faces a serious risk of being subjected to torture or inhuman or degrading treatment both in order to extract confessions and as punishment for being a criminal."⁷²

A *BBC News* report in January 2010 states that police officials continue to enjoy impunity and are responsible for acts of rape and torture in Uzbekistan,

"The UN Special Rapporteur on Torture, Manfred Nowak, says he has seen reports of police torture and rape. He has called on the government to let him go to Uzbekistan to investigate. There have been previous reports that torture was routinely used in prisons. Uzbek officials said they are investigating one case, but have made no further comment.

Mr Nowak's comments have been backed by human rights groups in Uzbekistan. They say that torture and abuse by police and investigating authorities are tacitly encouraged by senior government officials.

Families of victims say there is a culture of impunity, where police officers allegedly rape detainees without being punished. Rayhon Soatova is in prison in Uzbekistan. Her family told the BBC that she and her two sisters were attacked by a group of drunken policemen who detained them for hooliganism last May.

They say Rayhon was gang raped by police officers while in detention. []

The women's brother, Abdusamat, says his sisters were initially reluctant to say what really happened to them.

But then a few months later, "Rayhon described the ordeal to a police investigator. Instead of helping, he too, raped her," says Abdusamat. []

In a rare move, the Uzbek authorities told the family they are investigating Rayhon's case. The family wants a DNA test to be conducted, but officials have not responded to the demand.

Vasila Inoyatova, the director of the Uzbek Human Rights Group Abdusamat Brother of alleged rape victim Ezgulik, welcomed the investigation but admitted that "we don't know if anyone will be punished as a result. It has never happened in Uzbekistan before".⁷³

The *United Nations Development Programme* reported in July 2010 that it has provided training to police officers and members of the judiciary on "Implementation of the Convention against Torture in the work of judiciary and law-enforcement bodies,"

⁷¹ Radio Free Europe/Radio Liberty, Torture In Uzbekistan Described On Capitol Hill, 28 June 2010,

http://www.rferl.org/content/Torture_In_Uzbekistan_Described_On_Capitol_Hill/2085151.html, accessed 10 October 2010

⁷² European Court of Human Rights, *Garayev v. Azerbaijan*, Application no. 53688/08, Council of Europe: European Court of Human Rights, 10 June 2010, available from, <http://www.unhcr.org/refworld/docid/4c208ec42.html>, accessed 29 November 2010

⁷³ BBC News, UN wants investigation of Uzbekistan police rape claims, 22 January 2010, <http://news.bbc.co.uk/2/hi/asia-pacific/8472316.stm>, accessed 10 October 2010

“The Republic of Uzbekistan joined the Convention against Torture on August 31, 1995. In 2005 it presented the first National Action Plan on its implementation. The 2009 National Action plan on follow-up to the recommendations of the UN Human Rights Council after consideration of the Universal Periodic Review of Uzbekistan also contains measures to combat torture. This Action plan foresees training of the police officers on the principles of the Convention against Torture and training of judges on addressing complaints about torture during trials.

The trainings raised awareness on the provisions of international and national laws against torture and any forms of cruel and degrading treatment, as well as capacity building in addressing complaints about torture.

The participants of the trainings included representatives of law enforcement officers from Tashkent, Tashkent region, Samarkand, Navoi and Djizzak.”⁷⁴

“United Nations Development Program (UNDP) in Uzbekistan has organized a series of trainings on the "Implementation of the Convention against Torture in the work of judiciary and law-enforcement bodies".

The trainings were organized in cooperation with the Department for Human Rights Protection of the Ministry of Interior, the Research Center under the Supreme Court and the Legal Training Center under the Ministry of Justice.

The Republic of Uzbekistan joined the Convention against Torture on 31 August 1995. In 2005 it presented the first National Action Plan on its implementation.

The 2009 National Action plan on follow-up to the recommendations of the UN Human Rights Council after consideration of the Universal Periodic Review of Uzbekistan also contains measures to combat torture.

This Action plan foresees training of the police officers on the principles of the Convention against Torture and training of judges on addressing complaints about torture during trials.”⁷⁵

The *USDOS* report issued in March 2010 covering the events of 2009 notes, “There were reports that police arrested persons on false charges such as extortion or tax evasion as an intimidation tactic to prevent them or their family members from exposing corruption or interfering in local criminal activities.”⁷⁶

The Institute for War and Peace Reporting states in a February 2010 report that corruption remains endemic in Uzbekistan's state authorities, including the police service,

“A new initiative where government officials in Uzbekistan must promise not to engage in corrupt practices seems doomed to fail. Both the recipients and givers of bribes say the practices [sic] is widespread and impossible to root out. []

Uzbekistan has legislation designed to counter corruption and its police have special anti-corruption units, but to little effect. []

The “honesty pledge” campaign began last summer when the higher education minister, Azimjon Parpiev, forced all university lecturers to make written statements that they would not take illicit payments from their students. Next up were the police and other law-

⁷⁴ UNDP, Human rights trainings for law enforcement and judiciary bodies, 9 July 2010, <http://www.undp.uz/en/news/story.php?id=1316>, accessed 29 November 2010

⁷⁵ UNDP, Human rights trainings for law enforcement and judiciary bodies, 9 July 2010, <http://www.undp.uz/en/news/story.php?id=1316>, accessed 29 November 2010

⁷⁶ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

enforcement agencies, who are now required to produce such statements every three months.

Local observers say corruption is endemic in Uzbekistan, and even simple things like obtaining a document from a state institution require money to change hands. []

A policeman said that almost every week, he hears about fellow-officers being arrested for accepting bribes. People commonly bribe police to avoid traffic fines or to get detained relatives released. Like others who are now being made to sign promises of honesty, this policeman was sceptical that corruption could be eliminated.

A local government official in the Kibray district in Tashkent region agreed, saying, "It's ridiculous to believe corruption can be eliminated by means of written promises. Quite the reverse – they will result in a rise in the going rate for bribes. After all, the risk we are taking is getting bigger, too."⁷⁷

A 2010 *Freedom House* report, entitled 'Nations in Transit', notes that the narcotics trade on Uzbekistan's border continued with the involvement of corrupt law enforcement officials,

"The lure of money from illegal narcotics trafficking continued to snare law enforcement officials. One example in 2009 was a 27-year-old customs officer sentenced to 20 years in jail for drug trafficking. An Uzbek newspaper reported that the officer was caught with heroin in his car, and a subsequent search uncovered over one hundred kilograms of opium buried in his backyard. In March, two former police officers from the Tashkent region were discovered with stolen property and were jailed after being found guilty of abuse of office. []

There are no figures for how many Uzbek law enforcement officials are involved in the narcotics trade. Yet, in response to human rights complaints against the police, the Uzbek Interior Ministry reported in April that criminal cases had been opened against 8 police officers, while 220 officers faced administrative charges, 20 were relieved of their posts, 9 were brought to account for not fulfilling their duties, 75 were reprimanded, and the cases of 66 officers were submitted to unofficial courts.

The fight against corruption claimed a victim in 2009—Hasan Asadov, head of the Uzbek Interior Ministry's directorate for fighting terrorism and corruption— who was killed in his flat on August 9. Uzbek investigators later apprehended a group of so-called terrorists for shootings in Tashkent just before the Independence Day celebrations and blamed Asadov's murder (and Imam Tursunov's attack) on the group's members."⁷⁸

Transitions Online states in a May 2009 report that bureaucracy and corrupt law enforcement officials obstruct those wishing to cross the Uzbek-Kyrgyz border,

"Uzbeks and Kyrgyz traders alike complain that convoluted customs procedures and corruption are hampering commerce. []

But local traders complain that red tape and sticky palms now make crossing the border a problem, thus prompting some to smuggle instead of moving goods in a legal fashion.[]

Hundreds of traders from both countries are believed to cross the Kyrgyz-Uzbek border illegally using remote paths.

Passengers also complain corrupt officials regularly hold them up. In most instances, delays are connected with graft. []

⁷⁷ IWPR, Uzbekistan- No Bribes, Honestly, 25 February 2010, <http://iwpr.net/report-news/uzbekistan-no-bribes-honestly> , accessed 12 October 2010

⁷⁸ Freedom House, Nations in Transit 2010, 2010, p.583, <http://www.freedomhouse.eu/images/nit2010/NIT-2010-Uzbekistan-final.pdf> , accessed 9 October 2010

Azizbek Ashurov, the executive director of Ferghana Valley Lawyers Without Borders, an NGO based in Osh, says travelers lack a clear understanding of their rights, making them easy prey for customs officials. "More legal awareness campaigns are needed so that people know their rights, which are abused daily while they cross the Kyrgyz-Uzbek border," he said. []

On a political level, a higher element of tension has crept into Uzbek-Kyrgyz relations in recent weeks because of several cross-border incidents. For example, residents in Jalal-Abad Province in mid-April complained that Uzbek law-enforcement authorities were crossing the border illegally to conduct search-and-seizure operations on Kyrgyz territory. The missions' supposed intent was to break up smuggling operations."⁷⁹

An August 2009 article by *Radio Free Europe/Radio Liberty* reports on allegations that police in southern Uzbekistan were involved in the blackmail of a local mayor found dead in his office,

"The death of a mayor in southern Uzbekistan who apparently committed suicide is being investigated as a possible murder, RFE/RL's Uzbek Service reports.

Kitob Mayor Lukman Gafforov was found hanged in his office on August 13. Kitob is in Qashqadaryo Province.

Police are trying to determine if Gafforov's death was a suicide or if he was killed. Independent journalist Abrahmon Tashanov said some people say he had been suspected of embezzlement and abuse of power and that led him to commit suicide. []

One person, who wished to remain anonymous, told RFE/RL that the mayor had been blackmailed by police officers who threatened to release a video of the mayor allegedly cavorting with prostitutes. There are reports that several police have been arrested since Gafforov was found dead."⁸⁰

A *Radio Free Europe/Radio Liberty* article in August 2009 reports that Uzbek authorities advised against wearing hijab on Independence Day and police officials stopped those women wearing hijabs, stating,

"Uzbek authorities are advising women not to wear the Islamic veil, or hijab, during celebrations of the 18th anniversary of Uzbekistan's independence on September 1. Women in Uzbekistan have told RFE/RL's Uzbek Service that in the run-up to the anniversary, police officers are approaching those wearing hijabs and checking their identity papers.

The officers told the women not to wear the hijab on September 1, because their loose-fitting clothes could be used by terrorists to conceal their identities or to hide explosives."⁸¹

Independent Uzbek news service *Uznews.net* reports allegations that police are using children as forced labour,

"Police officers are forcing parents to send their children to pick cotton in Jizak Region.

Police, accompanied by neighbourhood officials and teachers, started going round residential areas on 6 October in Arnasay, Dustlik, Jizak, Zafarabad and Pahtakor Districts. Many schoolchildren live close to fields so they can pick cotton staying in their homes.

⁷⁹ Transitions Online, Border Hassles Abound, 4 May 2009, <http://www.tol.org/client/article/20548-border-hassles-abound.html>, accessed 12 October 2010

⁸⁰ Radio Free Europe/Radio Liberty, Uzbek Mayor's Death Raises Suspicion, 20 August 2009, http://www.rferl.org/content/Uzbek_Mayors_Death_Raises_Suspicion/1803712.html, accessed 12 October 2010

⁸¹ Radio Free Europe/Radio Liberty, Uzbek Authorities Advise Against Wearing Hijab On Independence Day, 22 August 2010, http://www.rferl.org/content/Uzbek_Authorities_Advise_Against_Wearing_Hijab_On_Independence_Day/1809166.html, accessed 10 October 2010

Children have been taken away from homes and forced to live in makeshift barracks in Zarbdor, Farish, Bahmal and Gallaorol Districts.

Police also force parents to sign pledges that their children will be made available to pick cotton.

When children try to argue that there is no cotton left in the fields to pick, they are told that it is not important whether there is or isn't cotton in fields, but the authorities need to have enough people picking cotton in fields.

When a parent from Jizak District tried to argue that his child should not pick cotton that is owned by the government or farmers, he was told: "We need your child."

Authorities told the parent that the campaign was nearing its end, so his child would spend in cotton fields five days at most."⁸²

6. The Judiciary: Structures and Functions

The *USDOS* report issued in March 2010 covering the events of 2009 notes that the supervisory role of Uzbekistan's judges with regard to arrest procedures, treatment in detention and fair trials is limited by the judiciary's lack of impartiality, and provides:

"Under the law, any decision to arrest accused individuals or suspects must be reviewed by a judge, and defendants have the right to legal counsel from the time of arrest, although that right is not always strictly observed. The judge conducting the arrest hearing is not allowed to sit on the panel of judges during the individual's trial, and detainees have the right to request a hearing with a judge to determine whether they should remain incarcerated or be released. Within 24 hours of taking a suspect into custody, the arresting authority must notify a relative or close friend of the detention and question the detainee. Suspects have the right to remain silent. Detention without formal charges is limited to 72 hours, although a prosecutor may extend it for an additional seven days, at which time the person must either be charged or released. In practice judges granted arrest warrants in nearly all cases, and authorities continued to hold suspects after the allowable period through various means. There were complaints that authorities tortured suspects before notifying either family members or attorneys of arrests. The 72-hour period begins only when a suspect is brought to the police station.

Once charges are filed, a suspect may be held in pretrial detention for as long as three months during an investigation. The law permits extension of that period at the discretion of the appropriate court upon a motion by the investigating authority. A prosecutor may release a prisoner on bond pending trial, although in practice authorities frequently ignored these legal protections. Those arrested and charged with a crime may be released without bail until trial on the condition that they provide assurance that they will appear at trial and register each day at a local police station. State-appointed attorneys are available for those who do not hire private counsel."⁸³

Human Rights Watch states in its 2010 report that, "The Uzbek judiciary lacks independence, and parliament is too weak to curtail the reach of executive power."⁸⁴

A *UN press briefing* published in March 2010 notes the UN Human Rights Committee's concern with regard to judicial independence,

⁸² Uznews.net, Police force children to cotton fields in Jizak region, 11 October 2010, http://www.uznews.net/news_single.php?lng=en&cid=2&sub=hot&nid=15122, accessed 28 November 2010

⁸³ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

⁸⁴ Human Rights Watch (HRW), World Report 2010, p.259, <http://www.hrw.org/world-report-2010>, accessed 10 October 2010

“Several experts expressed concerns about the independence of various mechanisms that the delegation highlighted as central to reform efforts, including its Human Rights Ombudsman and the judiciary. Hellen Keller, expert from Switzerland, said the Committee had received information that many judicial posts were “stuffed” by acquaintances of high Government officials. It also appeared that the Ministry of Justice had a hand in most aspects of legal professional matters in the country.”⁸⁵

The *USDOS* further notes in its 2010 report on Uzbekistan:

“In general prosecutors exercised discretion over most aspects of criminal procedure, including pretrial detention. Detainees had no access to a court to challenge the length or validity of pretrial detention. Even when authorities filed no charges, police and prosecutors sought to evade restrictions on the duration a person could be held without charges by holding persons as witnesses rather than as suspects.

In March the parliament expanded the number of crimes for which reconciliation procedures may be used. At a conference on legal and judicial reform on June 25, authorities reported that reconciliation procedures were being used more frequently to resolve criminal cases, especially those involving minors, women, and the elderly. []

If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may appeal the sentence to a higher court. Verdicts often are based solely on confessions and witness testimony, which are extracted through torture, threats to family members, or other means of coercion. Legal protections against double jeopardy are not applied in practice.”⁸⁶

The Observatory for the Protection of Human Rights Defenders states in its 2010 report that the judiciary is not an impartial body, noting:

“Journalists, members of associations and political opponents continued to be harassed, ill-treated and prosecuted when trying to communicate any kind of information concerning the socio-political situation in the country, or to demonstrate any disagreement with government policy. []

The increase in arrests and sentencing on political grounds has been made possible by a criminal justice system that is corrupt and follows orders.”⁸⁷

A 2010 *Freedom House* report, entitled ‘Nations in Transit’, states that the judiciary is effectively an organ of the Uzbek government, and lacks impartiality from the executive branch, and provides,

“Uzbekistan’s judicial branch is set up to punish perceived enemies of the state. These range from independent journalists and rights activists to members of nontraditional religions and suspect Islamic groups. Courts ignored claims of torture being used to extract confessions and witnesses recanting testimonies that were influential in establishing guilt, with no effort in 2009 to alter this situation. Virtually everyone arrested and charged was found guilty and received a fine or jail sentence when in the state’s interest.”⁸⁸

The law firm *Baker & McKenzie* notes in its January 2010 report that the judges of the higher courts in Uzbekistan are subject to appointment by the President:

⁸⁵ UN, Human Rights Committee Concludes Consideration of Uzbekistan’s Third Report, 12 March 2010, <http://www.un.org/News/Press/docs/2010/hrct719.doc.htm>, accessed 12 October 2010

⁸⁶ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

⁸⁷ The Observatory for the Protection of Human Rights Defenders. Steadfast in Protest; Annual Report 2010, 2010, p.427, <http://www.fidh.org/IMG/pdf/2010/OBS2009UK-full.pdf>, accessed 9 October 2010

⁸⁸ Freedom House, Nations in Transit 2010, 2010, <http://www.freedomhouse.eu/images/nit2010/NIT-2010-Uzbekistan-final.pdf>, accessed 9 October 2010

“The upper level of the Uzbek judicial system consists of: the Constitutional Court, which renders decisions on the constitutionality of acts of the legislative and executive branches; the Supreme Court, which acts as both a court of first instance and an appellate court for civil and criminal cases, and which analyzes court practice and oversees the work of the lower level courts; and the High Economic Court, which has the same functions as the Supreme Court, but deals exclusively with commercial cases involving legal entities (foreign and local) and individual entrepreneurs. Judges of the Constitutional Court, the Supreme Court and the High Economic Court are nominated by the President and approved by a majority vote of the Senate of the Oliy Majlis.” []

The lower level of the Uzbek judicial system includes: regional, city and district courts for civil cases; regional, city and district courts for criminal cases; economic courts; and military courts. []

Judges of the regional, city, and district courts are nominated by the High Qualification Committee under the President, and appointed by the President. Judges of the Supreme and Supreme Economic courts are nominated by the President and approved by the Senate of the Oliy Majlis. Judges of the economic courts are nominated by the Chairman of the High Economic Court and approved by the President.”⁸⁹

The *Institute for War & Peace Reporting* states in an April 2009 report that judicial reform in Uzbekistan has yet to have an impact on sentencing, noting that legislation appears to be ignored by the courts.

“Legal experts say that although these reforms appear to bring Uzbekistan closer to international standards, nothing has really changed in the way the law is put into practice.[]

Rustam Tulyaganov, a lawyer in Tashkent, noted that another reform, concerning crimes of an economic nature, was not working.

The idea is that if defendants in a case of this kind pleads guilty and repays any loss, they are not given a jail term. However, Tulyaganov said, “I am now defending four people charged with economic crimes. One of them compensated the loss in full, but was given an 11-year sentence.” Tulyaganov cited another case where a businessman who had agreed to pay a 350 US dollar fine was nevertheless held in custody for 72 hours, in contravention of the law. The lawyer concluded that amicable conciliation would not translate into effective practice, either. “These latest statements about liberalising the criminal laws will remain empty words written down on paper,” he said.

Oydin Abdullaeva, a practicing lawyer in Tashkent, says it is too early to reasonably expect results from this unprecedented set of legal reforms. “The new laws will need some time to take effect,” she said.”⁹⁰

The *Ferghana.Ru Information Agency Moscow* cites Surat Ikramov, the Chairman of the Initiative Group of Independent Human Rights Defenders of Uzbekistan, in a March 2010 article that notes,

“On March 4 Tashkent hosted the conference on The [sic] future of judicial and legal reform development in the Republic of Uzbekistan. This meeting between independent public associations and government- controlled legal structures produced ambiguous reaction. []

The judicial and legal reform in Uzbekistan is the plan, but not action – the human rights activist believes. – Let us consider the facts: the secret courts are still widely applied in the

⁸⁹ Baker & McKenzie, *Doing Business in Uzbekistan*, January 2010, p.88, <http://www.bakermckenzie.com/BK/Kazakhstan/DoingBusiness/Uzbekistan/Jan10/>, accessed 12 October 2010

⁹⁰ Institute for War & Peace Reporting, *Judicial Reforms Yet to Have Impact in Uzbekistan*, 8 April 2009, <http://iwpr.net/report-news/judicial-reforms-yet-have-impact-uzbekistan>, accessed 12 October 2010

regions of Uzbekistan while the judges issue the arrest warrant without involvement of lawyers. Often times, the defendants have to use the services of state lawyers. []

In my opinion, the reforms mean radical changes, improving entire judicial system. Today, as a general rule, the judges are not independent in decision- making because the executive authorities put pressure on them.”⁹¹

In a May 2010 article the *Institute for War & Peace Reporting* notes that Uzbekistan has not fully implemented the rule of law,

“On April 29, the Gov.uz portal reported that the authorities were engaged in a “wide-ranging effort to establish a culture of law, improving existing laws and raising public awareness of the various opportunities for redress. []

Possessing a knowledge of the law is one thing; finding a way of exercising one’s rights quite another.

Surat Ikramov, head of the Initiative Group of Independent Human Rights Activists of Uzbekistan, says many people come to him in Tashkent for help after first appealing to state institutions, but finding them unresponsive. “People write letters to the president, the prime minister, the prosecutor general’s office and the interior minister, but they get formulaic replies,” said Ikramov. “Then they go to the [official human rights] ombudsman, who forwards their complaints to the very same institutions against which they have made allegations. It doesn’t make sense.”

Commentators say that under current circumstances, it makes no sense for the authorities to be talking about a culture of observing the law in society; what they should be doing is ensure that government agencies themselves respect and follow the law.”⁹²

⁹¹ Ferghana.Ru Information Agency Moscow, Surat Ikramov- The judicial and legal reform in Uzbekistan is the plan but not action, 12 March 2010, <http://enews.ferghana.ru/article.php?id=2610> , accessed 12 October 2010

⁹² Institute for War and Peace Reporting, Talk of legal rights in Uzbekistan doesn’t reflect reality, 12 Ma 2009, <http://iwpr.net/report-news/talk-legal-rights-uzbekistan-doesnt-reflect-reality>, accessed 29 November 2010

B. Human Rights Situation

1. Political Freedom

The *USDOS* human rights report on Uzbekistan issued in March 2010 covering the events of 2009 notes that political freedom was severely limited in the country,

“The government continued to commit serious abuses and authorities restricted political and civil liberties. []

Torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts. []

There were reports of politically motivated medical abuse. Victims could request through legal counsel that their cases be reviewed by an expert medical board. In practice, however, such bodies generally supported the decisions of law enforcement authorities.

Family members of several inmates, who are considered political prisoners, complained throughout the year of the declining health of the prisoners and asserted that the prisoners’ requests for medical evaluation and treatment went unheeded. []

The constitution and law prohibit arbitrary arrest and detention; however, these practices continued. []

On July 28, police arrested Oyazimhon Hidirova, a human rights defender active on farmer's issues, on charges of tax evasion and hooliganism, and beat her while she was in custody. On August 31, the government granted her amnesty and released her.

On October 2, officials sentenced Farhad Mukhtarov to five years in prison on what many analysts believe were politically motivated charges of fraud and bribery. Mukhtarov was an active member of the Human Rights Alliance. On December 3, the Tashkent city criminal court reduced Mukhtarov’s sentence to four years.

On November 11, police assaulted two human rights activists shortly after they met with a returned political opposition figure. Police detained one of the activists for several hours before releasing him.

On November 24, the Akhunbabaev District Court sentenced Ganikhon Mamatkhanov to five years in prison on what were widely believed to be trumped-up charges of extortion and attempted bribery. Mamatkhanov was a member of the Independent Human Rights Society of Uzbekistan and actively promoted farmers’ rights.

Police harassed and sometimes arbitrarily detained members of the opposition Birlik, Free Farmers, Erk, and Birdamlik parties.”⁹³

A policy brief compiled by the *OSCE* in September 2009 notes that Uzbekistan’s constitution and legislation impart restrictions on mobilizing political demonstrations,

“Art. 33 of the Uzbek constitution contains a provision on the right of citizens to assembly which is formulated in a manner which actually flaws this freedom. “All citizens shall have the right to engage in public life by holding rallies, meetings and demonstrations in accordance with the legislation of the Republic of Uzbekistan. Bodies of the public authority shall have the right to suspend or ban such undertakings exclusively on the motivated grounds of security”.

⁹³ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

The Constitution itself makes explicit reference to possible restriction of the right of citizens to assembly. Moreover, restriction may stem from legislation (and the term comprises acts of both the legislature and executive) and be imposed by the authorities which is likely to create grounds for using discretionary powers in determining potential threats for security (and no much use to refer to the right of appeal of acts of the authorities, as courts simply won't ever stand against those in power).⁹⁴

A *UN press briefing* published in March 2010 notes the UN Human Rights Committee's concern with regard to political freedoms and civil society in Uzbekistan,

"Michael O'Flaherty, expert from Ireland, expressed specific concern about the way civil society was discussed by the delegation, stressing that civil society was a crucial pillar in protecting human rights in all countries. Indeed, a vigorous civil society was needed to "give everyone a tough time" and hold Governments to the highest standards. It appeared, however, that human rights defenders faced a hard time in Uzbekistan, and he asked what the Government was doing to change mindsets about civil society."⁹⁵

Human Rights Watch states in its 2010 report that the Uzbek government has strongly opposed those that have spoken out against the country's administrators, noting,

"The government has moved vigorously to silence activists who oppose official corruption and abuse of power. On July 30 the Tailak district court sentenced Dilmurod Saidov, an independent journalist, to 12 1/2 years in prison on trumped up charges of extortion and forgery.

Local activists believe Saidov was imprisoned because of his investigations into official corruption in Samarkand region and his advocacy for farmers' rights."⁹⁶

In 2009, according to *The Observatory for the Protection of Human Rights Defenders*, Uzbekistan's government suppressed political dissent,

"In general, human rights defenders are among primary victims of the authoritarian power of President Islam Karimov, based on a system of widespread corruption, the regular use of repression, criminalisation of social protest and silencing of all dissenting voices."⁹⁷

Human Rights Watch notes in a December 2009 article published prior to Uzbekistan's elections on 27 December 2009 that government opponents were subject to harassment and ill treatment by the authorities,

"The Uzbek government is intensifying its crackdown on political opposition and human rights activists in advance of December 27, 2009, elections, Human Rights Watch said today.

In recent weeks, authorities in Uzbekistan have harassed, detained, and beaten political opposition and human rights activists. Authorities have placed dozens of activists throughout the country under de facto house arrest in an apparent effort to thwart any civic activism, warning them not to leave their homes until after the elections.

At least six activists had their passports temporarily confiscated, and one was severely beaten and otherwise ill-treated in detention. The authorities also expelled an opposition movement leader from the country."⁹⁸

⁹⁴ OSCE, A Policy Brief for the 2009 OSCE Human Dimension Implementation Meeting, 30 September 2010, http://www.osce.org/documents/odihr/2009/09/39964_en.pdf, accessed 12 October 2010

⁹⁵ UN, Human Rights Committee Concludes Consideration of Uzbekistan's Third Report, 12 March 2010, <http://www.un.org/News/Press/docs/2010/hrct719.doc.htm>, accessed 12 October 2010

⁹⁶ HRW, World Report 2010, p.472, <http://www.hrw.org/world-report-2010>, accessed 10 October 2010

⁹⁷ The Observatory for the Protection of Human Rights Defenders. Steadfast in Protest; Annual Report 2010, 2010, p.428, <http://www.fidh.org/IMG/pdf/2010/OBS2009UK-full.pdf>, accessed 9 October 2010

Human Rights Watch notes in a November 2009 article that opposition leader Sanjar Umarov was released under the government's grant of amnesty,

"Uzbek political opposition leader Sanjar Umarov's release from prison earlier this month is a positive development, but Umarov's poor health and the fact that he was not acquitted of the politically motivated charges that led to his conviction highlight the government's continued repressive nature, [].

Umarov is the leader of the independent political movement "Sunshine Coalition," established in 2005 by businessmen and academics. The coalition has close ties with the Ozod Dekhon ("Free Peasants") opposition political party, and its website openly criticizes what it terms "corrupt government bureaucracies" in Uzbekistan and calls for government reform."⁹⁹

Amnesty International states in its 2010 annual report that human rights activists were harassed and assaulted by the Uzbek authorities for their participation in political activities opposing the government,

"In April Elena Urlaeva, a leading member of the Human Rights Alliance, was assaulted by two unidentified men as she was leaving her home with her five-year-old son early in the morning. She said they threatened her with a knife, beat her and asked why she was still in the country. The same week her son sustained [a] concussion and bruising after being beaten by an unidentified young man at a playground. She was among a group of human rights defenders who were prevented by police from publicly commemorating the fourth anniversary of the Andizhan killings and detained as they left their homes on the morning of 13 May. Seven were detained at police stations for over seven hours; others were held under house arrest.

Bakhtior Khamroev and Mamir Azimov, members of the Human Rights Society of Uzbekistan, were briefly detained in Dzhizzakh in November to prevent them meeting Bakhodir Choriev, a recently returned exile and leader of the unregistered political opposition movement Birdamlik. Bakhtior Khamroev was reportedly punched in the face by a plain-clothes police officer and dragged from the car in which he was sitting with Bakhodir Choriev, who was also assaulted when he got out of the car. The same day Mamir Azimov was taken to a district police station for questioning about the intended meeting. He said officers punched him in the kidneys and slapped his head, made him stand with his legs apart holding a chair above his head for over an hour, and threatened that his legs and arms would be broken if he sought medical help on release or reported the ill-treatment. Bakhodir Choriev was forced to leave the country in December."¹⁰⁰

In May 2010, The Observatory for the Protection of Human Rights Defenders, a joint programme of the International Federation for Human Rights (FIDH) and the World Organisation Against Torture (OMCT) strongly condemned "the continuing acts of harassments and arbitrary detention of several human rights defenders in Uzbekistan."¹⁰¹

According to the *World Organisation Against Torture*, The Observatory for the Protection of Human Rights Defenders reports an incident in which police raided the home of a human rights defender without a warrant,

⁹⁸ HRW, Uzbekistan- Pressure Grows on Opposition, Rights Activists, 21 December 2009, <http://www.hrw.org/en/news/2009/12/21/uzbekistan-pressure-grows-opposition-rights-activists-0>, accessed 12 October 2010

⁹⁹ HRW, Uzbekistan: Freed Activist's Condition Highlights Harsh Treatment, 30 November 2009, <http://www.hrw.org/en/news/2009/11/30/uzbekistan-freed-activist-s-condition-highlights-harsh-treatment>, accessed 12 October 2010

¹⁰⁰ Amnesty International, Amnesty International Report 2010, p.350, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 10 October 2010

¹⁰¹ World Organisation Against Torture, Continuing acts of harassments against human rights defenders, 26 May 2010, <http://www.omct.org/human-rights-defenders/urgent-interventions/uzbekistan/2010/05/d20714/>, accessed 29 November 2010

“On April 21, 2010, Ms. Dovlatova also faced an illegal police search at her residence. At approximately 5:45 pm, five men in plain clothes entered her house without a search warrant. They broke the lock of the fence and asked her to come to the Khamzinsky police department in Tashkent, despite the fact that she was recovering from a surgery. As she refused to follow them, policemen came back later and conducted a search without any witnesses and without any warrant. They also attempted forcefully to bring her to the police station.”¹⁰²

Further, *World Organisation Against Torture* reports that The Observatory for the Protection of Human Rights Defenders,

“recalls that nine members of the Human Rights Society of Uzbekistan (HRSU), Messrs. Gaybullo Jalilov, Nasim Isakov, Norboy Kholjigitov, Khabibilla Okpulatov, Yuldosh Rasule, Azamjon Formonov, Jamshid Karimov, Zafar Rakhimov and Alisher Karamatov, along with human rights defenders Salijon Abdurakhmanov, Yusuf Jumaef, Agzam Turgunov, Dilmurod Saidov, Farkhad Mukhtarov, Abdurasul Khudoynazarov and Ganikhon Mamatkhanov currently remain arbitrarily detained because of their legitimate human rights activities.

Furthermore, Mr. Maxim Popov, Educator and Director of the Uzbek NGO Izis, who was detained on January 22, 2009 and convicted on June 9, 2009 to seven years of imprisonment for his work on HIV prevention, also remains in jail.”¹⁰³

In May 2010 *Human Rights Watch* reported that the office of a human rights organisation, Ezgulik, was broken into in May 2010 and a hard drive was stolen.

“Ezgulik's Tashkent office was broken into during the weekend of May 22 and 23, 2010, and the hard drive was taken from the computer. The hard drive contained information about Ezgulik's activities and planned projects. Nothing else in the office was stolen. Ezgulik (Goodness) is one of two human rights organizations the government has allowed to register in Uzbekistan.

"The theft of Ezgulik's hard drive appears to be a politically motivated effort to interfere with Ezgulik's human rights work," said Holly Cartner, Europe and Central Asia director at Human Rights Watch. "If allowing the group to register means anything, then the government should do everything in its power to locate the hard drive and return it to Ezgulik.”¹⁰⁴

Further, *Human Rights Watch* reports on politically motivated persecution of human rights defenders:

“The government has also persecuted other human rights organizations. Members of the Human Rights Alliance of Uzbekistan (Alliance), for example, have been repeatedly subjected to house arrest, detention, and surveillance. Such pressure intensifies especially when there is increased international attention on Uzbekistan or high-level international representatives visit Tashkent. On May 13, Alliance members were placed under house arrest to prevent them from publicly commemorating the fifth anniversary of the massacre at Andijan, where government troops fired into a crowd of mostly peaceful protesters.

¹⁰² World Organisation Against Torture, Continuing acts of harassments against human rights defenders, 26 May 2010, <http://www.omct.org/human-rights-defenders/urgent-interventions/uzbekistan/2010/05/d20714/>, accessed 29 November 2010

¹⁰³ World Organisation Against Torture, Continuing acts of harassments against human rights defenders, 26 May 2010, <http://www.omct.org/human-rights-defenders/urgent-interventions/uzbekistan/2010/05/d20714/>, accessed 29 November 2010

¹⁰⁴ HRW, Burglary at rights groups office, 24 May 2010, <http://www.hrw.org/en/news/2010/05/24/uzbekistan-burglary-rights-group-s-office>, accessed 29 November 2010

Activists from Jizzakh are also frequently placed under house arrest and recently have been the target of critical articles in Uzbekistan's pro-government media.¹⁰⁵

Human Rights Watch reports that political dissidents and civic activists are serving jail sentences on politically motivated charges.¹⁰⁶ [See also Section B. 5, Due Process and Fair Trial in Uzbekistan: Prosecution/Persecution].

In September 2010 *Radio Free Europe* reports on the sentencing of a human rights activist who reported on the alleged involvement of a police officer in a murder,

"Surat Ikramov, the leader of the Human Rights Initiative Group of Uzbekistan, was convicted of slander and defamation by a Tashkent court on September 28.

The court fined him 100,000 soms (\$62) in compensation and ordered him to publish a disclaimer on a report he published in 2007. Ikramov told RFE/RL he will appeal the court ruling.

The report deemed defamatory was related to the mysterious death of pop singer Dilnura Qodirjonova, who was reported to have died of a heart attack in 2007.

But Qodirjonova's mother, Oktyabrkhon Yusupova, told Ikromov's rights group and other nongovernmental organizations that her daughter had been killed by Jamshid Matlyubov, a police officer and brother of Interior Minister Bakhodir Matlyubov.

Human Rights Initiative Group of Uzbekistan and the Ezgulik rights group included the mother's version of Qodirjonova's death in their published reports, writing that Bakhodir Matlyubov was Qodirjonova's lover and was directly involved in her death."¹⁰⁷

In May 2010 *Radio Free Europe* reported that following uprisings in Andijan in 2005, a climate of fear in discussing the events persists,

"Andijon residents say local media never mention the city's uprising. After initially blaming religious extremists for the bloodshed, closely scrutinized local radio and television stations no longer discuss the massacre that took place five years ago.

Some Andijon residents insist the reason behind the silence is a climate of fear in the city. Local human rights activists say the public and the government are still highly suspicious of each other.

Sohibjon-Ota, two of whose sons are serving "long" prison terms on charges of plotting to dismantle the constitutional system, suspects he is "on the authorities' blacklist."

"I have a lot to say, but I am afraid," he says. "The authorities check on me once a month. They visit my place, asking questions about my sons. I want to talk about it, but honestly, I wouldn't dare. I fear for my life. They paid a visit yesterday, too. Every newly appointed neighborhood police officer comes to my house once."¹⁰⁸

In 2009, according to the *USDOS*, Uzbekistan's security services monitored the communications of political activists,

¹⁰⁵ HRW, Burglary at rights groups office, 24 May 2010, <http://www.hrw.org/en/news/2010/05/24/uzbekistan-burglary-rights-group-office>, accessed 29 November 2010

¹⁰⁶ HRW, Burglary at rights groups office, 24 May 2010, <http://www.hrw.org/en/news/2010/05/24/uzbekistan-burglary-rights-group-office>, accessed 29 November 2010

¹⁰⁷ Radio Free Europe, Uzbek rights activist convicted of defamation, 30 September 2010, http://www.rferl.org/content/Uzbek_Rights_Activist_Convicted_Of_Defamation_/2172611.html, accessed 29 November 2010

¹⁰⁸ Radio Free Europe, When it comes to Andijon, don't ask - and certainly don't tell, 14 May 2010, http://www.rferl.org/content/When_It_Comes_To_Andijon_Dont_Ask_And_Certainly_Dont_Tell/2040004.html, accessed 29 November 2010

“Citizens generally assumed that security agencies routinely monitored telephone calls and employed surveillance and wiretaps of persons involved in opposition political activities. []

The government blocked several domestic and international news Web sites and those operated by opposition political parties.”¹⁰⁹

An article appearing in *The Guardian* in April 2010 notes the use of surveillance by the Uzbek authorities to monitor political activity,

“Any perceived political opposition is subject to heavy surveillance, arbitrary short-term house arrest, and compromise of phone lines and email inboxes. In the past year, persecution of independent thought has spread over into non-political spheres. One no longer needs to be in opposition to the government to fear persecution. It is enough to be in some way perceived to be in opposition to the culture of Uzbekistan, to be viewed as enemy of the state.”¹¹⁰

The *USDOS* reports on the use of neighbourhood committees to inform on “potential” extremists,

“The government continued to use an estimated 12,000 neighborhood committees (“mahallas”) as a source of information on potential extremists. Committees served varied social support functions, but they also functioned as a link among local society, government, and law enforcement. Mahalla committees in rural areas tended to be more influential than those in cities.

There were credible reports that police, employers, and neighborhood committees harassed family members of human rights activists.”¹¹¹

According to the 2010 annual report by *Freedom House*, in 2009, political freedom was restricted by the Uzbek authorities, and censorship remained prevalent,

“President Islam Karimov uses the dominant executive branch to repress all political opposition. []

Only four political parties, all pro-government, are currently registered, and no genuine opposition parties function legally. A 2007 law intended to expand the role of registered parties had no real effect on the moribund political arena. Unregistered opposition groups like *Birlik* and *Erk* function primarily in exile. []

Despite constitutional guarantees, freedoms of speech and the press are severely restricted. The state controls major media outlets and related facilities. Although official censorship was abolished in 2002, it has continued through semiofficial mechanisms that strongly encourage self-censorship. []

Open and free private discussion is limited by the mahalla committees, traditional neighborhood organizations that the government has turned into an official system for public surveillance and control.”¹¹²

The NGO *Forum 18* reports in March 2010 that the Uzbek intelligence services block access to certain websites,

¹⁰⁹ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

¹¹⁰ The Guardian, Uzbekistan's threatened cultural legacy, 15 April 2010, <http://www.guardian.co.uk/commentisfree/2010/apr/15/uzbekistan-cultural-legacy-threatened>, accessed 12 October 2010

¹¹¹ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

¹¹² Freedom House, Freedom in the World 2010 - Uzbekistan, 2010, <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7946>, accessed 9 October 2010

“Uzbekistan's internet censorship was immediately evident on 9 March, when internet users in the country were blocked from viewing a Russian-language news article on Lenta.ru (reposted from the website Uznews.net) about the difficulties a Muslim in Samarkand [Samarqand] encountered in getting a passport while wearing a beard. []

Blocking of websites is done at the instigation of the National Security Service (NSS) secret police. Internet service providers blame the blocking of sites on Uznet, owned by the state provider Uzbektelecom and through which all ISPs have to connect to the internet.”¹¹³

The *Institute for War & Peace Reporting* states in a July 2010 report that new legislation introduced by the Uzbek authorities may restrict the ability of young people to gain access to information,

“The Uzbek government is attempting to use legislation to improve the behaviour of young people and stop them getting involved in crime. But top-down regulation may not be the most effective way of dealing with crime, especially since the authorities also have another agenda – fending off what they regard as corrosive outside influences.” []

On May 24, a joint meeting of members of parliament and government officials discussed proposals to restrict the use of mobile phones by young people, for example in schools and universities.

In Uzbekistan, the most populous country in Central Asia, more than half of the 28 million residents are under 25. Human rights activists and analysts say crime is undoubtedly a growing problem in Uzbekistan, but believe tougher regulation does not address root causes such as falling living standards. Nor is policing the new rules likely to be effective. Young people at whom the legislation is aimed said they would ignore the curfew. One said that if he got caught, he would bribe his way out of trouble. []

An internet cafe owner who gave his name as Murad said he feared the new law would be bad for business. He also suggested that restricting access to internet cafes was an attempt to control the information that young people can access. One of the main reasons for using the web was to find news from outside Uzbekistan [].”¹¹⁴

2. Protection of Ethnic Minorities in Uzbekistan

The NGO *Minority Rights Group International* reports in 2010 that Uzbekistan’s demographics are changing due to an ongoing process of immigration and emigration,

“Minority groups include Russians (6%), Tajiks (4.8%), Kazakhs (4%), Tatars (1.6%); other minorities include Karakalpaks, Koreans, Meskhetian Turks and Jews (National Census, estimate for 1998).

Uzbekistan is made up of a number of traditional populations of Turkic (Uzbeks, Kazakhs, Karakalpaks), Semitic (Bukhara Jews), and Iranian origins (Tajiks), as well as more recent minorities which arrived in the country during the Russian and Soviet domination (Russians, Crimean Tatars, Meskhetian Turks, Koreans and some Jews).

Since 1991 however, there has been a two-way flow of population which is continuing the dramatic change to the country's demographics. While there are thousands of ethnic Uzbeks who had been working outside of the country have been returning [sic] to Uzbekistan from Russia and other neighbouring countries, other minorities which are of more recent origin

¹¹³ Forum 18, Uzbekistan - Internet censorship continues, 16 March 2010, http://www.forum18.org/Archive.php?article_id=1422, accessed 9 October 2010

¹¹⁴ IWPR, Uzbekistan Cracks Down on “Anti-Social” Youth - IWPR Institute for War & Peace Reporting, 2 July 2010, <http://iwpr.net/report-news/uzbekistan-cracks-down-anti-social-youth>, accessed 12 October 2010

such as the Russians, Crimean Tatars and others have also been emigrating in large numbers.”¹¹⁵

The *USDOS* report issued in March 2010 covering the events of 2009 notes that Uzbekistan’s Constitution and legislation both incorporate provisions intended to protect ethnic minorities,

“The law specifically prohibits articles that incite religious confrontation and ethnic discord or that advocate subverting or overthrowing the constitutional order. []

The promotion of religious extremism, separatism, and fundamentalism, as well as the instigation of ethnic and religious hatred, are all prohibited. []

The law prohibits parties based on religion or ethnicity []. []

The constitution provides for the right of all citizens to work and to choose their occupation. Although the law prohibits employment discrimination on the basis of ethnicity or national origin, ethnic Russians and other minorities expressed concern about limited job opportunities. Senior positions in the government bureaucracy and business generally were reserved for ethnic Uzbeks, although there were numerous exceptions.

The law does not require Uzbek language ability to obtain citizenship, but language remained a sensitive issue. Uzbek is the state language, and the constitution requires that the president speak it. The law also provides that Russian is “the language of interethnic communication.” Russian was spoken widely in the main cities, and Tajik was spoken widely in Samarkand and Bukhara.”¹¹⁶

According to the *USDOS* report of March 2010 covering events in 2009, “At the end of the year, there were nine members of ethnic minorities in the lower house of parliament and 15 minorities in the senate.”¹¹⁷

According to a May 2010 article published by *The Institute for War & Peace Reporting*, clashes between ethnic Kyrgyz and Uzbeks in southern Kyrgyzstan have not been widely reported in neighbouring Uzbekistan, and residents of Uzbekistan have been left to rely more on rumour than on accurate information,

“The Uzbek community accounts for about half the population of southern Kyrgyzstan, and 20 per cent nationally. []

Uzbekistan responded by deploying armoured vehicles along its border with Kyrgyzstan, which had in any case been closed since the unrest in early April that brought the present Kyrgyz interim administration to power. []

“Our relatives in Osh [in southern Kyrgyzstan] say things are very tense between Uzbeks and Kyrgyz there,” said Akmal, a resident of the Uzbek city of Andijan. “There have been assaults on Uzbeks, and they avoid going out at night so as not to provoke confrontations with the Kyrgyz”. []

Observers in Uzbekistan say such fears could be calmed if the authorities provided their citizens with accurate, balanced information about developments across the border.

Leading human rights activist Surat Ikramov says the reason rumours are circulating so fast is that “the majority of people in Uzbekistan citizens don’t have any information”.

¹¹⁵ Minority Rights Group International, Uzbekistan Overview, 2010, <http://www.minorityrights.org/2479/uzbekistan/uzbekistan-overview.html>, accessed 12 October 2010

¹¹⁶ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

¹¹⁷ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

According to Dilorom Iskhakova of the opposition movement Birdamlik in Tashkent, the authorities in Uzbekistan are reluctant to make people aware of the power of popular unrest in their near neighbour.

“Since the unrest in Kyrgyzstan started [April 6-7], Uzbek television, radio and newspapers have carried no reports about it,” she said. “That’s because our authorities think it would be fatal to report revolutions and coups.”¹¹⁸

According to a January 2010 report by the *International Crisis Group* the Uzbek intelligence services monitor the movement of citizens migrating to work abroad,

“Uzbekistan, as befits its unique view of the world, takes a different approach. When Kazakhstan offered to conclude a bilateral treaty on migration issues, Tashkent was uninterested. But international officials say that the Uzbek security services are keen to track any indications that their citizens are using labour migration as a cover to slip into Afghanistan for training by Islamist guerrillas.”¹¹⁹

In its August 2010 concluding observations on Uzbekistan the *UN Committee on the Elimination of Racial Discrimination* expressed concern at the lack of definition of racial discrimination and noted the level of racial discrimination experienced by women,

“The Committee reiterates its concern about the absence of a definition of racial discrimination in domestic law that is in full compliance with the Convention definition, even if the provisions of the Convention may be directly invoked before national courts and also its concern for sufficient clarity on the relationship between the Convention and the domestic law. []

The Committee notes that racial discrimination is often experienced by women who are also members of ethnic minorities and draws attention to the lack of demographic data reflecting the intersection of gender and race, and the lack of information on measures taken to protect and ensure the fulfilment of the rights of minority women.”¹²⁰

In its 2010 annual report, *Freedom House* states that despite anti-discrimination legislation, bias exists that favours ethnic Uzbeks in government and business circles,

“Although racial and ethnic discrimination is prohibited by law, the belief that senior positions in government and business are reserved for ethnic Uzbeks is widespread. Moreover, the government appears to be systematically closing schools for the Tajik-speaking minority.”¹²¹

3. Freedom of Religion in Uzbekistan

The May 2010 annual report of the *United States Commission on International Religious Freedom (USCIRF)* details the legal framework in Uzbekistan under which religious groups must function,

“Uzbekistan’s 1998 Law on Freedom of Conscience and Religious Organizations severely restricts the exercise of religious freedom. Through regulations that are often arbitrarily applied, the law imposes onerous hurdles for the registration of religious groups, particularly minority religious groups. The law criminalizes unregistered religious activity; bans the

¹¹⁸ IWPR, Uzbekistan: Concern at Ethnic Trouble in Kyrgyzstan, 25 May 2010, <http://iwpr.net/report-news/uzbekistan-concern-ethnic-trouble-kyrgyzstan>, accessed 12 October 2010

¹¹⁹ International Crisis Group, Central Asia: Migrants and the Economic Crisis - Asia Report N°183, 5 January 2010, p.14, [http://www.crisisgroup.org/~media/Files/asia/central-asia/183_Central_Asia_Migrants_and_the_Economic_Crisis.ashx](http://www.crisisgroup.org/~/media/Files/asia/central-asia/183_Central_Asia_Migrants_and_the_Economic_Crisis.ashx), accessed 12 October 2010

¹²⁰ UN CEDAW, Concluding observations of the Committee on the Elimination of Racial Discrimination - Uzbekistan, August 2010, p.2, <http://www.ohchr.org/EN/countries/ENACARegion/Pages/UZIndex.aspx>, accessed 12 October 2010

¹²¹ Freedom House, Freedom in the World 2010 - Uzbekistan, January 2010, http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7946Freedom_House/, accessed 9 October 2010

production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; bans private teaching of religious principles; and forbids the wearing of religious clothing in public by anyone other than clerics. []

Only six entities meet the Uzbek religion law's requirement to train religious personnel, and only seven have the legal right to import, publish, or distribute religious literature. []

Under Uzbek law, it is a criminal offense, punishable by up to five years imprisonment, to organize an "illegal" religious group (a group that is merely unregistered) or to resume such a group's activities after it has been denied registration or ordered to disband. Individual participation in an unregistered group is a crime punishable by up to three years in prison. The Uzbek criminal code distinguishes between "illegal" groups, which are not properly registered, and "prohibited," alleged extremist, groups. []

Those who participate in prohibited groups face imprisonment for up to 20 years. Uzbek courts, however, have often ignored the distinction between illegal and prohibited groups, and convicted alleged members of unregistered Muslim groups under both statutes. []

Worship meetings and all other religious activities are illegal for unregistered religious groups. Unregistered religious congregations may be subject to massive fines and police raids, as well as threats of physical violence, detentions, and arrest. Without legal registration status, religious groups cannot open bank accounts; construct, rent, or buy buildings; print religious literature; or appoint or hire a religious leader. []

The official Council on Religious Affairs (CRA) must approve all religious literature. Under the religion law, importing, storing, producing or distributing unapproved religious materials is prohibited. []

Only six registered religious communities qualify for a central administrative body, which meets the legal requirement of eight regional branches, and allows them to engage in religious education. Moreover, Uzbek law limits religious instruction to officially sanctioned religious schools and state-approved instructors. The law permits no private instruction and provides for fines for violations."¹²²

The NGO, *Institute on Religion and Public Policy* states in a 2008 report on religious freedom in Uzbekistan that, in practice, religious worship is severely limited, noting,

"The Republic of Uzbekistan pays homage to the concept of religious freedom in name only. The Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations provides protection for religious freedom in its opening articles yet then goes on to delineate numerous restrictions that impede the ability of religious communities to operate freely.

The Criminal Code of the Republic of Uzbekistan provides strict penalties for violations of the country's draconian restrictions on the exercise and practice of religion. The government routinely discriminates against such groups as the Jehovah's Witnesses and Evangelical Protestants during the registration process, denying them legal status then subsequently arresting, abusing, and fining adherents and clergy. The country's majority Muslim population faces government interference in practically every aspect of their religious life."¹²³

Human Rights Watch states in its 2010 annual report that, despite constitutional guarantees, repression of religious freedom in Uzbekistan remains widespread,

¹²² USCIRF, Annual Report of the United States Commission on International Religious Freedom, May 2010, pp.171-178, <http://religiousfreedom.com/index.php?>, accessed 13 October 2010

¹²³ Institute on Religion and Public Policy, Religious Freedom in Uzbekistan, 2008, http://lib.ohchr.org/HRBodies/UPR/Documents/Session3/UZ/IRPP_UZB_UPR_S3_2008_InstituteonReligionandPublicPolicy_uprsubmission.pdf, accessed 12 October 2010

“Although Uzbekistan’s constitution ensures freedom of religion, authorities fiercely suppress any religious group that functions outside state control. In particular, authorities have intimidated, beaten, and imprisoned on false charges Muslims who are affiliated with independent organizations and clerics.

In three separate trials in June and July 2009, 32 followers of the late Turkish Muslim theologian Said Nursi were sentenced to prison terms ranging from 5 to 11 years for religious extremism. This brings to 58 the number of Nursi followers who have been imprisoned since late 2008.

Up to 60 pious Muslims in Shakhrihan district, Andijan region, were detained in June 2009 on suspicion of illegal religious activity. In August, 11 pious Muslim men were put on trial on religious extremism charges in Karshi. In November, at least 12 pious Muslim women were detained in Karshi, one of whom is a leader in a local mosque; the charges against them are not known.

Authorities continue to arrest members of minority religions for their peaceful religious activity. Three Jehovah’s Witnesses and Pentecostal minister Dmitry Shestakov continue to serve lengthy prison sentences.”¹²⁴

According to a January 2010 report by *Freedom House*, religious activity in Uzbekistan is highly regulated by government authorities,

“The government permits the existence of mainstream religions, including approved Muslim, Jewish, and Christian denominations (primarily Protestant), but treats unregistered activities as a criminal offense. The state exercises strict control over Islamic worship, including the content of sermons. Suspected members of banned Muslim organizations and their relatives have been subjected to arrest, interrogation, and torture.”¹²⁵

Amnesty International notes in its 2010 annual report that religious organisations were subject to control by the state authorities in Uzbekistan, limiting their freedom of religious worship,

“Religious communities continued to be under strict control by the government, which restricted their right to freedom of religion. Those most affected were members of unregistered groups such as Christian Evangelical congregations and Muslims worshipping in unregistered mosques.

Suspected followers of the Turkish Muslim theologian, Said Nursi, were convicted in a series of trials. The charges against them included membership or creation of an illegal religious extremist organization and publishing or distributing materials threatening the social order. []

By October at least 68 men had been sentenced to prison terms of between six and 12 years following seven unfair trials. Appeals against the sentences were rejected. []

Reportedly, some of the verdicts were based on confessions obtained under torture in pre-trial detention; defence and expert witnesses were not called; access to the trials was in some cases obstructed; and other trials were closed. Before the start of the trials national television denounced the accused as “extremists” and “a threat to the country’s stability”, compromising their right to be presumed innocent before trial.”¹²⁶

A March 2010 article by the news agency *RIA Novosti* notes that Muslims wearing a beard may be considered extremist by the Uzbek authorities,

¹²⁴ HRW, World Report 2010, pp.473-474, <http://www.hrw.org/world-report-2010>, accessed 10 October 2010

¹²⁵ Freedom House, Freedom in the World 2010 - Uzbekistan, January 2010, <http://www.freedomhouse.org/template.cfm?page=22&year=2010&country=7946Freedom House/>, accessed 9 October 2010

¹²⁶ Amnesty International, Amnesty International Report 2010, p.350, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 12 October 2010

“An Uzbek citizen managed to protect his good name and the right to wear a beard, considered by local officials an attribute of extremists, the Uznews website said.

Officials requested the 25-year-old Muslim, a resident of Uzbekistan's second largest city of Samarkand, to provide a document proving his right to wear a beard when the man identified as Abdukhamid was applying for a new passport to replace his expired one.

The man, who was reportedly advised to turn to regional religious authorities for the requested permit, failed to get the document on his first attempt because the imam was "out of the office."

He then turned to an imam of a local mosque, who in turn refused to give him official permission to wear a beard, fearing unwanted attention and pressure. []

Eventually, he managed to meet the top regional imam, who gave him the long-awaited document that stated the man was not an extremist and could wear a beard.

The news service said the officials, who illegally ordered the 25-year-old to get the document, were surprised when he provided it, saying it was a rare case when a bearded man managed to meet such a requirement.”¹²⁷

The OSCE states in a September 2010 report on religious freedom in Uzbekistan that violation of the right to freedom of religion or belief in Uzbekistan represents one of the most serious escalations of human rights abuses in the country,

“In our view, violation of the right to freedom of religion or belief in Uzbekistan represents one of the most serious escalations of human rights abuses and threatens Uzbekistan’s future as a stable nation governed by the rule of law and democratic principles. The Uzbek authorities dismiss the crackdown against independent Islamic groups as necessary to stabilize the country during its transition toward its stated goals of a democratic state and a free-market economy. []

Apart from Muslim religious organizations approximately 180 religious organizations of the other 15 various religious faiths operate in Uzbekistan. There is also a Bible Society of Uzbekistan – an inter-faith religious organization which assists other religious organizations in getting better access to the religious literature. []

Uzbek law provides for criminal and administrative penalties against those involved in unregistered religious organizations, private religious education, and the possession and distribution of literature recognized as “extremist”. Counter-terror laws are also actively applied in persecution of Muslims who fall beyond the government controlled Islam. Uzbek authorities have invoked these penalties to punish Muslims who pray in unregistered mosques, study Islam with private teachers, or who are followers of imams who fall out of favor with the government. Using the aforementioned law enforcement tools, government attempted to portray independent Muslims as “extremists” and the “nation’s enemies”. []

It is believed that currently more than 7000 political prisoners are being held in colonies on the basis of their religious beliefs. []

Religious prisoners and their family members in Uzbekistan face immense discrimination in all walks of life. The government policy on combating religious fundamentalism and extremism is built on the principle that if there is one religious extremist in the family, all remaining members of the family are then extremists too. There are many cases when the

¹²⁷ RIA Novosti, Uzbek man wins right to wear beard, 9 March 2010, <http://en.rian.ru/exsoviet/20100309/158141146.html>, accessed 9 October 2010

Uzbek authorities have arrested and imprisoned for long years several members from the same family. []

The religious prisoners, unlike other types of inmates, are annually forced by the prison authorities to write official letters of apologies to the name of the Uzbek people and the head of state."¹²⁸

In April 2009, *Forum 18* reported that some religious groups, including Christians, Muslims and Jehovah's Witnesses have experienced harassment,

"Uzbekistan continues to harass and fine Christians, Muslims and Jehovah's Witnesses exercising their freedom of thought, conscience or belief, Forum 18 News Service has found. In one recent case 13 Baptists have been fined the extremely large sum of 50 times the minimum monthly salary, for meeting for worship. The verdict, which has been seen by Forum 18, claims that it follows police "anti-terror" operations. The judge who imposed the fine has refused to discuss the case with Forum 18. And in a continuation of the current official actions against people with religious literature, two Baptists carrying religious literature have been arrested on the capital Tashkent's Metro, questioned at a police station by the most senior police officer responsible for Metro security, and will be charged for carrying the literature. Attempting to justify the police action, a local official in the capital told Forum 18 that "religious movements are trying to destabilise Uzbekistan." However, he did not explain how violating fundamental human rights stabilises Uzbekistan."¹²⁹

In June 2009¹³⁰ and June 2010¹³¹ *Forum 18* reported that religious groups faced oppression:

"Uzbekistan continues to impose enormous fines on people exercising their freedom of religion or belief, Forum 18 News Service has learned. In total, 33 people are known to have each been fined up to 100 times the minimum monthly salary in April and May. Fines have been imposed by courts throughout the country, and in some cases appeals against fines have resulted in a reduction. An example was a reduction of fines against six Baptists from 50 times to five times the minimum monthly salary. However in most other cases reductions have not been as significant, for example fine reductions from 80 times to 60, 50 or 40 times the minimum monthly salary. Official hostility continues towards religious literature, in one case literature was ordered to be destroyed after an "expert analysis" from the state Religious Affairs Committee stated that religious books can "only" be used within the confines of the registered religious communities. "Believers are deprived of their right to hold any Christian literature in their homes," Baptists complained to Forum 18. No state officials were willing to discuss the cases."¹³²

Forum 18 reports in a September 2009 article that women and children have been barred from attending mosques by local authorities,

"Namangan Region in south-east Uzbekistan is the latest known region to have tried to stop children attending mosques. These moves follow the south-eastern Kashkadarya Region, where Muslim and Christian children and parents have been threatened for attending places of worship []. []

Deputy Hokim Irisov told Forum 18 on 15 September that "the law" bans children from attending mosques or any other religious meetings during the school hours. "My personal

¹²⁸ OSCE, Freedom of Religion or Belief in Uzbekistan - A Policy Brief for the 2009 OSCE Human Dimension Implementation Meeting, 29 September 2010, http://www.osce.org/documents/odihr/2009/09/39910_en.pdf, accessed 10 October 2010

¹²⁹ Forum 18, Uzbekistan: Religious movements are trying to destabilise Uzbekistan, 8 April 2009, http://www.forum18.org/Archive.php?article_id=1282, accessed 6 December 2010

¹³⁰ Forum 18, Uzbekistan, Enormous fines for religious activity continue, 8 June 2009, http://www.forum18.org/Archive.php?article_id=1307, accessed 29 November 2010

¹³¹ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹³² Forum 18, Uzbekistan, Enormous fines for religious activity continue, 8 June 2009, http://www.forum18.org/Archive.php?article_id=1307, accessed 29 November 2010

opinion is that children of school age should not attend religious meetings at all but study," he stated. "We are not going to put children in prison," Irisov said, when asked whether anyone would be punished if children were found attending mosques. He did not say whether teachers or parents would be punished. []

Mutabar Akhmedova, a human rights defender from Tashkent told Forum 18 on 17 September that it is not widely socially acceptable for women to attend mosques, because of the presence of men. But the state authorities particularly disapprove of women who are active Muslims attending mosques."¹³³

In June 2010, *Forum 18* stated that religious organisations are required to be registered with the government.

"In defiance of Uzbekistan's international human rights commitments, all unregistered religious activity is banned and can be punished with heavy penalties.

State registration is very difficult to get for religious communities the state does not like. Jehovah's Witnesses have faced particular difficulties. Of the more than 30 communities believed to exist, only one now has state registration, in the town of Chirchik [Chirchiq] near the capital Tashkent."¹³⁴

Further, *Forum 18* reported in June 2010 that some protestant churches had their registration revoked.

"The seventh in a series of Protestant churches stripped of state registration in the central Uzbek city of Samarkand in the past four years is still battling to regain it. Without registration, all religious activity is illegal. "For more than a year our church has been trying to establish the illegality of the stripping of registration," a member of Samarkand's Central Protestant Church told Forum 18 News Service. "All the courts either say it is not within their competence or remain silent." Asked if there was any hope that the church would be able to regain its registration, an official of Samarkand Regional Justice Department told Forum 18: "I don't know what decision we will take. I am not a doctor." At least one further local Protestant church has applied in vain for registration for the past decade. "Now all of us have been deprived of the fundamental right to pray together and worship God," one local church leader complained. Local Muslims, Hare Krishna devotees and Jehovah's Witnesses have also faced harassment."¹³⁵

Forum 18 stated that the revocation of a religious group's registration renders "all its religious activity illegal and its leaders and members liable to punishment."¹³⁶

According to *Forum 18*, the Central Protestant Church in Samarkand has challenged the decision to revoke its registration at several courts including the Supreme Court, ""For more than a year our church has been trying to establish the illegality of the stripping of registration," one church member told Forum 18. "All the courts either say it is not within their competence or remain silent."¹³⁷

¹³³ Forum 18, Uzbekistan - Muslim and Christian worship attacked, http://www.forum18.org/Archive.php?article_id=1349, accessed 9 October 2010

¹³⁴ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹³⁵ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹³⁶ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹³⁷ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

Forum 18 reports that one church has repeatedly been denied registration, “Samarkand's Greater Grace Church has applied for registration in vain since 2000 and its members have been intermittently harassed and fined, most recently in February 2010”¹³⁸

Forum 18 further reports that, “Even registered communities face pressure. Pastor Andrei Kosulitsky, who leads the registered Baptist Church in Samarkand, was given an official warning in February 2009.”¹³⁹

According to *Forum 18*, groups who are registered may live in fear of this status being revoked.

“Religious communities which have been able to get state registration often live in fear that such registration can be stripped from them at any moment, as has happened to mosques, churches and other religious communities.”¹⁴⁰

The May 2010 annual report of the *USCIRF* states that many religious groups avoided registering with the state authorities to protect their activities from interference,

“Many churches, particularly evangelical churches with ethnic Uzbek membership, did not apply for registration because they expect local officials to refuse their applications. Other groups, particularly those with too few members to qualify for registration, reported that they did not want to draw official attention and possible official harassment.”¹⁴¹

Minority Rights Group International notes in its publication ‘State of the World's Minorities and Indigenous Peoples 2010’ that religious worship is monitored by Uzbekistan's security police and local neighbourhood committees.¹⁴² The report also states that religious publications are frequently seized by the state authorities,

“Religious worship and other religious meetings are at risk of raids by the security police, the National Security Service (NSS), ordinary police, and local administrative officials, as well as by members of the local *mahalla* (neighbourhood) committees, which are used as an instrument of social control. Detained religious believers are routinely beaten in custody and some women have reported being raped or sexually abused by officers or threatened with such abuse. One female Jehovah's Witness minor was sexually abused in police custody in Samarkand in 2008. Such sexual assaults, or even rumours of such assaults, have a double impact on women in such a conservative society where conventions of ‘honour’ are deeply ingrained. []

While the state-backed Muftiate is under complete government control, with the state appointing the chief mufti and all clerics, Islamic groups which choose to practise their faith outside this structure face intense state pressure. Mahalla committees maintain lists of active religious believers in their district, both Muslim and non-Muslim, and many independent Muslims have been imprisoned. []

Also banned and punishable in law is any form of religious education without specific state approval, as well as the sharing of one's faith. Religious literature is censored by the government; specific permission is required to print or import any religious publication, with quantities to be determined by officials.

¹³⁸ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹³⁹ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹⁴⁰ Forum 18, Uzbekistan: Samarkand – City of closed protestant churches, 15 June 2010, http://www.forum18.org/Archive.php?article_id=1457, accessed 29 November 2010

¹⁴¹ USCIRF, Annual Report of the United States Commission on International Religious Freedom May 2010, May 2010, p.173, <http://religiousfreedom.com/index.php?>, accessed 13 October 2010

¹⁴² MRG, State of the World's Minorities and Indigenous Peoples 2010, 2010, <http://www.minorityrights.org/download.php?id=840>, accessed 12 October 2010

While the law lays down strict limits on 'permissible' religious activity, many of the restrictions imposed by officials are arbitrary and go far beyond what the law declares. Religious communities – whether Muslim or of other faiths – are not able to buy, build or open places of worship freely. Some places of worship have been confiscated. Open as well as covert surveillance of religious believers and communities by the security police is widespread. The NSS has sent agents to monitor worship, recruited spies within communities and even hidden microphones in places of worship. []

Religious books or recordings, whether or not they have been specifically banned, are routinely seized during police raids on religious communities. Courts frequently order such confiscated literature, including Christian Bibles, to be burned."¹⁴³

In May 2010 *Forum 18* reported that religious minorities had been jailed, fined and had literature confiscated and destroyed,

"Uzbekistan has continued short-term jailings of religious minorities, with three Protestant Christians from a registered church today (18 May) being given 15 day jail terms, Forum 18 News Service has learnt. Three other Protestants – arrested after a raid on the Tashkent church - were each fined 80 times the minimum monthly wage, and two other Protestants were fined five times the minimum monthly wage. Six computers seized during the raid were ordered to be given to the state, and seized Christian literature ordered destroyed. "Everyone was shocked at the verdict because the defendants proved in court that they were innocent and there were so many violations of legal procedure," one Protestant told Forum 18. Unusually the court sat into the evening and the sentences were given at about 10.30 pm local time. Among other recent punishments for "illegal" religious literature, one Baptist has been fined 20 times the monthly minimum wage and his religious literature – including the New Testament - was ordered to be destroyed."¹⁴⁴

The NGO *Forum 18* reports in July 2009 article that Baptists have been prevented from meeting one another to worship,

"Gafur Yusupov, who lives in a home for people with disabilities in the city of Fergana [Farghona] in eastern Uzbekistan, has been banned from attending the Baptist Church of which he is a member [].

The isolation of Yusupov from his fellow-believers comes as the Uzbek authorities continue to harass and raid religious communities of all faiths, imprison and fine individual believers, and confiscate and destroy religious literature. "We will continue to fine you and burn your literature," one police officer in the capital Tashkent told local Baptists. []

The congregation Yusupov belongs to is part of the Baptist Council of Churches. Their congregations refuse to register with the state, arguing that registration represents unacceptable state interference in their activity."¹⁴⁵

The news agency *Ferghana.RU* states that a Christian organisation was closed down in May 2010 in Tashkent,

"The Church of Christ is sealed in Tashkent while 8 of its workers and congregants were imposed charges or administrative arrest of 15 days. The reason of such actions became the

¹⁴³ MRG, State of the World's Minorities and Indigenous Peoples 2010, 2010, <http://www.minorityrights.org/download.php?id=840>, accessed 12 October 2010

¹⁴⁴ Forum 18, Uzbekistan, 15-day jail terms, large fines, literature destruction follow raid, 18 May 2010, http://www.forum18.org/Archive.php?article_id=1445, accessed 29 November 2010

¹⁴⁵ Forum 18, Uzbekistan - Banned from meeting fellow-believers , http://www.forum18.org/Archive.php?article_id=1322, accessed 12 October 2010

statement of Tashkent resident that accused the Church workers of their illegal attempt to turn his 5- year son to Christianity.”¹⁴⁶

The NGO *Forum 18* reports in March 2010 that it is alleged the security services monitor Uzbek residents’ use of the Internet in connection to religious activities,

“Sources who preferred not to be identified told Forum 18 that the NSS secret police also uses the internet to hunt for political activists and religious believers within Uzbekistan conducting activity it does not like. []

Independent news sites in Uzbek and Russian based abroad are routinely blocked, including Uznews.net, Ferghana.ru, Centrasia.ru and the Rferl.org Radio Free Europe website. []

Many of these websites include news of violations of religious freedom in Uzbekistan as part of their coverage. Political opposition sites as well as radical Islamic sites – such as those of the Hizb-ut Tahrir movement - are likewise blocked.”¹⁴⁷

Radio Free Europe/Radio Liberty reports in August 2009 that authorities in Uzbekistan have banned the wearing of hijabs, or Islamic head coverings, as a security measure prior to Independence Day,

“State-run television say there is a risk of terrorists hiding bombs under the Islamic veil to carry out attacks in public places as the country marks its Independence Day, as well as the 2,200th anniversary of the capital, Tashkent, on Tuesday. []

As for the ban on the hijab, at least one Islamic veil “expert” believes it won't do much to lessen the risks to public security.”¹⁴⁸

According to an August 2009 report by *Forum 18*, raids by anti-terrorism police officers have targeted the activities of Christian worshippers,

“Some twenty Anti-Terror Police officers raided the regular Sunday afternoon worship service of the registered Donam Protestant church in the capital Tashkent on 23 August, claiming it was "unauthorised". Seven church members were arrested and Christian literature was confiscated []. []

The pastor and three other members of a registered Protestant church in the capital Tashkent have each been given fifteen-day prison terms on charges of leading an "unauthorised" religious meeting, the verdict in the case, seen by Forum 18 News Service, reveals. []

The arrests followed a 23 August raid on the regular Sunday afternoon worship service of the Donam Evangelical Christian Saints Church in Tashkent's Yunusabad District by some twenty officers of the Anti-Terror police. The verdict also reveals that Christian publications seized during the raid are to be destroyed, a common fate for religious literature confiscated by police during raids on religious communities in Uzbekistan.”¹⁴⁹

According to a *Forum 18* report in May 2010, both Muslim and Christian services of worship have been raided by the police and other state authorities,

¹⁴⁶ Ferghana.RU, Uzbekistan: The Church of Christ is suspended in Tashkent; eight members of it are brought to trial, http://enews.ferghana.ru/index.php?did=8&bracket_flag=1, accessed 12 October 2010

¹⁴⁷ Forum 18, Uzbekistan: Internet censorship continues, http://www.forum18.org/Archive.php?article_id=1422, accessed 12 October 2010

¹⁴⁸ Radio Free Europe/Radio Liberty, Deadly Head Scarves, 31 August 2009, http://www.rferl.org/content/Hiding_Under_The_Hijab/1811412.html, accessed 10 October 2010

¹⁴⁹ Forum 18, Uzbekistan - Four 15-day prison sentences for regular, registered worship service, http://www.forum18.org/Archive.php?article_id=1341, accessed 9 October 2010

“Uzbekistan's police, National Security Service (NSS) secret police, Tax Inspectorate, Fire Brigade, and Sanitary- Epidemiological Service raided one of the biggest Protestant churches in the capital Tashkent during its Sunday morning worship service yesterday (16 May), Protestants who asked not to be identified for fear of state reprisals have told Forum 18 News Service. Eight members of the Church of Christ, a Russian-language Full Gospel congregation, were arrested including Assistant Pastor Artur Avanesyan. []

The Court has refused to publicly disclose what articles Pastor Avanesyan and the other defendants are being charged under. The Prosecution claims to have a letter from a father accusing the church of forcing his children to change their faith. []

The raid on the Church of Christ is the latest in a series of similar raids on Protestant congregations. On 10 April, police raided a Protestant church's youth conference, held in the village of Baraj in Bostanlyk District of Tashkent Region. []

Forum 18 has learnt that on 14 April, a Methodist congregation in Tashkent was also raided by police, accompanied by the Tax Inspectorate and the Fire Brigade. []

The raids on Protestant churches come amid a continuing crackdown on religious activity across Uzbekistan. Many religious believers of a variety of faiths have been given long prison sentences over recent years to punish them for their religious activity, including Muslims, Protestant Christians and Jehovah's Witnesses.

Baptist prisoner of conscience Tohar Haydarov was given a ten-year jail term on drugs charges in Guliston in March.”¹⁵⁰

A report by *Forum 18* in October 2010 states that Baptists given fines following an anti-terrorism raid by police on the congregation have failed to have their convictions overturned on appeal to a higher court,

“Five Baptists in Samarkand [Samarqand] in Uzbekistan have failed to have fines for taking part in an unregistered worship service overturned on appeal, local Baptists have told Forum 18 News Service. On 14 October Judge S. Ashurov of Samarkand Regional Criminal Court, in the centre of Uzbekistan, rejected the Baptist's appeals against the fines imposed on 21 September. The Baptists told both courts they consider the fines unfounded, and a violation of their religious freedom. They have continued to lodge official protests, are pressing for the confiscated religious literature to be returned – and for action to be taken against a police officer who beat two of them.”¹⁵¹

A further report by the Norwegian NGO *Forum 18* notes in October 2010 the conviction of a Protestant for possession of a film depicting the life of Jesus,

“A court in Uzbekistan's capital Tashkent found a Protestant, Murat Jalalov, guilty of owning one copy of a Christian film, Protestants who asked not to be identified for fear of state reprisals told Forum 18 News Service. Jalalov narrowly avoided a 15-day jail term in the trial on 30 September, and was instead given a massive fine - apparently on the instructions of the National Security Service (NSS) secret police. Other religious believers have been fined for offering religious literature on the street. One man – not a religious believer – was fined for refusing to give police the whereabouts of his son, whom police were seeking to prosecute for his religious activity. []

On the evening of 29 September, five police officers in Tashkent's Sergeli District raided the home of the Jalalov family, claiming to be conducting an identity check. The raid was led by

¹⁵⁰ Forum 18, Uzbekistan - Large raid and almost immediate trial starts against registered church, 17 May 2010, http://www.forum18.org/Archive.php?article_id=1444, accessed 10 October 2010

¹⁵¹ Forum 18, Uzbekistan: "Anti-terror" raid on Protestant worship, beatings, and fines, 26 October 2010, http://www.forum18.org/Archive.php?article_id=1503, accessed 29 October 2010

Zufar Rashidov of the Criminal Investigation and Anti-terrorism Department, as well as local crime prevention officer S. Yuldashev. After taking Murat Jalalov's passport, the officers burst into his flat and searched it. []

That same day, police sent the confiscated materials for analysis by the national state Religious Affairs Committee. In a response the same day, signed by Committee Chair Yusupov which Forum 18 has seen, the Committee said that 'the Jesus film' "could be used among local ethnicities for missionary purposes" and was therefore not recognised as being allowed for import into and distribution within Uzbekistan. Article 216-2 of the Criminal Code bans - against international human rights commitments - "attracting believers of one faith to another (proselytism) and other missionary activity", and imposes a maximum of three years' imprisonment as punishment. []

Jalalov's appeal against the sentence was rejected on 20 October by Judge A. Kodyrov of Tashkent Criminal Court."¹⁵²

In June 2010 *Eurasianet* reported that following violent attacks in Andijan and Tashkent two groups of 25 Muslims had been sentenced on charges of "extremism" in "closed door" proceedings,

"Very little is know about the people who have been tried, mainly young men in their 20s and 30s, but human rights defenders and relatives say they were arrested for holding unsanctioned prayer meetings in their homes and distributing religious literature and tapes. Prosecutors have charged them with creating extremist groups to attempt to overthrow the constitutional order to install a theocracy, yet no evidence of violence has been supplied, and any connection they may have had to past violent incidents has not been established publicly.

The first group of 25 Uzbek citizens were sentenced by the Tashkent regional criminal court for their alleged membership in a group called Islamic Jihad of Uzbekistan, said by the Uzbek government to be a religious extremist group, the Veritas Youth Human Rights Movement reported in a statement circulated by email June 1. Veritas said it had obtained a copy of the sentence handed down by the court at one of many such trials held behind closed-doors since the attacks last spring and summer These include bombings in Andijan region where one policeman was killed; the murder of a prosecutor and the stabbing of two religious figures in Tashkent last July, as well as shoot-outs between militants and the police in Tashkent last August. All the defendants were detained in January and February 2010 in a wave of arrests throughout the region.

In both cases, the men are charged with "encroachment on the constitutional order;" "dissemination of materials harmful to public safety and order"; "creation, leadership and participation in religious extremist, separatist, fundamentalist or other banned organizations;" and "unlawful organization of public associations or religious organizations."¹⁵³

Eurasianet reports that some defendants made statements that they had been tortured in detention,

"The trial of the second group of 25, most of whom are from the Pakhtakor district and are ages 25-35, began on February 5, 2020 in the Jizak region criminal code with Judge Dilshod Orolov presiding. The defendants knew each other from the neighborhood or from work. The men had to share 6 state-appointed attorneys to defend them.

¹⁵² Forum 18, Uzbekistan: Massive fine for having a film of Jesus' life, 25 October 2010, http://www.forum18.org/Archive.php?article_id=1502, accessed 28 October 2010

¹⁵³ Eurasianet, Uzbek courts sentence two groups of 25 Muslim believers on "extremism" charges, 7 June 2010, <http://www.eurasianet.org/node/61224>, accessed 29 November 2010

In March, the Expert Group was informed that 12 of the men arrested made statements that they had been tortured and suffered inhumane treatment in pre-trial detention. In an unusual admission of a common practice that can go unacknowledged in Uzbekistan, the court ordered a medical examination for four of the men, but then later said the statements submitted by the Jizak bureau of forensic medicine found no evidence of torture. The prosecutor then asked for 14 years of imprisonment for these four men, saying they were the heads of a banned religious group, and requested 6-10 years for the others. All of the men denied any guilt and said they had only held religious discussions in their private homes, and believed their praying was not a crime.¹⁵⁴

Forum 18 also report on the use of closed trials, they further report that defendant's lawyers have been threatened against defending the cases and that church members have been threatened for challenging their detention,

"Following a closed trial, Uzbekistan has imposed prison sentences of up to six years and fines on 19 Muslims, *Forum 18 News Service* has learned. "The case was fabricated," human rights defender Surat Ikramov complained, stating that the trial was conducted in "flagrant violation" of the Criminal Procedure Code. In a separate trial 10 other prisoners of conscience, who read works by the Muslim theologian Said Nursi, were jailed for between eight years and five years and two months. Lawyers defending three former prisoners of conscience from Tashkent's Protestant Church of Christ have been threatened by the authorities that "they could be stripped of their licenses if they continue to defend these cases." Similarly, the Religious Affairs Committee has threatened to strip the registered church of legal status if church members continue to complain about the jailings and other human rights violations. Two Protestant former prisoners of conscience in the south have also been threatened by police, and have had to leave their homes. "In one instance one of them was told by a police officer that they will always breathe down their necks, as long as they continue their Christian activity," *Forum 18* was told.¹⁵⁵

4. Protection of Refugees and Asylum Seekers in Uzbekistan

The *UNHCR* notes in an August 2003 briefing Uzbekistan's commitments according to international treaties,

"The Republic of Uzbekistan is not a State Party to the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol. However, in November of 1999, the President of Uzbekistan signed the Charter for European Security, paragraph 22 of which contains a commitment by signatory States to respect the right to seek asylum and to ensure the international protection of refugees, as set out in the 1951 Convention and its 1967 Protocol. The commitment is of a purely political nature and does not constitute a legally-binding obligation. []

Uzbekistan has not signed any readmission agreements. Within the CIS, Uzbekistan is a member of the 'Agreement on the Movement of CIS citizens within the CIS Territory without Visa' (Minsk agreement) of October, 1992. This agreement foresees in its Article 2 that citizens of the CIS countries, which have signed the Agreement, have the right to enter, leave and move within the territory of these States without a visa. This visa-free stay is, however, limited to 45 days. Furthermore, for reasons of national security, Uzbekistan has limited the scope of the agreement (like most of the countries in the region), and established a visa regime with Turkmenistan, Kyrgyzstan and Tajikistan."¹⁵⁶

¹⁵⁴ Eurasianet, Uzbek courts sentence two groups of 25 Muslim believers on "extremism" charges, 7 June 2010, <http://www.eurasianet.org/node/61224>, accessed 29 November 2010

¹⁵⁵ *Forum 18*, UZBEKISTAN: Muslims jailed, lawyers, church and Christian former prisoners of conscience threatened, 4 June 2010, http://www.forum18.org/Archive.php?article_id=1455, accessed 29 November 2010

¹⁵⁶ *UNHCR*, Background Information on the Situation in the Republic of Uzbekistan in the Context of the Return of Asylum Seekers, August 2003, p.1, <http://www.unhcr.org/refworld/pdfid/3f6861782.pdf>, accessed 10 October 2010

The *UNHCR* further notes in its 2003 briefing,

“In view of the complex geo-political situation in Uzbekistan, in particular the presence of a common border with Afghanistan, the Uzbek authorities place their concern for national security high on the political agenda. This legitimate concern often overshadows issues related to human rights. The process of reconciling the concern for national security with the establishment of a protection regime for refugees has so far not been achieved in Uzbekistan. The Uzbek authorities view the debate on refugees within a broader framework of border control and the fight against illegal migration and do not acknowledge that refugees have specific protection needs.

In this context, asylum seekers and refugees in Uzbekistan are considered as and treated like any other migrants. The provisions of the 1996 Decree “on the Procedure of Entry, Departure and Transit of Foreign Citizens and Stateless Persons”_ and of Articles 223/224 of the Criminal Code are consequently fully applicable to refugees and asylum seekers, who have entered the country illegally or who are illegally staying on the territory of Uzbekistan.”¹⁵⁷

The *USDOS* report issued in March 2010 covering the events of 2009 notes with regard to Uzbekistan’s protection of asylum seekers and refugees that,

“The country is not a party to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. Its laws do not provide for the granting of asylum or refugee status, and the government has not established a system for providing protection to refugees.

In practice the government provided some protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened due to their race, religion, nationality, membership in a particular social group, or political opinion. As in the previous year, there were reported cases of the government forcibly removing Afghan refugees from the country. In practice the government did not allow the UNHCR to provide assistance to refugees and asylum seekers.”¹⁵⁸

A March 2008 report by the *American University Washington College of Law* comments on the application of the Minsk Agreement by Uzbekistan and Kyrgyzstan in relation to refugees and asylum seekers,

“Uzbekistan, citing the Minsk Agreement, urges Kyrgyz authorities to return persons accused of crimes in the Andijan massacre. To maintain good ties with its neighbor and comply with its responsibilities under the Minsk Agreement, Kyrgyzstan extradited some refugees to Uzbekistan on the grounds that they faced criminal charges. Once extradited, however, the Uzbekistani government pressed political charges against them for engaging in opposition activity. Kyrgyzstan, however, does not retain a similar law banning political opposition. []

Over the past two years, the Kyrgyzstani government has exhibited two different approaches to the question of refugees from Uzbekistan. On the one hand, it has granted asylum to Uzbekistani refugees under its obligations in international conventions. On the other hand, it has returned refugees to Uzbekistan under its obligations in the Minsk Agreement, under political pressure from Uzbekistan.”¹⁵⁹

The *UN Committee on the Elimination of Racial Discrimination* states in its August 2010 concluding observations on Uzbekistan,

¹⁵⁷ UNHCR, Background Information on the Situation in the Republic of Uzbekistan in the Context of the Return of Asylum Seekers, August 2003, p.4, <http://www.unhcr.org/refworld/pdfid/3f6861782.pdf>, accessed 10 October 2010

¹⁵⁸ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

¹⁵⁹ American University Washington College of Law, International Legal Updates , 27 March 2008, p.36, <http://www.wcl.american.edu/hrbrief/15/2legal.pdf?rd=1>, accessed 12 October 2010

“The Committee is concerned about the substantial number of stateless persons in the State party, the complicated procedures regulating the acquisition of Uzbek citizenship and the limited other measures taken to avoid statelessness. The Committee is concerned in particular regarding the conditioning of the acquisition of Uzbek citizenship on the renunciation of any other citizenship, which may lead to statelessness. The Committee is also concerned about the situation of children of stateless parents. []

The Committee is concerned about the absence of specific legislation on refugees, in particular the lack of legal safeguards against forced removal of individuals to a country where their life/health may be at risk. The Committee notes the information submitted by the State party on the implementation of bilateral extradition agreements and regrets that no information was submitted on the domestic legal mechanisms ensuring the implementation of the non-refoulement principle.”¹⁶⁰

Amnesty International and Human Rights Watch have reported on the harassment by Uzbek authorities of refugees who have sought asylum abroad.¹⁶¹

In July 2010 *Amnesty International* reports that Muslims who have sought refugee status abroad, following persecution for worshipping outside state approved Mosques “face a real risk of torture and other serious human rights violations,” if returned,

“Amnesty International has repeatedly documented violations of the right to freedom of religion in Uzbekistan. Those most affected were members of unregistered groups such as Christian Evangelical congregations, and Muslims worshipping in mosques outside state control. The Uzbekistani authorities continue to actively seek the extradition from neighbouring countries, in the name of national security and the fight against terrorism, of suspected members of Islamic movements or Islamist parties banned in Uzbekistan. Most of those forcibly returned to Uzbekistan are held in incommunicado detention, thereby increasing their risk of being tortured or otherwise ill-treated.”¹⁶²

Human Rights Watch states in a May 2010 article that the families of Uzbek refugees who have sought asylum abroad face harassment from the Uzbek authorities,

“The Uzbek government is vigorously persecuting the relatives of people it suspects of links to demonstrations in the eastern city of Andijan five years ago, when government forces killed hundreds of mostly unarmed protesters, Human Rights Watch said today.

New research by Human Rights Watch reveals that the Uzbek government continues to intimidate and harass the families of Andijan survivors who have sought refuge abroad. The police regularly summon them for questioning, subject them to constant surveillance, and threaten to bring criminal charges against them or confiscate their homes. School officials humiliate refugees' children. []

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¹⁶⁰ UN CEDAW, Concluding observations of the Committee on the Elimination of Racial Discrimination - Uzbekistan, August 2010, p.3, <http://www.ohchr.org/EN/countries/ENACARRegion/Pages/UZIndex.aspx>, accessed 12 October 2010

¹⁶¹ Amnesty International, Public Statement: Uzbekistani asylum seekers at risk of extradition from Ukraine and Kazakhstan, 6 July 2010, <http://www.amnesty.org/en/library/asset/EUR04/002/2010/en/c538edf2-d3fa-4394-af19-9c6b0e703dda/eur040022010en.pdf>, accessed 18 November 2010, HRW, Uzbekistan: Stop Persecuting Andijan Refugees' Families, 4 May 2010, <http://www.hrw.org/en/news/2010/05/04/uzbekistan-stop-persecuting-andijan-refugees-families>, accessed 12 October 2010

¹⁶² Amnesty International, Public Statement: Uzbekistani asylum seekers at risk of extradition from Ukraine and Kazakhstan, 6 July 2010, <http://www.amnesty.org/en/library/asset/EUR04/002/2010/en/c538edf2-d3fa-4394-af19-9c6b0e703dda/eur040022010en.pdf>, accessed 18 November 2010

summon them for questioning, subject them to constant surveillance, and threaten to bring criminal charges against them or confiscate their homes. School officials humiliate refugees' children. []

A woman who fled Andijan recently said her mother was too afraid to allow her daughter to stay in her house. Another described how the neighborhood policeman repeatedly questions the man's elderly mother and pressures her to denounce her son as a "terrorist." A third refugee, who recently fled Uzbekistan, described how the security service repeatedly summoned him for questioning, as recently as December, and beat him. []

A climate of fear persists in Andijan five years after the massacre. Although the Uzbek government attempts to portray Andijan as a closed chapter, the refugees said they still fear repercussions for their relatives back in Andijan.

Their relatives are subject to constant surveillance - by mahalla (local neighborhood) committees, the police, and the National Security Agency (SNB) - and are under constant threat of persecution by the authorities. []

The refugees described a pattern of government harassment. Police summon relatives, interrogate them, demand that they write explanations about their activities, order them to provide official documents for no apparent reason, and call on them at their homes and places of work repeatedly. []

Almost all of the refugees interviewed recently said their relatives are summoned by the police once or twice a month. Most of those interviewed said their relatives are obliged to answer the same questions over and over again, including where their relatives abroad live and work, whether they send home money, how much and how it is spent. They are also forced to write explanatory statements about their activities, including where they go and whom they visit."¹⁶³

Human Rights Watch states in a February 2009 article that Uzbek refugees have been abducted abroad and returned to Uzbekistan,

"An Uzbek refugee who was abducted last year in Kyrgyzstan is now believed to be on trial in Uzbekistan, Human Rights Watch said today. Haiatjon Juraboev is among more than a dozen refugees forcibly returned to Uzbekistan from Kyrgyzstan since 2005.

On September 19, 2008, Juraboev, who had been granted refugee status by the Office of the UN High Commissioner for Refugees (UNHCR), was about to enter a mosque in Bishkek, the Kyrgyz capital, when a man claiming to be a Kyrgyz National Security Service officer approached him and ushered him into a car. Juraboev's whereabouts were then unknown until January, when, according a reliable source, his mother learned he was in a Tashkent prison and was able to visit him. []

For several years, the Uzbek government has pressured Kyrgyzstan and other countries in the region to force Uzbek refugees and asylum seekers to return to Uzbekistan. In some cases, the other countries have complied with extradition or deportation proceedings. In others, like Juraboev's, refugees are abducted, "disappear," and reappear in custody in Uzbekistan. []

Juraboev, 35, is a son-in-law of Obidkhan Alikhanov, an imam who was convicted on religious extremism charges in Uzbekistan in the early 1990s. After studying in Syria, Juraboev taught Islam in Russia."¹⁶⁴

¹⁶³ HRW, Uzbekistan: Stop Persecuting Andijan Refugees' Families, 4 May 2010, <http://www.hrw.org/en/news/2010/05/04/uzbekistan-stop-persecuting-andijan-refugees-families>, accessed 12 October 2010

¹⁶⁴ HRW, Uzbekistan: Abducted Refugee on Trial, 5 February 2009, <http://www.hrw.org/en/news/2009/02/05/uzbekistan-abducted-refugee-trial>, accessed 10 October 2010

Refugees International comments in a December 2007 article on the issues facing ethnic Uzbeks living in the Ferghana Valley area between Uzbekistan and Kyrgyzstan,

“It is reported that as many as 10 to 30 percent of the people in border regions have no papers. Ferghana Valley Lawyers without Borders confirms that stateless persons compose a high percentage of the population in border villages. In a village near Osh, one woman said that at least ten of her acquaintances find themselves in this situation.

The largest of these groups of people is from Uzbekistan, a neighbor that presents Kyrgyzstan with, as one official put it, a “difficult, but necessary, relationship.” Refugees hide in fear of abduction by Uzbek secret service agents working on Kyrgyz soil and in cooperation with Kyrgyz law enforcement agencies. Uzbeks living in Kyrgyzstan have little hope of being welcome again in Uzbekistan if their attempts at gaining citizenship ultimately fail.

There are many Uzbeks, for example, who’ve married Kyrgyz citizens in a region that for decades was unified until artificially severed by post-Soviet borders. During the prolonged application process, an Uzbek’s passport may threaten to expire. However, an Uzbek citizen cannot renew a passport while officially residing in Kyrgyzstan and is faced with the choice of returning to Uzbekistan and registering there as a resident or remaining in Kyrgyzstan with expired documents.

This choice is complicated by the fact that people have built their lives in Kyrgyzstan with a valid though unrecognized claim for legal status. And while they remain technically citizens of Uzbekistan, at least until their passports expire, “We call them stateless,” said one human rights worker, “because they can’t access social benefits, and can’t vote or travel.” Some of them have been in Kyrgyzstan for fifteen years. Most have children.”¹⁶⁵

On 17 June 2010 *IRIN News* reported that refugees were fleeing Kyrgyzstan and seeking security in the eastern part of the Fergana Valley in Uzbekistan,

“Ethnic Uzbek women, children and the elderly living in southern Kyrgyzstan continue to flee clashes with Kyrgyz groups and cross the nearby border into Uzbekistan in search of security and shelter.

The UN, regional governments and aid agencies have called for an immediate end to the violence, the protection of vulnerable persons and the facilitation of humanitarian assistance to those in need in Kyrgyzstan and Uzbekistan.

The main areas of fighting in Kyrgyzstan - Osh and Jalal-Abad cities in the south - and the main areas refugees are fleeing to in Uzbekistan, are all within the eastern part of the Fergana Valley, a fertile, densely populated and ethnically diverse region of Central Asia spreading across eastern Uzbekistan, Kyrgyzstan and Tajikistan.”¹⁶⁶

RIA-Novosti notes on 13 June 2010 the opening of the Uzbek border to refugees fleeing ethnic violence in southern Kyrgyzstan,

“More than 75,000 ethnic Uzbeks have fled to Uzbekistan from Kyrgyzstan, which has hit by violent ethnic clashes, as the Uzbek authorities have opened the border for refugees, an

¹⁶⁵ Refugees International, Powerful Neighbors Imperil Protection and Create Statelessness, 20 December 2007, <http://www.refugeesinternational.org/policy/field-report/kyrgyz-republic-powerful-neighbors-imperil-protection-and-create-statelessness>, accessed 12 October 2010

¹⁶⁶ IRIN, Kyrgyzstan-Uzbekistan: Refugees in numbers, 17 June 2010, <http://www.ww.irinnews.org/Report.aspx?ReportID=89527>, accessed 17 November 2010

Uzbek Emergencies Ministry official said on Sunday. "Most of them are women and elderly people. There are people with gunshot wounds among them," the official said."¹⁶⁷

On 14 June 2010 *AFP* reported that the Uzbekistan border had been closed.

"With estimates of up to 100,000 people already inside Uzbekistan, the Central Asian state's Deputy Prime Minister Abdullah Aripov said the border would be shut, despite pleas from aid groups and the UN to leave it open.

"Today we will stop accepting refugees from the Kyrgyz side because we have no place to accommodate them and no capacity to cope with them," he said.

He said Uzbekistan needs international humanitarian aid to cope. "If we have the ability to help them and to treat them of course we will open the border" again, he added.

Aripov said Uzbekistan had registered 45,000 adults from Kyrgyzstan, while another official said there were 65,000 adults in Uzbekistan's Andijan region alone and the UN's refugee agency said it was sending aid for 75,000.

Ethnic Uzbeks and Tajiks have flooded into Uzbekistan in the four days of bloodshed around Osh and Jalalabad which has left at least 138 dead and 1,761 wounded, the health ministry said."¹⁶⁸

On 17 June 2010 *Eurasia.net* reported that at the start of the violence Uzbekistan did not open its border until 24 hours after Kyrgyzstan.

"At first, Kyrgyz opened some border checkpoints to let a crowd of at least 6,000 ethnic Uzbeks through, but Uzbekistan did not open its borders for at least 24 hours, when it was finally persuaded to do so by mounting crowds of tens of thousands of desperate people, mainly women, children, and elderly."¹⁶⁹

In June 2010 *Amnesty International* reported that:

"An estimated 400,000 people, both Kyrgyz and Uzbeks, fled their homes following the violence in Osh, Jalal-Abad and surrounding areas which erupted on 10 June. About 100,000, mainly Uzbek women, children and the elderly, have sought refuge in neighbouring Uzbekistan before the country closed its borders on 14 June. About 300,000 were internally displaced within Kyrgyzstan."¹⁷⁰

On 16 June 2010 *Médecins Sans Frontières* reported the problems facing refugees leaving Kyrgyzstan following ethnic violence,

"The violent clashes that plunged the South of Kyrgyzstan into chaos since June 10th have led to an acute humanitarian crisis, with hundreds of people wounded and large displacements of population. According to official reports, at least 170 people have been killed and 1700 wounded in the past five days. []

Thousands of those who have fled the violence have sought refuge across the border into Uzbekistan. About 45,000 people have officially been registered as refugees in Andijan, a province located on the Uzbek side of the border between Uzbekistan and Kyrgyzstan. Uzbek

¹⁶⁷ RIA-Novosti, More than 75,000 ethnic Uzbeks flee to Uzbekistan from Kyrgyzstan, 13 June 2010, <http://en.rian.ru/exsoviet/20100613/159410845.html>, accessed 12 October 2010

¹⁶⁸ AFP, Kyrgyz refugees find borders shut as bodies litter streets, 14 June 2010,

<http://www.google.com/hostednews/afp/article/ALeqM5jujU1vbZh6I-tYErU3UTINpl42CQ>, accessed 17 November 2010

¹⁶⁹ Eurasia.net, Coping with a refugee influx, 17 June 2010, <http://www.eurasianet.org/node/61328>, accessed 17 November 2010

¹⁷⁰ Amnesty International, Uzbekistan: Worrying reports about Uzbekistan expelling refugees to Kyrgyzstan, 24 June 2010, <http://www.amnesty.org/en/library/asset/EUR62/004/2010/en/1afa9c26-c203-49da-8661-1efbda543d70/eur620042010en.html>, accessed 17 November 2010

authorities have started to set up camps and local hospitals are treating the wounded people who have come across the border from Kyrgyzstan. []

“The first priorities are medical care, medical supplies, food and tents for temporary shelter”, says Andreas Bruender, Head of Mission for MSF in Tashkent. “In the following days we will send more staff to the affected areas to support the population, in particular with additional medical and psychological support for traumatised refugees.”¹⁷¹

In a briefing on 22 June 2010 an *UNHCR* spokesperson stated that aid had been distributed by UNHCR and Uzbek authorities to an estimated 100,000 refugees who had crossed the border from Kyrgyzstan,

“The 240 tonnes of aid we've delivered so far in Uzbekistan includes tents, plastic sheeting, blankets and other basics. The Uzbek authorities tell us there are now more than 50 sites hosting refugees along the border. The government is providing medical care and meals to refugees. Most of those we've seen are women, children, and the elderly.”¹⁷²

Amnesty International expressed concern that on 22 June 2010, refugees were being forcibly returned to Kyrgyzstan,

“Amnesty International is concerned about reports that on 22 June, Uzbekistani authorities started to forcibly remove refugees located on the territory of the cotton factory in the Pakhtaabad district of Andizhan region to Kyrgyzstan.”

The organization was told that camp officials and security forces reportedly forced refugees onto two buses. They allegedly referred to an agreement between local authorities in Uzbekistan and the governor of the Jalal-Abad region in Kyrgyzstan about returning refugees.

Refugees remaining in the Pakhtaabad district told Amnesty International that they had not been alerted or informed about such an agreement and were scared of what they might face if forcibly returned to Kyrgyzstan. Reports about raids by Kyrgyzstani security forces, including using excessive use of force, and clashes over the removal of barricades set up last week to protect Uzbek neighbourhoods and villages have aggravated fears amongst refugees. Moreover, many of them have no home to go back to. According to satellite images assessed by the UN Institute for Training and Research, 1,807 buildings in Osh have been “totally destroyed” and others have been severely damaged.¹⁷³

OCHA reported on 24 June 2010 that some refugees were returning to Kyrgyzstan. *OCHA* also expressed concern that some refugees returns were not voluntary,

“The majority of the returns appear to be taking place voluntarily. However in some cases, the voluntary nature is in doubt. Some refugees report that they were not given a free choice whether to stay in Uzbekistan or to return to Kyrgyzstan. Furthermore, many refugees do not seem to have the information required to make a decision on return, i.e. what is the condition of their home and whether the security in their home areas is adequate. UN agencies involved in the refugee response are concerned that a large number of refugees may be returning to a situation of internal displacement which in the short-term can further exacerbate the level of humanitarian needs in southern Kyrgyzstan.

¹⁷¹ Médecins Sans Frontières, MSF assists victims of violence in Kyrgyzstan and Uzbekistan, 16 June 2010, http://www.msf.org/msfinternational/invoke.cfm?component=article&objectid=4148DF56-15C5-F00A-25634E5CF8780998&method=full_html, accessed 12 October 2010

¹⁷² UNHCR, UNHCR aiding refugees in east Uzbekistan; situation in Kyrgyzstan tense, 22 June 2010, <http://www.unhcr.org/4c2090769.html>, accessed 17 November 2010

¹⁷³ Amnesty International, Uzbekistan: Worrying reports about Uzbekistan expelling refugees to Kyrgyzstan, 24 June 2010, <http://www.amnesty.org/en/library/asset/EUR62/004/2010/en/1afa9c26-c203-49da-8661-1efbda543d70/eur620042010en.html>, accessed 17 November 2010

The Uzbek authorities stated during a coordination meeting today (24 June) in Andijan that refugees who are hesitant about their imminent return to Kyrgyzstan will be allowed to remain temporarily in the refugee camps in Uzbekistan.”¹⁷⁴

On 24 June 2010 OCHA further reported that some returnees confirmed to local authorities that their returns were voluntary,

“Local authorities have reportedly interviewed some of the returnees from Uzbekistan, and they have confirmed that their returns were voluntary.”¹⁷⁵

Radio Free Europe/Radio Liberty reported on 29 June 2010 that the Uzbek authorities have returned wounded refugees to Kyrgyzstan for treatment,

“Kyrgyzstan's Health Ministry has said it's begun transporting wounded refugees from Uzbekistan to hospitals in the southern Kyrgyz regions of Osh and Jalal-Abad, RFE/RL's Kyrgyz Service reports.

A ministry press release said that 17 ambulances went to the Kyrgyz-Uzbek border to take wounded ethnic Uzbek citizens of Kyrgyzstan to hospitals in the Osh region.

On June 30, eight more ambulances are expected to deliver wounded refugees from Uzbekistan to hospitals in the Jalal-Abad region. The press release said officials plan to transport a total of some 180 injured refugees back to Kyrgyzstan.”¹⁷⁶

In addition, on 24 June 2010 OCHA reported that the number of refugees in camps in Uzbekistan had decreased due to the number of those returning,

“The Government of Uzbekistan now estimates the number of refugees in-country at 15,000 (previous estimate was 100,000 refugees).”¹⁷⁷

The *Institute for War & Peace Reporting* states in a July 2010 report that refugees who fled ethnic clashes in southern Kyrgyzstan claim that the Uzbek authorities have forced them to return to Kyrgyzstan,

“People who fled ethnic clashes in southern Kyrgyzstan over the last ten days say the authorities in Uzbekistan are forcing them to leave one of the refugee camps which last week housed some 80,000.

The head of Kyrgyzstan's border guards, Cholponbek Turusbekov, said 4,419 people had returned from camps over the border in Uzbekistan since June 21, bringing the total who had come back to their own country to about 35,000. []

The process is supposed to be voluntary, but NBCentralAsia has heard from refugees who say it is too early to go back to their homes in Jalalabad region of southern Kyrgyzstan, yet they are being forced to go by the authorities in Uzbekistan.

Speaking by phone on June 23, Botir Qoraboev, an informal leader of ethnic Uzbek refugees from Jalalabad's Bazar Korgon district, said there had been cases where women and

¹⁷⁴ OCHA, Kyrgyzstan unrest and refugees in Uzbekistan, Situation report #11, 24 June 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-86QMTM-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-86QMTM-full_report.pdf/$File/full_report.pdf), accessed 17 November 2010

¹⁷⁵ OCHA, Kyrgyzstan unrest and refugees in Uzbekistan, Situation report #11, 24 June 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-86QMTM-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-86QMTM-full_report.pdf/$File/full_report.pdf), accessed 17 November 2010

¹⁷⁶ Radio Free Europe/Radio Liberty, Uzbekistan Sending Wounded Refugees Back To Kyrgyzstan, 29 June 2010, http://www.rferl.org/content/Uzbekistan_Sending_Wounded_Refugees_Back_To_Kyrgyzstan/2086368.html, accessed 12 October 2010

¹⁷⁷ OCHA, Kyrgyzstan unrest and refugees in Uzbekistan, Situation report #11, 24 June 2010, [http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-86QMTM-full_report.pdf/\\$File/full_report.pdf](http://www.reliefweb.int/rw/RWFiles2010.nsf/FilesByRWDocUnidFilename/VVOS-86QMTM-full_report.pdf/$File/full_report.pdf), accessed 17 November 2010

children had been sent back against their will.

“Last night, camp officials and members of Uzbekistan’s police forcibly put refugees onto buses against their will,” said Qoraboev, who is currently in a refugee camp in the Pakhtaabad district of eastern Uzbekistan. “They argued that local leaders had reached agreement with Jalalabad’s governor that they should go home, as everything had calmed down. []

A woman from Bazar Korgon who gave her first name as Gulchehra said she was now hiding in the refugee camp to avoid forcible repatriation. “Uzbekistan officials forced them to write statements saying they were going home of their own free will,” she said. “I’m afraid of going back – we won’t be left in peace there.”¹⁷⁸

According to the *Institute for War & Peace Reporting* in July 2010, human rights defenders in Uzbekistan reported an upsurge in cases of harassment following the influx of refugees into the country from Kyrgyzstan,

“Since mid-June, increasing numbers of activists across the country have said they have been summoned for questioning, subject to greater surveillance, and in some cases opened [sic] threatened. Yelena Urlaeva, leader of the Human Rights Alliance of Uzbekistan, says that on July 4, a woman burst into her Tashkent and started “screaming and demanding that I stop my activities”.

The same day, two assailants attacked and beat Urlaeva’s husband in the street. They told him he should “take his wife in hand”.

Urlaeva had only just returned from the eastern Andijan province, where she visited refugees injured in the recent clashes in southern Kyrgyzstan. []

Inside Uzbekistan, local human rights groups did what they could to help the refugees. Although the Uzbek government was mounting a large relief of its own, providing temporary camps and accommodation for the refugees, it seemed to be trying to keep them hermetically sealed off. “It’s natural that the security service increased its surveillance of human rights activists. It stems from a fear that the events seen in Kyrgyzstan could be repeated in our own country,” said Bahodir Namozov, who heads the Committee for the Release of Prisoners of Conscience. “The law-enforcement agencies were therefore ordered to tighten surveillance and take precautionary measures.”

The crackdown seems to have extended far beyond human rights defenders with an interest in the refugees from Kyrgyzstan. In early July, Gulshan Karaeva of the Kashkadarya branch of the Human Rights Society, said she was the target of an orchestrated smear campaign. []

Momir Azimov, a human rights activist from Jizak in central Uzbekistan, says he was forced into signing a pledge “not to commit any further offences”, when security police said they had received a formal complaint about him from a member of public – who later denied any knowledge of a complaint.”¹⁷⁹

In an interview published by the *Institute for War & Peace Reporting* in July 2010, an Uzbek human rights defender, Yelena Urlaeva, raises concern in respect of Uzbekistan’s treatment of refugees from Kyrgyzstan following violence in the south of the country in June 2010,

“Human rights defender Yelena Urlaeva has gathered worrying evidence that some of the refugees who fled ethnic clashes in southern Kyrgyzstan were interrogated on arrival in

¹⁷⁸ IWPR, Uzbek Refugees Report Forced Return to Kyrgyzstan, 23 June 2010, <http://iwpr.net/report-news/uzbek-refugees-report-forced-return-kyrgyzstan>, accessed 10 October 2010

¹⁷⁹ IWPR, Screws Tighten on Uzbek Rights Activists, 11 July 2010, <http://iwpr.net/report-news/screws-tighten-uzbek-rights-activists>, accessed 10 October 2010

Uzbekistan, and that a number were taken away to unknown locations.

Urlaeva, who heads the Uzbek Human Rights Alliance, gave an interview to NBCentralAsia after visiting hospitals in the eastern Andijan province, where ethnic Uzbeks injured in the violence were taken. []

NBCentralAsia: How did you manage to visit hospitals when they were being guarded by Uzbek police?

Urlaeva: I had to put on national dress, take a large bag of bread and wait near the wards for several hours until the guards went away, and then ran in to see the injured people. All the wards with wounded refugees were guarded by officers from the Uzbek prosecutor's office. They [prosecution officials] say that the location of refugees is confidential.... Virtually no one has been allowed in to see these patients, and on my last visit I wasn't allowed to give them humanitarian aid. []

We human rights activists are concerned about two issues – the interrogation of injured refugees, and disappearances from Uzbek hospitals.”¹⁸⁰

5. Due Process and Fair Trial in Uzbekistan: Prosecution/Persecution

The *USDOS* report issued in March 2010 covering the events of 2009 notes that the criminal justice system in Uzbekistan frequently failed to provide defendants with access to a fair trial.

“The criminal code specifies a presumption of innocence. There are no jury trials. Most trials are officially open to the public, although access was sometimes restricted in practice. Trials may be closed in exceptional cases, such as those involving state secrets, or to protect victims and witnesses. []

Authorities generally announced trials, including those of alleged religious extremists, only at the court in which the trial was to take place and only one or two days before the trial began.

Generally, a panel of one professional judge and two lay assessors, selected either by committees of worker collectives or neighborhood committees, presided over trials. The lay judges rarely spoke, and the professional judge usually deferred to the recommendations of the prosecutor on legal and other matters. []

Defendants have the right to attend court proceedings, confront witnesses, and present evidence. These rights generally were observed, including in high-profile human rights and political cases. In the vast majority of criminal cases prosecutors brought to court, however, the verdict was guilty. Defendants have the right to hire an attorney, and the government provides legal counsel without charge when necessary. State-appointed defense attorneys routinely acted in the interest of the government rather than of their clients. Judges in some cases denied defendants the right to an attorney of choice. There were several reports that investigators pressured defendants to refuse legal counsel. Defense counsel was not always well qualified and, in some cases, the role of defense counsel was limited to submitting confessions and pleas for mercy. []

During the year defendants had improved access to qualified defense counsel due to the establishment in 2008 of a 24-hour on-call system. Several private law firms provided qualified defense counsel at no expense, and some were financed through international donors.

Government prosecutors order arrests, direct investigations, prepare criminal cases, and recommend sentences. Although the criminal code specifies a presumption of innocence, in

¹⁸⁰ IWPR, Concern at Uzbek Treatment of Kyrgyzstan Refugees, 9 July 2010, <http://iwpr.net/report-news/concern-uzbek-treatment-kyrgyzstan-refugees>, accessed 10 October 2010

practice the prosecutor's recommendations generally prevailed. If a judge's sentence does not correspond with the prosecutor's recommendation, the prosecutor may appeal the sentence to a higher court. Verdicts often are based solely on confessions and witness testimony, which are extracted through torture, threats to family members, or other means of coercion. Legal protections against double jeopardy are not applied in practice.

The law provides a right of appeal to defendants. In political cases appeals did not result in reversals of convictions, but in other cases appeals resulted in reduced or suspended sentences.”¹⁸¹

In its November 2007 report ‘Nowhere to Turn: Torture and Ill-treatment in Uzbekistan’, *Human Rights Watch* states that various deficiencies in Uzbekistan’s criminal justice system deny the right to a fair trial.

“The Criminal Procedure Code limits the period after which a detainee must be either charged and informed of the charges or released to 72 hours. It requires an official record (or protokol, in Russian) of the detention to be established. It stipulates that there must be a review of the validity of the detention not later than 24 hours after the detention. In practice, however, police ignore or avoid these legal regulations. []

Relatives of detainees Human Rights Watch interviewed spoke of the absolute chaos they faced trying to find their family member in custody after their detention. The authorities often do not inform families where their relative is being held in custody or the official charges against the individual, and are evasive or misleading with the relatives as long as possible. []

Nowadays the authorities often make sure to appoint a state defense lawyer within 24 hours after the detention is officially registered (but not necessarily the real detention date), although in many cases they create enormous obstacles to prevent defense lawyers hired by the detainees’ families from gaining access to their clients. In addition to engaging in the practices described above to prevent the detainee from gaining initial access to a lawyer, the authorities may deny detainees confidential meetings with counsel, threaten the families to get rid of a certain lawyer because otherwise their son or husband “would be sentenced to more years in prison,” or even in some case threaten the lawyers themselves. []

Human Rights Watch learned from lawyers, defendants, and relatives across the board that defense lawyers are regularly denied access to their clients and that even if they are granted access the meetings are monitored by police or prison guards. []

Families and detainees tend not to trust state-appointed defense lawyers. They report that such lawyers are not interested in the case or do nothing to prevent procedural violations.”¹⁸²

An April 2009 report by the *Institute for War & Peace Reporting* states that reforms to Uzbekistan’s criminal legislation have yet to translate into meaningful change.

“On March 27, the Senate or upper house of the Uzbek parliament approved changes to the country’s criminal code to allow certain cases to be resolved through conciliation rather than trial.

Conciliation between alleged offenders and the victims of crime will be made available for lesser offences such as disorderly behaviour, taking the law into ones own hands, breaches of labour law, and interfering with other peoples correspondence. The innovation is the latest in a serious of judicial reforms launched in 2008 with the abolition of the death penalty. This was followed by the equivalent of a habeus corpus law, where the right to sanction arrests

¹⁸¹ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

¹⁸² HRW, *Nowhere to Turn: Torture and Ill-treatment in Uzbekistan*, November 2007, pp. 15-16, 22, 23, 24, <http://www.hrw.org/en/reports/2007/11/05/nowhere-turn>, accessed 12 October 2010 (internal citations omitted)

was transferred from the prosecution service to the courts. In May [of] last year, President Islam Karimov issued a decree reforming the way lawyers work. []

Surat Ikramov, head of the Initiative Group of Human Rights Activists, welcomes the idea of conciliation in principle, but doubts it will work given that the Uzbek judiciary is not independent, and the state authorities commonly interfere in legal cases. "The problem is that it is not the law that counts, but instructions issued from on high about what verdict to pass and what sentence to hand down against defendants who are often innocent," he said. []

"In reality, not one of the laws passed as part of the judicial reform is being put into practice," said Ikramov. Rustam Tulyaganov, a lawyer in Tashkent, noted that another reform, concerning crimes of an economic nature, was not working."¹⁸³

Amnesty International states in its 2010 annual report that in 2009, human rights defenders continued to face unfair trials in Uzbekistan.

"In July Dilmurod Saidov, a journalist and human rights defender, was sentenced to 12 years and six months in prison for fraud and bribery after an unfair trial. He was believed to have been imprisoned for defending the rights of farmers in the Samarkand region and exposing corruption by local authorities. He was said to be gravely ill in prison with tuberculosis. During his trial, all the prosecution witnesses withdrew their accusations, saying that the prosecuting authorities had forced them to make false statements. An appeals court upheld the sentence in October.

In October Farkhad Mukhtarov, a long-standing member of the Human Rights Alliance of Uzbekistan, was sentenced after a reportedly unfair trial to five years in prison for bribery and fraud relating to property deals. The charges were believed to have been politically motivated to punish him for his human rights activities. An appeal court upheld the sentence."¹⁸⁴

In July 2010 *Amnesty International* reported that it had received reports of the use of torture to extract confessions.

"Reports of torture stem not only from men and women suspected of membership of banned Islamic groups or of having committed terrorist offences, but also from all layers of civil society, including human rights activists, journalists and former - often high-profile - members of the government and security forces. Many of them allege that they have been tortured or otherwise ill-treated in custody in order to extract a confession."¹⁸⁵

An August 2010 report by *Human Rights Watch* states that a human rights defender, Gaibullo Jalilov, was sentenced to 13 years imprisonment following an unfair trial.

"Jalilov, a Karshi-based member of the Human Rights Society of Uzbekistan, had been serving a 9-year sentence, convicted of religious extremism charges in an unfair trial on January 18. In a closed hearing on August 6 in the Kashkadarya Regional Criminal Court, he was sentenced to an additional four years on new criminal charges of anti-constitutional activity (article 159-1, parts a and b, of the Uzbek Criminal Code) extending his sentence to 13 years. []

Jalilov's state-appointed lawyer, who was hesitant to provide information about the case, fearing repercussions, said that the new charges were brought based on witness testimony

¹⁸³ IWPR, Judicial Reforms Yet to Have Impact in Uzbekistan - IWPR Institute for War & Peace Reporting, 8 April 2009, <http://iwpr.net/report-news/judicial-reforms-yet-have-impact-uzbekistan>, accessed 9 October 2010

¹⁸⁴ Amnesty International, Amnesty International Report 2010, pp.349-350, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 10 October 2010

¹⁸⁵ Amnesty International, Public Statement: Uzbekistani asylum seekers at risk of extradition from Ukraine and Kazakhstan, 6 July 2010, <http://www.amnesty.org/en/library/asset/EUR04/002/2010/en/c538edf2-d3fa-4394-af19-9c6b0e703dda/eur040022010en.pdf>, accessed 18 November 2010

that Jalilov had actively participated in religious gatherings, and that during these gatherings, he had taken part in religious studies and watched DVDs that contained religious extremist content.

Members of Jalilov's family who attended a session of Jalilov's trial on August 4 told Human Rights Watch that Jalilov asserted his innocence on all charges and asked the prosecution to present their witnesses. The witnesses did not appear in court, the family members said, in violation of Jalilov's right to a fair trial.

On August 6, when one of Jalilov's relatives called to ask about whether the next session had been scheduled, Jalilov's lawyer informed him the sentencing hearing had taken place earlier that day."¹⁸⁶

An expert witness statement submitted to the OSCE in May 2010 by an Uzbek civil society activist states that prisoners detained on convictions related to religious activities are subjected to extensions of their sentence without a fair trial.

"The government of Uzbekistan regularly brings numerous religious prisoners before the courts in order to prolong their prison terms. Why numerous? Because we don't know the exact number of persons imprisoned for their religious belief or / and practice in Uzbekistan. []

The way the government handles the cases of prolongation of prison terms for religious and political prisoners can not be called a fair, public and open process. []

First, using closed trials the government resorts to prolongation of prison terms for religious prisoners unlawfully and without any legal justification because it wants religious opposition and other critics [to] remain in prison for an uncertain period of time.

Second, criminal cases which bring to prolongation of prison terms for inmates are opened under art. 221 of the Criminal Code of Uzbekistan (Disobedience to lawful requirements of the prison administration). In practice most of those cases are trumped up by the prison administration. The main prosecuting testimonies in those criminal cases are built on the testimonies of the prison staff and those groups of the inmates who cooperate with the prison administration.

Third, trials related to prolongation of prison terms take place in prison premises which makes access of independent legal counsel to defendants very hard, and access of relatives, independent observers and press impossible.

Fourth, such trials are carried out during a very short period of time. A judge can hear the case and pass a decision roughly on average in 20-30 minutes.

Fifth, all sentences are made to the detriment of prisoners against whom criminal cases are opened. Once a prisoner is brought to the court under art. 221 of the Criminal Code he / she will definitely be imprisoned to [sic] additional years in prison."¹⁸⁷

The Observatory for the Protection of Human Rights Defenders states in a November 2009 report that Ganikhon Mamatkhanov, a member of the Committee for the Protection of Individual Rights as well as of the Independent Human Rights Society in Uzbekistan, was sentenced to 5 years of imprisonment following an unfair trial.

¹⁸⁶ HRW, Uzbekistan- Activist Hit With New Sentence, 13 August 2010, <http://www.hrw.org/en/news/2010/08/13/uzbekistan-activist-hit-new-sentence>, accessed 12 October 2010

¹⁸⁷ OSCE, Working Group IV: Public Access to Justice - A statement by Sukhrobjon Ismoilov, a representative of the Expert Working Group of Uzbekistani civil society activists, http://www.osce.org/documents/odihr/2010/05/43994_en.pdf, accessed 10 October 2010

“According to the information received, on November 25, 2009, Mr. Ganikhon Mamatkhanov was convicted of “fraud” and “bribery”, according respectively to Articles 211.3 and 168.3 of the Criminal Code, and sentenced to 5 years of prison.

On October 9, 2009, Mr. Ruzimat Usmanov, a local farmer would have allegedly planted 500.000 Uzbek sums (approximately 350 USD) into Mr. Mamatkhanov’s pocket. Mr. Mamatkhanov was immediately arrested by the officers of the public prosecutor’s office who were standing nearby.

Mr. Mamatkhanov was also accused of having demanded respectively 6 million and 4.5 million Uzbek sums (approximately 4000 and 3500 USD) to Mr. Ruzimat Usmanov and Mr. Tahir Suleymanov, another farmer. According to Mr. Abdumalom Ergashev, a Fergana-based activist, Mr. Tahir Suleymanov later admitted that he had given a false testimony, confessing that Mr. Mamatkhanov had not demanded 4.5 million sums to him.”¹⁸⁸

Forum 18, Eurasianet and Reporters Without Borders report on the use of “closed door” proceedings.¹⁸⁹ [See also Section B, Freedom of Religion in Uzbekistan]

In May 2010 *Forum 18* reported that the trial of 19 people had been sealed off to relatives, journalists and human rights defenders with road blocks and that only a few of the defendants are being represented by lawyers,

“Uzbekistan has begun the trial of Hairulla Hamidov, a journalist arrested for Muslim religious activity, and 18 others, human rights defender Surat Ikramov has told Forum 18 News Service. The trial is being conducted in a building 30 km [19 miles] from the capital Tashkent, which is surrounded by roadblocks to bar access to close relatives, journalists and human rights defenders. Only a few of the defendants have lawyers appointed by their families. The rest have state-appointed lawyers, who will “do nothing to defend them” Ikramov insisted. The defendants face criminal charges with penalties ranging from a fine of 50 times the monthly minimum salary to 15 years in jail. Elsewhere, arrests of readers of the works of the late Turkish Muslim theologian Said Nursi continue, and some previously arrested Nursi readers are still awaiting trial. As part of its harsh punishments for those who conduct peaceful religious activity the government does not control, Uzbekistan routinely imposes prison terms. Known prisoners of conscience jailed for religious activity are Muslims, Jehovah’s Witnesses and Protestant Christians.”¹⁹⁰

Reporters Without Borders reports that a journalist who is also a member of a banned Muslim organisation was sentenced to six years on “trumped up” charges.

“Detained since last January, Khamidov was convicted on a charge of belonging to a banned Muslim organisation under article 216 of the criminal code, concerning “the organisation or active participation in a proscribed social or religious movement.”

Reporters Without Borders believes the charge was trumped up with the aim of intimidating and silencing both journalists and government opponents. The government persecutes its opponents relentlessly. At least 11 journalists are currently held in Uzbekistan’s prisons, in

¹⁸⁸ OMCT, Human Rights Defenders - Sentencing of Mr. Ganikhon Mamatkhanov to five years in prison, 27 November 2009, <http://www.omct.org/index.php?id=&lang=eng&actualPageNumber=1&articleId=8933&itemAdmin=article>, accessed 12 October 2010

¹⁸⁹ Forum 18, Uzbekistan: Roadblocks around trial, more Nursi readers arrested, 10 May 2010, http://www.forum18.org/Archive.php?article_id=1442, accessed 29 November 2010, Eurasianet, Uzbek courts sentence two groups of 25 Muslim believers on “extremism” charges, 7 June 2010, <http://www.eurasianet.org/node/61224>, accessed 29 November 2010, Reporters Without Borders, Radio host gets six years in prison, 28 May 2010, <http://en.rsf.org/ouzbekistan-radio-host-gets-six-years-in-28-05-2010.37588.html>, accessed 29 November 2010

¹⁹⁰ Forum 18, Uzbekistan: Roadblocks around trial, more Nursi readers arrested, 10 May 2010, http://www.forum18.org/Archive.php?article_id=1442, accessed 29 November 2010

which, according to many reports, torture is virtually systematic. The sentence imposed on Khamidov confirms Uzbekistan's status as Europe's biggest prison for the media."¹⁹¹

In May 2010, *Human Rights Watch* stated that human rights defenders, civic activists, journalists and political dissidents were being held on politically motivated charges,

"Civic activists are frequently charged with and convicted on the basis of trumped-up allegations and fabricated evidence, with complete disregard for the facts of the case or for fair trial standards, Human Rights Watch said. The government is holding at least 14 human rights defenders in prison for no reason other than their legitimate human rights work. They are: Solijon Abdurakhmanov, Azam Formonov, Nosim Isakov, Gaibullo Jalilov, Alisher Karamatov, Jamshid Karimov, Norboi Kholjigitov, Rasul Khudainasarov, Ganihon Mamatkhanov, Farkhat Mukhtarov, Habibulla Okpulatov, Yuldash Rasulov, Dilmurod Saidov, and Akzam Turgunov.

Many other civic activists, independent journalists, and political dissidents are also serving prison sentences on politically motivated charges, including the poet and political dissident Yusuf Jumaev."¹⁹²

In May 2010 *Radio Free Europe* reported that amendments were made to the Penal Code providing reduced sentences, by up to one third, for prisoners who repented.

"Svetlana Ortiqova, the head of the parliament's legislative and judiciary reform committee, told RFE/RL that the amendment was adopted to uphold the human rights and dignity of prisoners and was developed in cooperation with organizations that seek to defend prisoners' rights.

The law, which was signed by Karimov on May 18, was adopted by the Legislative Chamber in November and approved by the Senate earlier this month.

Ortiqova said a convict may have his sentence reduced under such mitigating circumstances as voluntary surrender, actively cooperating with the investigation, sincere repentance, and the absence of aggravating circumstances.

She added that the law does not apply to persons serving life imprisonment for such crimes as terrorism or premeditated murder with aggravating [sic] circumstances.

Mutabar Tojiboeva, a human rights activist in exile who was imprisoned after the 2005 killings in Andijon, told RFE/RL that two months after she was sentenced she was invited to address an official letter of repentance to Karimov and to admit that her organization was extremist.

Tojiboeva added that following her refusal to do so, she was charged under a further article of the Penal Code that extended her prison sentence."¹⁹³

In September 2010 *Radio Free Europe* reported that human rights defender Surat Ikramov had been jailed for defamation and fraud following his publication of allegations that a police officer who is also the brother of the Interior Minister had killed the pop singer Dilnura Qodirjonova.

¹⁹¹ Reporters Without Borders, Radio host gets six years in prison, 28 May 2010, <http://en.rsf.org/ouzbekistan-radio-host-gets-six-years-in-28-05-2010.37588.html>, accessed 29 November 2010

¹⁹² HRW, Burglary at rights groups office, 24 May 2010, <http://www.hrw.org/en/news/2010/05/24/uzbekistan-burglary-rights-group-office>, accessed 29 November 2010

¹⁹³ Radio Free Europe, Uzbekistan to reduce sentences for those who repent, 21 May 2010, http://www.rferl.org/content/Uzbekistan_To_Reduce_Sentences_For_Those_Who_Repent/2049058.html, accessed 29 November 2010

"Ikramov told RFE/RL that the investigation into the defamation charges was controlled by top officials in the Interior Ministry.

"I am sure that Jamshid Matlyubov and his brother, Interior Minister Bakhodir Matlyubov, were behind this court decision," Ikramov said. "They have connections with the prosecutor's office, hence the leverage to pressure the court [to make this decision against me]."

Meanwhile, another defamation trial began on September 29 against the Ezgulik rights group. Ezgulik also published a report in 2008 and a press release in 2009 about Qodirjonova's "mysterious death."

The group was already convicted earlier this year of slander and defamation and ordered to pay 200,000 soms to Matmurodova and publish a disclaimer over its 2008 report.

Now the rights group is being tried on the same charges for the 2009 press release on Qodirjonova's death.

Ezgulik head Vasila Inoyatova told RFE/RL that the conviction and new charges are examples of "total lawlessness" and promised to raise the issue during an Organization for Security and Cooperation in Europe (OSCE) conference in Warsaw that she will participate in later this week.¹⁹⁴

In September 2010 *Radio Free Europe* reported that the OSCE had expressed concern about judicial harassment of journalists,

"The OSCE's freedom of the media representative, Dunja Mijatovic, said in a statement that she is "alarmed by the unrelenting judicial pressure exerted upon independent journalists in Uzbekistan."

Writing to the Uzbek foreign minister, Vladimir Norov, Mijatovic expressed concern for two journalists, Abdumalik Boboyev and Vladimir Berezovski, prosecuted for alleged libel.

Mijatovic also expressed concern about three other journalists -- Dilmurod Saiid, Solijon Abdurahmanov, and Hairullo Khamidov -- who are currently serving jail sentences of between six and 12 1/2 years.

In her letter to the Uzbek foreign minister, Mijatovic wrote that "non state-media in Uzbekistan continue to be the target of unrelenting judicial harassment and this is a matter of serious concern to me."¹⁹⁵

¹⁹⁴ Radio Free Europe, Uzbek rights activist convicted of defamation, 30 September 2010, http://www.rferl.org/content/Uzbek_Rights_Activist_Convicted_Of_Defamation_/2172611.html, accessed 29 November 2010

¹⁹⁵ Radio Free Europe, OSCE criticizes Uzbek treatment of journalists, 24 September 2010, http://www.rferl.org/content/OSCE_Criticizes_Uzbek_Treatment_Of_Journalists/2167187.html, accessed 18 November 2010

C. Uzbek Fundamentalist Groups

1. Religious and Ethnic Extremism in Uzbekistan and Transborder Ties with Neighbouring Countries

The May 2010 annual report of the *USCIRF* states that the Uzbek authorities have arrested and imprisoned those involved in extremist activities connected with fundamentalist Islamic groups,

“Over the past decade and particularly since 1999, the Uzbek government has arrested and imprisoned, with terms of up to 20 years, thousands of Muslims who reject the state’s control over religious practice, or whom the government claims are associated with extremist groups such as Hizb ut-Tahrir (HT). Reportedly, there are at least 5,000 such persons in prison, including sane individuals sent to psychiatric hospitals. []

The Uzbek government bans Islamic organizations it deems extremist and criminalizes membership in these groups, including HT, Akromiya, Tablighi Jamaat, Nur, and other groups the government broadly labels “Wahhabi.” According to the Uzbek government, it does not consider repression of persons or groups suspected of extremism to be an issue of religious freedom, but rather of preventing armed resistance to the government. Security threats do exist in Uzbekistan, including from members of HT and other groups claiming a religious linkage. However, these threats do not excuse or justify the scope and severity of the government’s ill-treatment of religious believers. []

While HT is not known to have engaged in violence, according to the State Department, its literature strongly suggests that it might resort to armed action. The group, which is banned in most Muslim countries, calls for a worldwide Islamic caliphate to replace existing governments and for the imposition of an extremist interpretation of Islamic law. HT literature expresses virulently anti-Semitic and anti-Western views. The Uzbek government’s prosecution of HT members appears mainly motivated by the group’s political activity. []

The Uzbek government has also repressed and prosecuted members of Akromiya (or Akromiyalar) since 1997. Uzbek authorities claim that Akromiya is a branch of HT and that it, along with the terrorist Islamic Movement of Uzbekistan (IMU), attempted to violently overthrow the Uzbek government in Andijon in May 2005. According to religious experts, Akromiya is an informal, peaceful association that promotes business with Islamic religious principles based on the 1992 writings of an imprisoned Uzbek mathematics teacher, Akram Yuldashev.¹⁹⁶

The Norwegian Defence Research Establishment notes in a February 2009 publication that the Islamic Movement of Uzbekistan was established in the late 1990s by former mujahedin from the first Afghan war against the Soviets,

“The Islamic Movement of Uzbekistan (IMU) was established in 1998 by the former Soviet paratrooper Juma Namangani and the Islamist ideologue Tohir Yuldashev. Namangani converted to the cause of the mujahedin while fighting for the Soviet Union in Afghanistan in the 1980s. []

Their group was heavily influenced by the Saudi Wahhabism and some of their group went to Saudi Arabia, where they received religious instruction. In the spring of 1992, Adolat took over control of the town of Namangan for several weeks and ruthlessly imposed Sharia law. []

¹⁹⁶ USCIRF, Annual Report of the United States Commission on International Religious Freedom, May 2010, pp.173-174, <http://religiousfreedom.com/index.php?>, accessed 13 October 2010

Following their defeat at the hands of the Karimov regime, much of the group fled to Tadjikistan. There, they took part in civil war, and fought on the side of the United Tajik Opposition (UTO) led by a charismatic Tajik Islamist. []

When the UTO signed a peace deal resulting in a power-sharing with the government in 1997, Namangani and Yuldashev ignored it and continued fighting. []

While the rest of the UTO lost much of their radical Islamist zeal, Namangani and Yuldashev became further radicalised. Dissatisfied with the moderation of the Islamic Renaissance Party, they created the IMU in 1998 with the explicit goal of overthrowing the regime of Islam Karimov and introducing Sharia in Uzbekistan, and soon started guerrilla attacks. The IMU became a group most focused on the “near enemy”, a socio-revolutionary jihadist group similar to the Egyptian Islamic Jihad.”¹⁹⁷

The *USDOS* human rights report issued in March 2010 covering the events of 2009 notes that members of the organisation Tabligh Jamoat are also considered extremist by the Uzbek authorities,

“The law criminalizes membership in organizations the government deems extremist, including Tabligh Jamoat and other groups branded with the general term “Wahhabi.” The law also banned the extremist Islamist political organization HT for promoting hate and praising acts of terrorism. Although HT maintained that it was committed to nonviolence, the party’s virulently anti-Semitic and anti-Western literature called for the overthrow of secular governments, including those in Central Asia to be replaced with a worldwide Islamic government.”¹⁹⁸

The *USCIRF* provides further information on the Tabligh Jamoat organisation in addition to the Wahhabi groups in Uzbekistan in its 2010 annual report,

“Another prohibited group, Tabligh Jamoat, is an Islamic missionary group with origins in South Asia. Its members follow worship, dress, and grooming practices from the time of the Prophet Muhammad and according to the State Department claim to be exclusively religious and apolitical. In 2004, ten Tabligh members were sentenced to prison terms in Uzbekistan after the group was listed as an extremist organization.

The Uzbek government also prohibits groups and represses and prosecutes individuals it deems “Wahhabis.” The term “Wahhabi” usually refers to followers of the highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia. The government of Uzbekistan, however, uses the term to refer to a wide range of Muslim individuals or groups, including genuine extremists, political opponents of the Karimov regime, those educated abroad, those who practice Islam independently of government strictures, or those whose intellectual or religious roots derive from the teachings of three Uzbek imams prominent in the 1990s. []

After 1999, but particularly since 2008, the Uzbek government has harassed and imprisoned numerous alleged members of what it labels the Nur group: followers of Said Nursi, a Kurdish mullah who was active in Turkey after World War I. Many observers do not consider Nursi’s followers to constitute a formal movement, but rather to be informal groups of individuals who read his books, which were in wide public circulation in Uzbekistan and other post-Soviet countries in the 1990s. Although Nursi followers are not known to have advocated or engaged in violence, the Uzbek Religious Affairs Committee (RAC) listed Nur as a banned religious organization in 2000.”¹⁹⁹

¹⁹⁷ Norwegian Defence Research Establishment, Islamic Jihad Union: al-Qaida’s Key to the Turkic World?, 23 February 2009, p.10, http://www.mil.no/multimedia/archive/00122/00687_122609a.pdf, accessed 10 October 2010

¹⁹⁸ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

¹⁹⁹ USCIRF, Annual Report of the United States Commission on International Religious Freedom, May 2010, pp.173-174, <http://religiousfreedom.com/index.php?>, accessed 13 October 2010

The *Norwegian Defence Research Establishment* notes in a February 2009 publication that the Islamic Jihad Union (IJU) was formed after a split from the Islamic Movement of Uzbekistan,

“The Turkic peoples have assumed a relatively marginal role in global jihadism. The group Islamic Jihad Union (IJU) appears to have changed this. It broke off from the Islamic Movement of Uzbekistan in 2002, after the fall of the Taliban. The leadership and core fighters appear to be Uzbek, and the group’s ideology draws on traits from both sociorevolutionary Islamism and global jihadism. The group refers to Uzbekistan and Germany as enemies, but there is little evidence of following up the words with deeds. The bulk of IJU attacks have been against American, British and Afghan National Army soldiers in Afghanistan. []

“The Islamic Jihad Union (IJU) broke away from the Islamic Movement of Uzbekistan (IMU) in 2002. It first came to light when it launched a bombing campaign in Uzbekistan in 2004, attacking, among other targets, the Israeli and American embassies. []

IJU appears to be well-connected with al-Qaida, through its supposed liaison, the Libyan Abu Laith al-Libi, who was one of bin Laden’s most important field commanders before he died in January 2008.”²⁰⁰

The *USDOS* reports in its ‘Country Reports on Terrorism 2009’, published in August 2010, that terrorist groups that originated in Uzbekistan are active in other countries in Central Asia,

“The Government of Uzbekistan maintained tight control over internal security. No large scale terrorist attacks were carried out on Uzbekistan’s territory in 2009, although several assassinations and other incidents were believed to be linked to extremist groups. Terrorist groups that originated in Uzbekistan, including the Islamic Movement of Uzbekistan (IMU) and the Islamic Jihad Union (IJU), were active in other countries, including Afghanistan and Pakistan.”²⁰¹

According to a January 2010 report by the *International Crisis Group*, radical Islamic groups such as the Islamic Movement of Uzbekistan and Hizb ut-Tahrir are attempting to recruit migrant workers across Russia and Central Asia,

“Radical Islamists, including both Hizb ut-Tahrir (HT) and the Islamic Movement of Uzbekistan (IMU), are trying to recruit among migrant workers. Their success is hard to gauge, but HT has been successful in Central Asia as a whole, particularly Uzbekistan and Kyrgyzstan, while the IMU is enjoying a modest resurgence across the region. Some observers argue that the migrants’ living conditions – fear of racist attacks, linguistic isolation, life in tightly knit, inward-looking communities – militate against recruitment. These factors could just as easily work to the advantage of adroit activists.

A diaspora representative in Moscow says “non-traditional Islam”, including HT, is becoming popular among those who feel alienated and offended by the host society and their employers. One specialist on migration says that migrant groups in Moscow and elsewhere are attractive targets to radical recruiters because they come from many regions. In one meeting, he said, ten migrants may come from five different places in Tajikistan. Both the Russian and Tajik security authorities are known to be monitoring migrant workers.

In late 2009 Russian anti-terror police officers, working with their Tajik counterparts, detained three suspected IMU members who were wanted in Tajikistan for extremist activities. They

²⁰⁰ Norwegian Defence Research Establishment, *Islamic Jihad Union: al-Qaida’s Key to the Turkic World?*, 23 February 2009, pp. 4, 7, http://www.mil.no/multimedia/archive/00122/00687_122609a.pdf, accessed 10 October 2010

²⁰¹ USDOS, *Country Reports on Terrorism 2009 South and Central Asia Overview*, 5 August 2010, <http://www.state.gov/s/ct/ris/crt/2009/140887.htm>, accessed 12 October 2010

were allegedly conducting recruitment and “preparing fighters to participate in terrorist acts”. Those arrested reportedly included the IMU “emir” or military commander for Russia.”²⁰²

An article by *Eurasia Review* in October 2009 states that the Islamic Movement of Uzbekistan is evolving into a stronger militant organisation in Central Asia,

“The Islamic Movement of Uzbekistan (IMU) is undergoing a metamorphosis that could transform the Islamic militant group into a far more dynamic foe for Central Asian governments, as well as for the US and NATO troops in Afghanistan. []

There has been a surge of IMU-related activity in recent weeks, both in Afghanistan and in former Soviet Central Asian states. On October 19, for example, the Kyrgyz Border Service announced that four armed militants surrendered to Tajik security forces in the enclave of Vorukh, a Tajik entity surrounded by Kyrgyzstan's Batken Province. A day earlier, Tajik police killed four suspected IMU members in a shootout in Isfara, a Ferghana Valley town situated near the Kyrgyz and Uzbek borders. The dead militants were suspects in the September assassination of the Tajik Interior Ministry's top criminal investigator in Isfara. []

In Afghanistan, local officials say that 15 militants captured by US forces on October 11 in Kunduz Province were affiliated with the IMU. The Afghan Ministry of Defense estimates that there are at least 4,000 IMU-aligned “foreign mercenaries” in northern Afghanistan. []

Far from crippling the IMU's operational capabilities, Yuldashev's passing from the scene seems to have energized the group, experts on the region contend. “It's hard to imagine [Yuldashev's death] having much impact on the IMU. Yuldashev's reputation, as far as we have heard of one, was of an uncharismatic and rather dogmatic person,” said Paul Quinn-Judge, the Central Asia project director for International Crisis Group. []

If reports that Rahman has assumed the leadership of the IMU are accurate, it would signal a significant expansion of the IMU's base. “If true, this would underline the way IMU has become a trans-national, not just an Uzbek jihadist movement,” Quinn-Judge told EurasiaNet. A trans-national identity could cause a corresponding expansion of its strategic aims. Already, the IMU is reportedly attracting militants from Chechnya and Dagestan, two unsettled regions of Russia, into its ranks, Quinn-Judge added.”²⁰³

An article by the news agency *Reuters* in February 2010 comments on the growing influence of the Islamic Movement of Uzbekistan and Hizb ut-Tahrir in Central Asia,

“Analysts say long-defunct groups like the Islamic Movement of Uzbekistan are regaining force in the impoverished region where ethnic tensions have long simmered under the surface.

“They (militants) are preparing the ground for a long, sustained military campaign in Central Asia,” said Ahmed Rashid, a leading Pakistan-based expert on Afghanistan and Central Asia. []

“There is now a real threat because the Islamist surge is combined with an economic and political crisis.” []

A growing sense of frustration with the lack of basic freedoms has given political undertones to the rise of Islamism in a region which still has no influential opposition parties even after two decades of independence from Soviet rule. []

²⁰² International Crisis Group, Central Asia: Migrants and the Economic Crisis - Asia Report N°183, 5 January 2010, pp. 14-15, http://www.crisisgroup.org/~media/Files/asia/central-asia/183_Central_Asia_Migrants_and_the_Economic_Crisis.ashx, accessed 12 October 2010

²⁰³ EurasiaNet, The Islamic Movement of Uzbekistan Undergoing Dangerous Transformation, 19 October 2009, <http://www.eurasianet.org/departments/insightb/articles/eav102009b.shtml>, accessed 12 October 2010

First alarm bells rang in Central Asia last year when Uzbek, Tajik and Kyrgyz troops fought gangs they described as terrorist - around the time when the security situation in northern Afghanistan deteriorated sharply. []

The IMU is shrouded in secrecy and its size is unclear. Its goal is to topple Uzbek President Islam Karimov, who has tolerated no opposition during his two decade long rule. []

"We should be looking at potential triggers," said Rashid. "The death of Karimov or Rakhmon, or a power struggle in either of these countries, a major natural disaster, growing hunger or an economic collapse. These could prove the trigger for social unrest which the IMU would take advantage of."

Hizb ut-Tahrir is another group accused of terror activities in Central Asia. It says it has tens of thousands of members in the region but stresses its methods are entirely peaceful."²⁰⁴

A February 2010 article by the *Pakistan Conflict Monitor* reports on the presence of Islamic Jihad Union and the Islamic Movement of Uzbekistan militants in Pakistani tribal areas,

"The specter of a force of close to five thousand Uzbek Islamic militants throughout the Tribal Areas of North and South Waziristan was presented to a Pakistan senate committee in September 2009 by Senator Muhammad Ibrahim Khan, while Pakistan Army generals predicted Uzbeks would provide the hardest resistance to an army-led 'invasion' of South Waziristan. Prior to the military operations, U.S. drone-based missiles attacked the key leadership of both the Islamic Movement of Uzbekistan (IMU) and the Islamic Jihad Union (IJU) leading to the deaths of both established figureheads. The presence of Uzbek militants who waged armed attacks and bombings against Uzbekistan has come to be seen as a contributing factor in terrorism waged against the Pakistan government and international targets as well."²⁰⁵

2. Effectiveness and Operability of Uzbek Radical Groups in Uzbekistan

The Norwegian Defence Research Establishment notes in a February 2009 publication on the Islamic Jihad Union that the group appears to have shifted its primary operations from Uzbekistan to other areas of Central Asia and to Europe,

"Although the IJU frequently mentions its martyr brigades in communiqués and interviews, it has only claimed responsibility for three suicide bombings since the 2004 attacks in Uzbekistan. All of them have been carried out by non-Uzbeks. []

The IJU maintains Uzbekistan as a central part of its ideology, but the West plays a much greater role in its imagery than it does in IMU's. The IJU seldom mentions the presence of Christian U.S. soldiers in Saudi Arabia, the situation in Palestine, or the apostate rulers in the Middle East – areas often focused upon by the al-Qaida. Turkey, which one might reasonably have assumed to figure prominently on its Turkish-language website, is also hardly ever mentioned in IJU communication. []

The IJU communicates its ideology through its target selection as well as through written statements released online. When looking at its choice of targets it is difficult to decide whether to call it a socio-revolutionary or a global jihadist group. Of the 2004 Tashkent attacks, four were against Uzbek targets and two were against "far enemy"-targets- the American and Israeli Embassies. []

²⁰⁴ Reuters, Radical Islam casts shadow over Central Asia, 9 February 2010, <http://www.reuters.com/article/idUSLDE61802G>, accessed 12 October 2010

²⁰⁵ Pakistan Conflict Monitor, Central Asians in Armed Islamist Movements in Afghanistan and Pakistan, 18 February 2010, <http://www.pakistanconflictmonitor.org/2010/02/central-asians-in-armed-islamist-movements-in-afghanistan-and-pakistan.html>, accessed 9 October 2010

Ronald Sandee argues that there was a change of strategy in 2005, from an “Uzbekistan-first” strategy to a more globally oriented one. It may be that the shift away from the “Uzbekistan first”-strategy, which Sandee claims they were pursuing up until then, also took them away from explicitly “far enemy” targets, as these are more clearly identifiable in Uzbekistan than in Afghanistan. []

The leader of the IJU, Ebu Yahya Muhammed Fatih, says in a S’ehadet Zamani interview that the group was established for the purpose of conducting jihad operations against the Karimov administration in Uzbekistan. []

As the group continues to attack Afghan and American targets in Afghanistan rather than ones related to Karimov or Uzbekistan, there appears not to be a consistency between word and deed. In addition, one may wonder how many of these “mujahedin from all over the world” joined the group to fight Karimov.”²⁰⁶

An *Australian National Security* briefing of March 2009 describes the Islamic Movement of Uzbekistan’s operational capacities and notes the organization’s mandate to target multiple territories across Central Asia,

“(Also known as: IMU, Islamic party of Turkestan, Islamic Movement of Turkestan) The IMU has been listed in the United Nations 1267 Committee’s consolidated list and as a proscribed terrorist organisation by the governments of the UK, US, and Canada. []

The origins of the IMU date from the early 1990s, when Juma Namangani, a former Soviet soldier who fought in Afghanistan, and Tahir Yuldosh (variant of name, spelled Yuldashev in most reporting), an unofficial mullah and head of the Adolat (Justice) Party, joined forces to implement sharia law in the city of Namangan in Uzbekistan’s part of the Ferghana Valley. Alarmed by Adolat’s demands to transform Uzbekistan into an Islamic state, the government banned Adolat in March 1992. A period of repression followed, forcing many Islamic militants to flee the Ferghana Valley. []

The IMU’s goal of an Islamic state was expanded in 2001 to encompass an area stretching from the Caucasus to China’s western province of Xinjiang, under the new banners of the Islamic Party of Turkestan in April 2001 and the Islamic Movement of Turkestan in May 2001. However, the group has always been and continues to be known as the IMU, and that is the name under which it is listed by the US Office of the Coordinator for Counterterrorism as a foreign terrorist organisation. []

The IMU continues to recruit fighters, and IMU members fight alongside the Taliban and al-Qa’ida against coalition and Pakistani forces in Afghanistan and Pakistan. The Ferghana Valley, where the Uzbek, Kyrgyz, and Tajik borders converge, is a fertile recruiting ground for the IMU, which has successfully exploited the widespread poverty in the region in its recruitment strategy. []

The IMU also trains in camps in Pakistan and maintains bases there. Typical IMU tactics have included hostage-taking, raids on government security force outposts, and bombings.

The IMU has close ties with al-Qa’ida and the Taliban. Senior IMU leaders have held positions in the al-Qa’ida hierarchy. Sources of funding for the IMU have included criminal activities such as drug trafficking, as well as donations from sympathisers and al-Qa’ida.

The IMU’s losses in Afghanistan and Pakistan, as well as the defection of fighters to a splinter group, the Islamic Jihad Union, have not diminished the group’s capability and intent to conduct terrorist attacks.

²⁰⁶ Norwegian Defence Research Establishment, *Islamic Jihad Union: al-Qaida’s Key to the Turkic World?*, 23 February 2009, pp.25, 31, 32, 33, http://www.mil.no/multimedia/archive/00122/00687_122609a.pdf, accessed 10 October 2010

Objectives: The IMU's initial objective was to overthrow the Uzbek regime and replace it with an Islamic state. Uzbekistan is part of what its Russian conquerors called Turkestan, a collective name for the old Central Asian feudal states. The IMU's stated goal now is to establish an Islamic caliphate in Turkestan, stretching from the Caspian Sea to China's Xinjiang Province and encompassing the current Central Asian nations."²⁰⁷

The Jamestown Foundation states in an April 2010 report that the Islamic Jihad Union and Islamic Movement of Uzbekistan were forced to move their militant operations following military operations by Pakistani and Afghani forces against them,

"It appears that the joint 2009 operation by Pakistani and Afghani forces, named Operation Falcon, effectively forced the Uzbek militants - the IMU and their associates - to move across the tribal belt. These actions pushed Yuldashev and his supporters into the northern FATA regions by August 2009, with coordinated operations by German-led ISAF and Afghan troops in the Kunduz region, effectively cutting off escape routes for the IMU and IJU, who had a foothold in Kanigoram and Mir Ali.

The targeting of the IJU led to sporadic attacks across Central Asia, with the movement claiming responsibility for the May 2009 attacks in the Andijan region of Uzbekistan and Uzbek fighters being implicated in attacks in Tajikistan in late 2009.

Other reports late last year indicate that the IMU had to move its remaining fighters to the strategically important border area near Tajikistan and Uzbekistan, following orders from the Taliban leadership, and in response to the coordinated offensive in the tribal belt."²⁰⁸

A March 2010 report by the *Center for Strategic and International Studies* describes the structure and capacities of the militant Islamic movements in Uzbekistan and Central Asia, noting their limited presence in Uzbekistan,

"The main organizations carrying out militant activities in Uzbekistan, Tajikistan, and Kyrgyzstan are the Islamic Movement of Uzbekistan, or IMU, and an offshoot called the Islamic Jihad Union (IJU). Other splinter groups affiliated with the IMU or the Tajik opposition also exist. The identities and motivations of fighters are often unclear. Some operate in organized militant groups, while others are freelance vigilantes with a rough idea of Islamic justice, armed narcotics traffickers, or some combination thereof.

Fluid and situational organizational affiliations conspire with tendentious and incomplete sources to place a coherent picture of these shifting entities almost, if not entirely, out of reach. What can and should be grasped is the following: The most dangerous militant networks in Uzbekistan, Tajikistan, and Kyrgyzstan today grew out of the IMU after the 1990s. They espouse ideas consonant with the global jihadist ideology of al Qaeda, but with a greater focus on Central Asia, particularly on the regime of Uzbekistan's Islam Karimov. []

According to multiple sources, the IJU coordinates its attacks in Afghanistan, where it is also active, with the Haqqani network, a Taliban faction led by Jalaluddin Haqqani. []

At present it seems clear that the IJU is active in both Afghanistan and Pakistan and that its efforts to retain a presence in Uzbekistan are somewhat limited. []

On May 28, 2009, the IJU claimed responsibility for an attack on a police check-point near the Kyrgyz border in Khanabad, Uzbekistan, involving as many as 25 militants armed with rocket-propelled grenades. The group also took credit for a suicide attack in Andijon two days earlier." []

²⁰⁷ Australian National Security, Islamic Movement of Uzbekistan, 20 March 2009, http://www.ag.gov.au/agd/WWW/nationalsecurity.nsf/Page/What_Governments_are_doing_Listing_of_Terrorism_Organisations_Islamic_Movement_of_Uzbekistan, accessed 10 October 2010

²⁰⁸ The Jamestown Foundation, The Rise and Fall of the Islamic Jihad Union/ What Next for Uzbek Terror Networks, 9 April 2010, [http://www.jamestown.org/single/?no_cache=1&tx_ttnews\[tt_news\]=36251&tx_ttnews\[backPid\]=381&cHash=649209eeae](http://www.jamestown.org/single/?no_cache=1&tx_ttnews[tt_news]=36251&tx_ttnews[backPid]=381&cHash=649209eeae), accessed 12 October 2010

Although the covert presence of IMU/IJU members and supporters within inhabited areas of Uzbekistan, Kyrgyzstan, and Tajikistan is a concern, the danger posed by these individuals should not be overblown. Local intelligence services, relying on well-developed networks of government informants, make high-profile activities such as training and operations very difficult to conceal in populated locations. This remains true in most of Kyrgyzstan and Tajikistan, even though their security apparatuses are less capable than in more tightly controlled Uzbekistan.”²⁰⁹

The Institute for War & Peace Reporting states in a November 2009 article that Uzbekistan has tightened controls on banking to limit money laundering and the funding of terrorist organisations,

“Tighter controls on bank transactions in Uzbekistan are officially all about preventing money laundering and the funding of terrorism, but locals fear it will lead to greater intrusions into their private accounts.

The new regulations, which stem from changes to legislation on money laundering and terrorist funding dating from April, came into effect for commercial banks on November 2. All banks are introducing internal systems to track transactions and report suspicious money flows to the prosecution service.

The authorities are concerned at the spread of Islamic extremism in recent years, particularly in the shape of the Hizb ut-Tahrir group and the Islamic Movement of Uzbekistan. These concerns grew after attacks that targeted police in and around the eastern city of Andijan in late May.”²¹⁰

The *USDOS* reports in its ‘Country Reports on Terrorism 2009’, published in August 2010, that two terrorist attacks occurred in Uzbekistan in 2009,

“On May 26, an armed group attacked a police outpost in Andijan province, near Uzbekistan’s border with Kyrgyzstan. At the same time, at least two suicide bombings took place in the city of Andijan. The IJU claimed responsibility for the attacks.

On July 16, the deputy director of Tashkent’s largest madrassa was murdered in front of his home. On July 31, three men attacked and stabbed the principal imam of Tashkent in front of his home, but the imam survived.

Although terrorist financing does not appear to be a significant problem in Uzbekistan, a large and robust black market functions outside the confines of the official financial system. The unofficial, unmonitored cash-based market created an opportunity for small-scale terrorist money laundering.”²¹¹

A *Central Asia Online* article in September 2010 details the recruitment of a young Uzbek man into extremist activities,

“Malika Ormonova’s 23-year-old son, Gorib, was arrested 18 months ago on charges of possessing extremist literature and participating in extremist activities; he is now serving a 12-year sentence. []

Her son told her four years ago that he had taken a job at a store in Margilan, Ormonova said. Sometimes he would have to pick up goods and be gone for several days, he said. “But it turned out that he was not going to fetch goods but to some sort of extremist camp and that he did not work in a store at all,” Ormonova said. []

²⁰⁹ CSIS, *From the Ferghana Valley to South Waziristan - The Evolving Threat of Central Asian Jihadists*, March 2010, pp. 5,10, http://csis.org/files/publication/100324_Sanderson_FerghanaValley_WEB_0.pdf, accessed 10 October 2010

²¹⁰ IWPR, *Uzbekistan Tightens Banking Controls*, 19 November 2009, <http://iwpr.net/report-news/uzbekistan-tightens-banking-controls>, accessed 10 October 2010

²¹¹ USDOS, *Country Reports on Terrorism 2009 South and Central Asia Overview*, 5 August 2010, <http://www.state.gov/s/ct/rls/crt/2009/140887.htm>, accessed 12 October 2010

"In Uzbekistan, regular people do not like to talk about terrorism and extremism – just like they do not like to talk about, for example, drug addiction," she continued. "Everyone thinks ... the less they bring it up, the better. But this is not the case. We need to talk with teenagers about these difficulties, about how there is terrorism and extremism, and explain to them that it is bad before someone on the street persuades them of the opposite." []

Many parents tell such stories, Senior Inspector Akrom Sharofov of the Fergana Oblast Police Department said. "Many mothers talk about the same thing when conversing with the police officers, even asking us to come and do explanatory work with young guys," Sharofov said. The district police try to talk regularly to children in their communities, Sharofov said. "A healthy dialogue on this subject (terrorism) cannot hurt," he said."²¹²

3. Uzbek Government Crackdown on Islamists and Political Spill-Over in Kyrgyzstan

According to a September 2009 report by the OSCE on religious freedom in Uzbekistan, the Uzbek authorities have been responsible for the repression of Islamic organisations in the country on the premise of preventing terrorism,

"The government has persecuted and brought to the court independent Muslims who can be divided into several broad categories which are labeled as fundamentalist and extremist religious groups: first, unaffiliated independent Muslims who were accused of "Wahhabism", a term used to denote "Islamic fundamentalism"; individuals charged with membership in Hizb ut- Tahrir (Party of Liberation), a transnational organization that advocates reestablishment of the Caliphate (an Islamic state) in traditionally Muslim lands; unaffiliated group of young Muslim entrepreneurs "Akromiylar"; adherents of Said Nursi called "Nurchilar". Regardless of a person's affiliation with the above mentioned religious groups, authorities often violate their civil and political rights. Many of the criminal cases against independent Muslims are forged, torture and ill-treatment are widespread, there are usually no fair trials or independent judges, and court trials and decisions severely violate the Criminal Code and Procedure of Uzbekistan. []

The Uzbek government is increasingly taking actions in the name of counter-terrorism that violate basic human rights norms. Already the Uzbek authorities have tried to assimilate their own situations to the global "war on terror." In Uzbekistan non-traditional religious groups and belief communities, and even non-violent dissident activities are being stigmatized by governments as extremists and terrorist. Such labels are used to rob the targeted groups of legitimacy, both domestically and internationally, and to allow governments to recast their struggles against these groups as counter-terrorism."²¹³

Amnesty International states in its 2010 annual report that the activities of Muslims in Uzbekistan continue to be closely monitored by government authorities,

"Religious communities continued to be under strict control by the government, which restricted their right to freedom of religion. []

Suspected followers of the Turkish Muslim theologian, Said Nursi, were convicted in a series of trials. The charges against them included membership or creation of an illegal religious extremist organization and publishing or distributing materials threatening the social order. []

²¹² Central Asia Online, Youth need to be taught dangers of terrorism, Uzbeks say, 29 September 2010, http://www.centralasiaonline.com/cocoon/caii/mobile/en_GB/features/caii/features/main/2010/09/29/feature-02, accessed 9 October 2010

²¹³ OSCE, Freedom of Religion or Belief in Uzbekistan - A Policy Brief for the 2009 OSCE Human Dimension Implementation Meeting, 29 September 2010, http://www.osce.org/documents/odihr/2009/09/39910_en.pdf, accessed 10 October 2010

Reportedly, some of the verdicts were based on confessions obtained under torture in pre-trial detention; defence and expert witnesses were not called; access to the trials was in some cases obstructed; and other trials were closed. Before the start of the trials national television denounced the accused as “extremists” and “a threat to the country’s stability”, compromising their right to be presumed innocent before trial.”²¹⁴

Human Rights Watch states in its 2010 report that the Uzbek authorities prosecuted members of certain Muslim groups for their religious activities,

“Although Uzbekistan’s constitution ensures freedom of religion, authorities fiercely suppress any religious group that functions outside state control. In particular, authorities have intimidated, beaten, and imprisoned on false charges Muslims who are affiliated with independent organizations and clerics.

In three separate trials in June and July 2009, 32 followers of the late Turkish Muslim theologian Said Nursi were sentenced to prison terms ranging from 5 to 11 years for religious extremism. []

Up to 60 pious Muslims in Shakhrihan district, Andijan region, were detained in June 2009 on suspicion of illegal religious activity. In August, 11 pious Muslim men were put on trial on religious extremism charges in Karshi. In November, at least 12 pious Muslim women were detained in Karshi, one of whom is a leader in a local mosque; the charges against them are not known.”²¹⁵

The *USDOS* human rights report issued in March 2010 covering the events of 2009 notes that Muslims were convicted for involvement with groups deemed to be extremist,

“Most Muslims arrested on political charges were tried for anti-constitutional activity and participating in “religious extremist, separatist, fundamentalist, or other banned organizations,” a charge that encompasses both political and religious extremism.

The overwhelming majority of those arrested on this charge were accused of HT or Nur membership, with a marked increase in the number of arrests and convictions of Nur members. The government commonly arrested members of other groups outside of the control of the official religious authorities and labeled many of them Wahhabi or “extremist.” The government states that it does not consider repression of persons or groups suspected of extremism to be a matter of religious freedom, but rather of preventing armed resistance to the government. However, convictions of individuals associated with HT and similar organizations have lacked due process and have also involved credible allegations of torture. Most defendants received sentences ranging from three to 14 years; some received sentences of 16 to 20 years. []

Authorities severely mistreated persons arrested on suspicion of extremism.

Prison authorities reportedly denied many prisoners suspected of Islamic extremism the right to practice their religion freely and, in some circumstances, did not allow them to possess a Koran. Authorities reportedly punished with solitary confinement and beatings inmates who attempted to carry out religious practices despite prison rules, or who protested the rules.”²¹⁶

According to a March 2010 report by the *Institute for War & Peace Reporting*, secret trials of alleged Islamic radicals are taking place in courts across Uzbekistan,

²¹⁴ Amnesty International, Amnesty International Report 2010, p.350, http://thereport.amnesty.org/sites/default/files/AIR2010_EN.pdf, accessed 10 October 2010

²¹⁵ HRW, World Report 2010, pp.473-474, <http://www.hrw.org/world-report-2010>, accessed 10 October 2010

²¹⁶ USDOS, 2009 Human Rights Report: Uzbekistan, 11 March 2010, <http://www.state.gov/g/drl/rls/hrrpt/2009/sca/136096.htm>, accessed 10 October 2010

“Human rights defenders in Uzbekistan have discovered that trials of alleged Islamic radicals are taking place across the country in secrecy, with no one allowed access to the courtroom. They fear the tactic is designed to prevent information about abuse in detention leaking out.

The Initiative Group of Independent Human Rights Defenders reports that one secret trial that ended on February 26 involved a group of 15 people accused of anti-constitutional activity, membership of Islamic extremist groups and “inciting ethnic and religious animosity”. At the time this article was published, sentence had yet to be passed, but the law prescribes prison terms of 15 to 20 years for such offences. []

Elsewhere in the country, a similar shroud of secrecy surrounds three trials – two involving 67 and seven people, respectively, in the southern Syr Darya region, and another with 24 people in court in the central Jizak province, according to the Ezgulik human rights right group. In the case involving seven defendants, the accusations are known to relate to their alleged membership of Islamic groups named as Jihodchilar and Birodarlar (“Jihadists” and “Brothers”).

A police officer who declined to be named insisted that radical Islamic groups were a real danger to Uzbekistan, and were recruiting among the Muslim community. It was impossible that the defendants in the ongoing cases had ended up in court for no reason, he said. “It would be stupid to deny there are adherents of Jihodchilar, Birodarlar, Hizb ut-Tahrir, the Islamic Movement of Uzbekistan, the Nur movement and Salafis, who disseminate extremist religious ideas here,” he said. “They’re skilled at disguising their views, but they represent a threat to the country, and it’s our duty to safeguard the public and make them admit to their activities.”²¹⁷

A March 2010 report by the *Center for Strategic and International Studies* discusses the approach toward the militant Islamic movements adopted by the governments of Kyrgyzstan, Tajikistan, and Uzbekistan,

“When confronted with violent extremists, all three regimes have consistently chosen the hard-line response with little consideration for long-term consequences. Uzbekistan has distinguished itself in this company with a particularly brutal approach, jailing thousands amid scant concern for legal niceties. Overall, the dismal fact in Central Asia is that ongoing state-sponsored violence has almost certainly claimed more lives, and surely maimed more fates, than the sporadic actions of handfuls of terrorists.”²¹⁸

The *Eurasia Review* reports in a September 2010 article that the social-political status of Islamic extremism in Uzbekistan remains open to interpretation,

“Uzbekistan President Islam Karimov and his government are confusing the high level of religiosity among Muslims in their country with Islamist extremism, according to a group of independent analysts []. The Expert Working Group of Uzbek intellectuals there and abroad, draws that conclusion in a detailed 7,000-word study released this week about the state of Islam in Uzbekistan and the complicated relationship between Muslims and the Uzbekistan government.

And while it is “incorrect to consider Islam in Uzbekistan as an opponent of the secular and liberal path of development of the country” – “Islam [there] still does not have its own political program” – “in the post-Karimov epoch, the social-political status of Islam will be reconsidered” over the course of time. []

²¹⁷ IWPR, Uzbekistan’s Hidden Trials, 5 March 2010, <http://iwpr.net/report-news/uzbekistan's-hidden-trials>, accessed 10 October 2010

²¹⁸ CSIS, From the Ferghana Valley to South Waziristan - The Evolving Threat of Central Asian Jihadists, March 2010, p.21, http://csis.org/files/publication/100324_Sanderson_FerghanaValley_WEB_0.pdf, accessed 10 October 2010

Given the centrality of Islam for most Uzbeks, the Karimov regime has “not fought with Islam as such.” Instead, Tashkent today “has set itself a task of a different character, namely to lower the level of the religiosity of society and hold it at a level that is comfortable for the powers that be.”

“The current leaders of Uzbekistan see in Islam,” the report says, “a generator of protest attitudes among the population. That is, they view it as ‘a source of instability and a system that forms threats’ to themselves.”²¹⁹

Voice of America reports in a February 2010 article that the extent of Islamic radicalism in Central Asia remains difficult to assess, though the movement remains strong in some areas,

“Islamic radicalism has become a serious problem in some areas of Central Asia – especially in the Fergana Valley, which overlaps the borders of Uzbekistan, Kyrgyzstan, and Tajikistan – but the threat is by no means uniform, according to Paul Goble, a specialist on ethnic and religious questions in Eurasia.

“There is a serious Islamist challenge against the Uzbek government,” Goble said. “But in Kazakhstan, there is relatively little, and in Turkmenistan, there is almost none.” Both in Tajikistan, along its border with Uzbekistan, and in the southern portion of Kyrgyzstan, there is “significant” Islamic radicalism that is largely a spillover from Uzbekistan, since it is a heavily Uzbek-populated area, according to Goble. “So it’s wrong to say that all of Central Asia is subject to Islamic radicalism,” he warns, “but it’s correct to say that there is a very serious problem in Uzbekistan and in the adjoining areas of Kyrgyzstan and Tajikistan.” []

“One of the problems is that – if you try to make this clear and simple – you’re going to be wrong. The interaction of ethnicity, religion, economics, and politics means that there is more than one variable in this equation. Governments in the region – especially the Uzbek government of Islam Karimov – have chosen to call a lot of things Islamic that probably aren’t. But, those people who simply blame the governments miss the fact that there is a significant element of Islamic radicalism in the Fergana Valley,” he said.” []

But journalist Alisher Khamidov, who has recently returned from Kyrgyzstan, where he was doing fieldwork on the roots of Islamic radicalism, says he questions the extent of the problem. []

Over the past four or five years, especially since the suppression of the May 2005 uprising in Andijan, Khamidov suggests, there have been profound changes in the Fergana Valley and radical Islam has actually lost its earlier influence.

“The first factor is the level of state repression against what officials call Islamic radicalism,” Khamidov said. For example, many people are now afraid of being affiliated with Hizb ut-Tahrir and other groups the government regards as radical. The second major factor is economic pressure. “A lot of people – potential recruits to radical groups – have gone to Russia in search of jobs.” The third factor, Khamidov says, is ideological competition. “In recent years, the Fergana Valley and other parts of Central Asia have witnessed a rise in moderate Islamic thought,” he said.”²²⁰

An October 2009 report by *BBC News* states that the Kyrgyz and Tajik authorities are concerned that the Islamic Movement of Uzbekistan might be returning to the Ferghana Valley,

²¹⁹ Eurasia Review, Tashkent Mistakenly And Dangerously Conflates Muslim Religiosity With Islamist Extremism, 30 September 2010, <http://www.eurasiareview.com/201009298629/tashkent-mistakenly-and-dangerously-conflates-muslim-religiosity-with-islamist-extremism.html>, accessed 12 October 2010

²²⁰ VOA, Extent of Islamic Radicalism in Central Asia, 5 February 2010, <http://www.voanews.com/english/news/news-analysis/Extent-of-Islamic-Radicalism-in-Central-Asia-Unclear-83631707.html>, accessed 10 October 2010

“Police and border agents from Kyrgyzstan and Tajikistan are hunting suspected militants along their shared border in Central Asia. The search comes after four suspected members of the banned Islamic Movement of Uzbekistan were killed on Sunday in the northern Tajik city of Isfara. []

The Tajik authorities believe that the alleged militants are members of the Islamic Movement of Uzbekistan (IMU), a militant group with links to the Taliban.

The group has been blamed by the authorities of other Central Asian states for a number of incidents over the summer in the Ferghana Valley, a strategic strip of land shared by Tajikistan, Kyrgyzstan and Uzbekistan.

There has been growing concern that militants affiliated to the IMU, who have fought alongside the Taliban in Afghanistan and Pakistan's tribal regions, may be returning to the Ferghana Valley.”²²¹

According to an August 2010 report by *Central Asia Online*, Islamic fundamentalism is a concern in the Ferghana Valley region,

“The perceived spread of religious radicalism in the Fergana Valley is worrying not only Tajik law enforcement, but also local clergy. “Traditional Muslims are always thinking about how not to harm others,” Imam-Hatip Hodzhi Mirzo Ibodullo Kalonzoda of Nuri Islom Mosque in Khudzhand said.

“But we must not deny the influence on young people that extremist religious forces hiding behind the banner of Islam have.”

The greatest danger of destabilisation in Fergana Valley comes from the violence of the Islamic Movement of Uzbekistan (IMU) and Hizb ut-Tahrir's ideological struggle, analysts concur. []

“Any community established on religious grounds requires cautious attention,” said Bobur Alihanov, head of the Media Freedom Project at the Institute for the Study of Civil Society in Uzbekistan, “not because we want to infringe upon their rights, but so as to prevent activities harming the public or the state.”

But repressive measures could backfire, rights activists warned. “Presently, hundreds of innocent people are sitting in Tajikistan's and Uzbekistan's prisons. Basically, they are deceived and misled youth,” said human rights activist Faizinisso Vohidova. “Many received unimaginable sentences just for passing out leaflets.”²²²

Voice of America reports in a June 2010 article that tensions exist between Uzbekistan and Kyrgyzstan, in particular in relation to the ethnic divide in the Ferghana Valley,

“The UN envoy to Kyrgyzstan, Miroslav Jenca, says the conflict in Kyrgyzstan was sparked because of tensions that exist in the country, and that reconciliation is needed between ethnic groups to avoid further conflict.

Jenca says there is a danger of extremism in the Fergana Valley and in a broader sense throughout Central Asia, given that it borders Afghanistan. He says there are a number of well-known extremist organizations in the area which can use current circumstances as fertile ground to realize their plans. []

²²¹ BBC News, 'Militants' hunted in Tajikistan, 19 October 2009, <http://news.bbc.co.uk/2/hi/asia-pacific/8315056.stm>, accessed 10 October 2010

²²² Central Asia Online, Religious extremists exploit ignorance, social problems to recruit, 9 August 2010, http://www.centralasiaonline.com/cocoon/caii/mobile/en_GB/features/caii/features/main/2010/08/09/feature-01, accessed 10 October 2010

Alisher Khamidov, a Central Asian researcher with Johns Hopkins University is in the southern Kyrgyz city of Osh and explains ethnic extremism as an ideology, []. Khamidov says recent wholesale destruction of shops, businesses, and restaurants in southern Kyrgyzstan could allow ethnic and religious extremists as well as criminal groups to exploit the ensuing unemployment and lawlessness. []

Alisher Khamidov says ethnic and Islamic extremists oppose one another. He says religious fundamentalists reject ethnic and nationalist sentiments, seeking instead to establish Islamic Sharia law for all peoples of Central Asia.”²²³

The *Eurasia Review* details in a September 2010 report the view that the Uzbek authorities fear ethnic unrest from southern Kyrgyzstan spilling over into Uzbekistan,

“Ethnic Uzbeks in southern Kyrgyzstan feel that they have been betrayed by Tashkent which has failed to support them or offer them refuge, but the Uzbek authorities have adopted this position, experts say, because Tashkent fears the unrest in southern Kyrgyzstan involving the ethnic Uzbeks there could spread into Uzbekistan itself. []

Yuldashev says that in the view of many, “for Uzbekistan President Islam Karimov, the south of Kyrgyzstan is a stronghold of the Uzbek religious and political opposition,” and consequently, he and his regime had no interest in importing those problems. Some would-be migrants were sent back or robbed, while those who got in were sent to work in the cotton fields.

Indeed, Yuldashev continues, “in the opinion of a number of Kyrgyz experts, the south of Kyrgyzstan and the Uzbeks living there are not so much a bastion as a headache for official Tashkent just as they have been for Bishkek,” which views the region and the ethnic Uzbeks there as troublesome potential separatists.

But in Tashkent, many see the Uzbeks of that region as a real threat. Not only are they well-armed and now experienced in street fighting, but the Uzbeks of southern Kyrgyzstan are in some cases involved in drug trafficking, members of Islamist radical groups, or wealthy Uzbek oligarchs who have fled there to escape Karimov’s recent campaign against them.

Moreover, the ethnic Uzbeks of Kyrgyzstan have collectively had the experience of fighting for political goals like greater access to the media and the allocation of positions in the government according to the ethnic composition of the population that could if such people came to Uzbekistan represent a danger to the Tashkent authorities.”²²⁴

In July 2010 *Amnesty International* reported that it,

“continues to receive reports of widespread torture or other ill-treatment of detainees and prisoners in Uzbekistan. Among the cases reported to the organization is that of a group of more than 30 women, who were detained by security forces in counter-terrorism operations in the city of Karshi in November 2009. All of them were believed to be observant Muslim believers who may have attended religious classes taught by Zulkhumor Khamdamova, who had been accused of organizing an illegal religious group. Police officers allegedly stripped the women naked and threatened them with rape; they did not allow the women to use toilet facilities for 20 hours at a time. At least four of the women were breastfeeding infants at the time of their detention, and police officers reportedly questioned them for several hours without allowing them to breastfeed. On 12 April, the Kahskadaria Criminal

²²³ VOA, UN Official Warns of Extremism in Central Asia, 17 June 2010, <http://www.voanews.com/english/news/United-Nations-Official-Warns-of-Extremism-in-Central-Asia-96556119.html>, accessed 10 October 2010

²²⁴ *Eurasia Review*, Tashkent Fears Southern Kyrgyzstan Unrest Could Spread Into Uzbekistan, 7 September 2010, <http://www.ecobizwatch.com/topic/tashkent-fears-southern-kyrgyzstan-unrest-could-spread-into-uzbekistan>, accessed 9 October 2010

Court convicted three of the women for attempting to overthrow the constitutional order and representing a threat to public order and entenced [sic] Zulkhumor Khamdamova to six-and-a-half years in prison. Her sister, Mekhriniso Khamdamova, was sentenced to seven years and their relative Shakhlo Pakhmatova to six-and-a-half years in prison.”²²⁵

²²⁵ Amnesty International, Public Statement: Uzbekistani asylum seekers at risk of extradition from Ukraine and Kazakhstan, 6 July 2010, <http://www.amnesty.org/en/library/asset/EUR04/002/2010/en/c538edf2-d3fa-4394-af19-9c6b0e703dda/eur040022010en.pdf>, accessed 18 November 2010