



UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM

2006 Annual Report

Europe and Eurasia Chapters

Belarus

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Belarus

Belarus has a highly authoritarian government, with almost all political power concentrated in the hands of President Aleksandr Lukashenko and his small circle of advisors. The Lukashenko regime has been widely accused of serious human rights abuses, including involvement in the “disappearances” of several key opposition figures, the imprisonment of political opponents and journalists, and strict media controls. Human rights conditions deteriorated further after the March 2006 presidential elections, which observers deemed to be fraudulent. The government of Belarus also continues to commit serious violations of the right of its citizens to freedom of thought, conscience, and religion or belief. Religious freedom conditions, which had already declined as a result of the strict law on religion passed in October 2002, deteriorated further in the past year. The Commission continues to place Belarus on its Watch List, and will maintain scrutiny throughout the year to determine whether the government’s record rises to a level warranting designation as a “country of particular concern,” or CPC.

According to the State Department’s 2005 *Country Reports on Human Rights Practices*, the human rights record of the government of Belarus “remained very poor and worsened in some areas, with the government continuing to commit numerous serious abuses.” The Belarusian authorities stepped up their campaign against all independent actors, including independent media outlets, trade unions, advocates of ethnic minority rights, and non-governmental organizations (NGOs). In December 2005, the Belarusian government amended its laws further to restrict freedom of speech, press, and assembly by passing a series of amendments that make it a crime, with punishments of up to three years in prison, to provide “false” information about the political, economic, social, military, or international situation of the country to a foreigner; to give out information on government agencies or the rights of citizens; to participate in the activities of unregistered NGOs; to participate in public demonstrations; to instruct people on demonstrating publicly; to finance public demonstrations; or to solicit foreign countries or international organizations in order to “act to the detriment” of Belarus.

The legislation on religion passed in October 2002 led to serious restrictions on religious freedom in Belarus. The law codifies the activities of the official Committee of Religious and Nationality Affairs of the Council of Ministers (CRNA) and sets up severe regulatory obstacles and major bureaucratic and legal restrictions on the activities of many religious communities. Essentially, the 2002 religion law prohibits all religious activity by unregistered groups; religious communities with fewer than 20 members; foreign citizens from leading religious activities; and religious activity in private homes, with the exception of small, occasional prayer meetings. The law set up a three-tiered system of registration, and particularly restricts the activities of groups on the lowest tier. The law also mandated that all existing religious communities in Belarus re-register with the CRNA by November 2004. Most previously registered groups were re-registered, but the law was viewed as a strengthening of the government’s opportunities to deny registration to disfavored groups.

Some religious groups have been consistently denied registration. One frequent basis for re-registration denials has been failure to provide a valid legal address; another is a failure to limit activities to a required location. In the past year, two evangelical Protestant churches in and near Minsk were denied registration due to the absence of a “legal address.” In the past year, a

Jewish group and a Calvinist congregation in Minsk had difficulty obtaining valid legal addresses, thereby preventing them even from applying for registration. Five autonomous Baptist congregations in the Brest region still await a response to their re-registration request because they refuse to restrict their activity to a particular location. In many cases, officials do not provide any reason for the denial of re-registration requests.

Official government attempts to control and restrict religious groups are frequently blatant. A January 2005 report by the top religious affairs official in the Brest region which was leaked to persons outside the government reportedly called for more prosecutions of local unregistered Baptist congregations by the end of the year. A November 2005 report called on Brest regional officials to break up more worship services and harass, fine, and control religious activity. That same report points to specific failures of local officials, including their failure to return the property of an alternative Orthodox community to the Moscow Patriarchate and to halt Greek Catholic, Jehovah's Witness, Adventist, and Pentecostal activities in the region.

While re-registered religious organizations, including Muslims, Lutherans, and Baha'is, have held worship services at residential addresses without prosecution, the Administrative Violations Code (Article 167) and the 2002 religion law forbid religious meetings in private homes and religious activity outside designated houses of worship without advance approval from state authorities. A first offense is punishable by a warning, a fine of between 20 and 150 times the minimum monthly wage, or three to 15 days' imprisonment. A second violation within one year is punishable by a fine of between 150 and 300 times the minimum monthly wage or ten to 15 days' imprisonment. In 2005, several religious communities were fined or warned by courts for holding private worship services, including the Minsk Krishna Consciousness Society, which faces prosecution; the Christ's Covenant Reformed Baptist Church, which received a warning from a Minsk court; and the Full Gospel Light to the World, which was warned that it would be shut down.

The Belarusian authorities appear to be adopting tougher sanctions against church leaders and parishioners who take part in unregistered religious activity. In March 2006, the pastor of the Minsk-based Christ's Covenant Reformed Baptist Church received a ten-day prison term for conducting religious worship in his home, the first time in 20 years that a religious leader was sentenced to imprisonment. The church's re-registration request had previously been denied. In January 2006, police visited a residence during a worship service of a registered Minsk-based Pentecostal congregation and drew up a protocol against the bishop for alleged violations of the public demonstrations law, which requires advance official permission for all public events. This is despite the fact that the congregation is registered to hold worship services in that building. In November 2005, a member of the Brest congregation of the unregistered Council of Churches Baptists was fined for unregistered religious activity.

Various other laws, regulations, and directives also restrict the activities of registered religious communities. For example, groups are not allowed to function outside their geographic area of registration. The pastor of an Evangelical Protestant church in the Grodno region reportedly received a call from a local official warning him not to allow pastors from other regions to speak at his church. If a registered religious community does not qualify as a "central association," as in the case of the Greek Catholic Church, it cannot own media outlets or invite

people from outside Belarus to work with the community. The Society for Krishna Consciousness also does not qualify as a central association and therefore cannot rent a hall or produce a publication with a print run of over 300. Belarusian law requires monasteries to have a minimum of ten participants; yet, only seven Roman Catholic convents and none of the Catholic Church's five or six monasteries meet that arbitrary criterion.

Since coming to power in 1994, President Lukashenko has openly favored the Belarusian Orthodox Church (BOC), an Exarchate of the Moscow-based Russian Orthodox Church, resulting in a privileged position for the BOC in relation to other religious communities. This relationship was codified in June 2003, when the Belarus government and the BOC signed a concordat setting out the Church's influence in government affairs and other facets of public life. Relations between the BOC and the Belarus government have created difficulties for many religious minorities, which have sometimes been denied registration or permission to rent or build a place of worship by regional authorities who have been influenced by local Orthodox leaders. Several "independent" Orthodox churches that do not accept the authority of the Orthodox Patriarch in Moscow have been denied registration, including the Autocephalous Orthodox Church and the True Orthodox Church, a branch of the Orthodox Church that rejected the compromise with the Soviet government made by the Russian Orthodox Church in the 1920s. In March 2004, the Belarusian government granted the BOC the exclusive right to use the word "Orthodox" in its title. The state-media sometimes attacks minority religious groups; in some cases, the property of these groups has been vandalized, though it cannot be established for certain if there is a direct correlation between these events.

The government refuses to acknowledge anti-Semitism and does not prosecute those responsible for vandalism against Jewish memorials, cemeteries, or other property. A Jewish cemetery, reportedly located a few meters from a police station in the Brest region, was vandalized in May 2005. No arrests have been reported. In January 2006, President Lukashenko reportedly awarded a medal for "spiritual development" to the editor of his presidential administration's newsletter, a person who has argued that the notorious anti-Semitic forgery "The Protocols of the Elders of Zion" is a genuine document. Anti-Semitic literature continues to be sold in government buildings, in stores, and at events directly and indirectly connected with the BOC. In addition, because the 2002 religion law states that religious organizations do not have priority in reclaiming property if a former worship building is now used for culture or sport, only nine of 92 historic synagogues in Belarus have been returned to the Jewish community since the country's independence in 1991. Reportedly, in January 2006, some 30 neo-Nazis held a march in the city of Grodno and several bystanders were beaten; city police deny any knowledge of the incident.

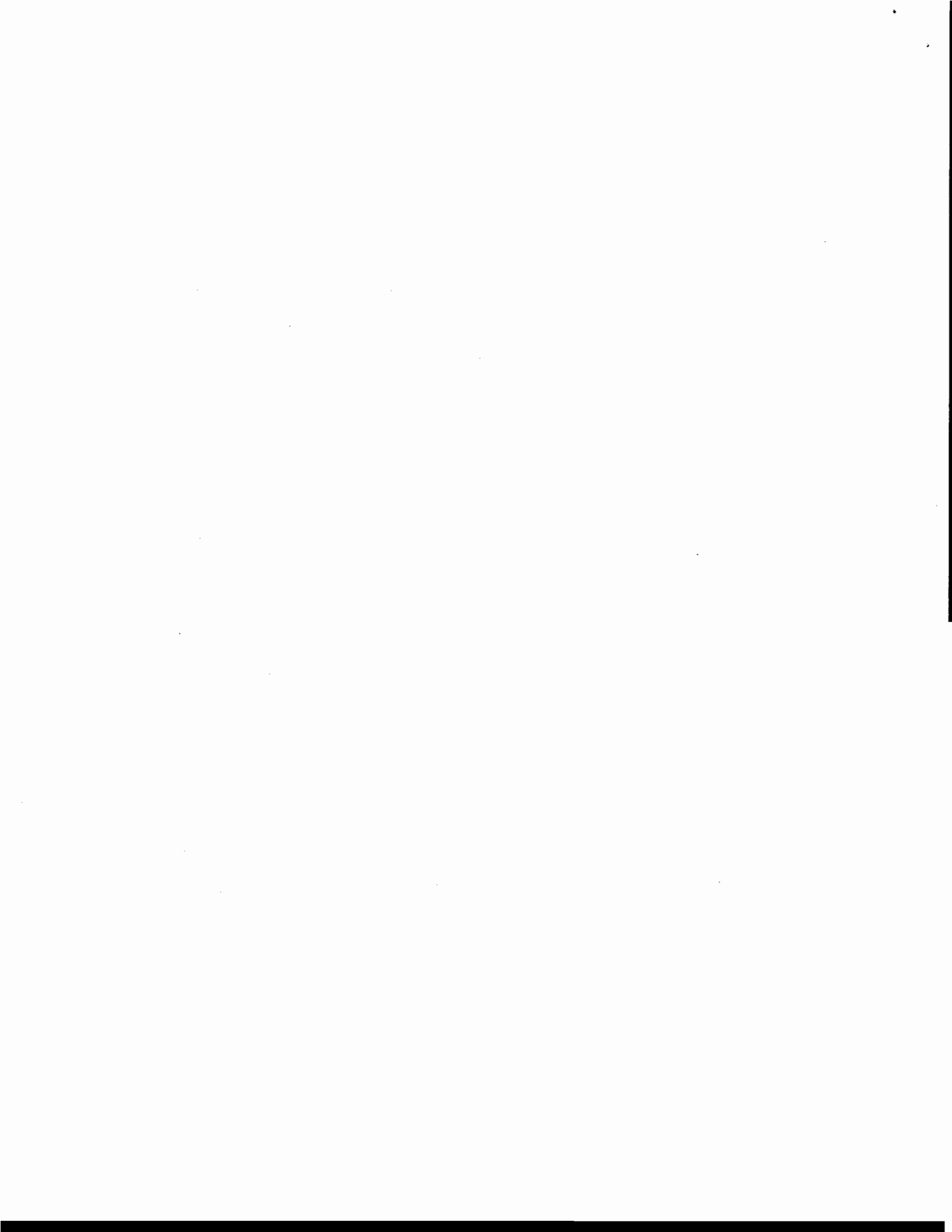
In contrast to the harsh measures described above, President Lukashenko signed a new law in late 2005 that exempted from tax the land and property of many religious organizations. The list of eligible religious organizations includes those denied re-registration but not yet liquidated by court order, such as the Minsk-based New Life Church and the Minsk Society for Krishna Consciousness. However, the recently liquidated Minsk-based Belarusian Evangelical Church and Belarusian Evangelical Reformed Union are reportedly not included.

The Commission has traveled to Belarus and met with officials for the State Committee on Religious and Nationalities Affairs as well as with representatives of various religious and human rights groups. The Commission pressed for passage of the Belarus Democracy Act, which was passed by Congress in October 2004. Commission staff has met with independent human rights activists from Belarus, including the author of the "White Book," an extensive report on religious persecution in that country. The Commission released a report on Belarus in May 2003 with findings and recommendations for U.S. policy. In 2004 and 2005, the Commission took part in meetings of the Organization for Security and Cooperation in Europe, presenting information on freedom of religion in Belarus and meeting with Belarusian officials. In March 2005, the Commission met with delegation heads from the United States and European Union countries at the 61st session of the UN Commission on Human Rights and presented information about violations of religious freedom in Belarus.

With regard to Belarus, the Commission has recommended that the U.S. government should:

- raise the deteriorating human rights situation in Belarus at the next meeting of the G8 countries in St. Petersburg, Russia in July 2006 and urge all of the members of the G8, including Russia, to press the government of Belarus to institute democratic reforms with respect to human rights, including religious freedom, in that country;
- institute fully the measures set forth in the October 2004 Belarus Democracy Act, which expresses the Sense of Congress that sanctions be applied against the government of Belarus until the President "determines and certifies to the appropriate congressional committees that the government of Belarus has made significant progress" in meeting human rights conditions designated in the bill, including: the release of individuals who have been jailed on account of their political beliefs; the withdrawal of politically motivated charges against opposition figures; a full accounting of the "disappearances" of noted opposition leaders and journalists; and the cessation of all forms of harassment of independent media, non-governmental organizations, opposition groups, and religious organizations; specific sanctions would include: the denial of entry into the United States to high-ranking Belarusian officials, and the prohibition of strategic exports and U.S. government financing to the Belarusian government, except for humanitarian goods and agricultural or medical products;
- coordinate with the European Union on the application of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those who are directly responsible for or who have carried out the government's abuses of religious freedom;
- undertake efforts to prevent Belarus from gaining membership in the new UN Human Rights Council;
- use every measure of public and private diplomacy to advance the protection of human rights, including religious freedom, in Belarus, including enhanced monitoring and public reporting by the U.S. Department of State and the appropriate international organizations;
- urge the Belarus government to take immediate steps to end repression, including:

- repealing the highly repressive religion law;
 - ending the practice of denying registration to religious groups and then erecting obstacles to religious practice because of that unregistered status;
 - providing the right to conduct religious education and distribute religious material;
 - halting government attacks on the persons and property of minority religious groups;
 - ensuring a greater effort on the part of government officials to find and hold to account perpetrators of attacks on the persons and property of members of religious minorities; and
 - providing free access by domestic and international human rights groups and others to sites of religious violence or destruction of places of worship;
- ensure that the activities to promote democracy authorized by the Belarus Democracy Act include the right to freedom of religion or belief and religious tolerance;
 - urge the Belarus government to issue invitations to the UN Special Rapporteur on the Situation of Human Rights in Belarus; the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Expression; the Special Representative of the Secretary-General on the Situation of Human Rights Defenders; the Special Rapporteur on Freedom of Religion or Belief, as well as the Working Group on Enforced and Involuntary Disappearances;
 - urge the Belarus government to ensure that no religious community is given a status that may result in or be used to justify impairment of the rights of members of other religious groups;
 - urge the Belarus government to publicly condemn, investigate, and prosecute criminal acts against Jews and the Jewish community, as well as members of other ethnic and religious communities;
 - continue to support, publicly and privately, persons and groups engaged in the struggle against repression in Belarus, including the group of religious and opposition activists who make up the Freedom of Religion Initiative that published the “White Book”;
 - organize roundtables inside Belarus between members of registered and unregistered religious communities and international experts on freedom of religion; and
 - increase international travel opportunities, particularly for international conferences, for Belarusian civil society leaders, including representatives of human rights groups and religious leaders, and others who defend freedom of religion in that country.



Georgia

Georgia's former government under President Eduard Shevardnadze exhibited a slow and inadequate response to three years of vigilante violence against members of some of the country's religious minorities. However, under the new government of President Mikheil Saakashvili, the number of reported incidents of violence against minority religious communities markedly decreased in 2004. Moreover, in January 2005, two of the leaders of this vigilante violence were sentenced to prison for their involvement in the attacks. In the past year, President Saakashvili, the National Security Council Secretary, and the Government Ombudsman have all advocated religious freedom and spoken out in support of minority religious groups. In late 2004, Georgian officials permitted the Jehovah's Witnesses Watchtower Bible and Tract Society to operate legally in the country for the first time. Under a new registration process established by parliament in April 2005, two religious communities were approved for registration as non-commercial organizations. While the Georgian Orthodox Church (GOC) remains the only religious group with formal legal status as a religious organization and other religious freedom issues remain unresolved in Georgia, significant improvement in religious freedom conditions led the Commission to remove Georgia from its Watch List in 2004.

Georgia's 1995 Constitution mandates the separation of church and state, guarantees religious freedom, and forbids "persecution of an individual for his thoughts, beliefs or religion." In practice, however, violations of religious freedom have occurred, especially at the regional level, where local officials have restricted the rights of members of mainly non-traditional religious minorities, who in past years were subjected to societal violence. However, according to the State Department, increased investigations and prosecutions of the perpetrators led to further improvements in the status of religious freedom in 2005.

The precipitous drop in the number of violent attacks on religious minorities and the sentencing of the ringleaders of the violence represent improvements for religious freedom in Georgia. Under the Shevardnadze government, minority religious groups in Georgia, including Baptists, Roman Catholics, Hare Krishnas, Jehovah's Witnesses, and members of Orthodox churches that do not accept the primacy of the GOC Patriarchate, were subjected to more than 100 violent vigilante attacks. Jehovah's Witnesses, as well as members of independent Orthodox churches, were particularly targeted. Local police were implicated in these attacks, as they often refused to intervene to protect the victims. What began in 1999 as a series of isolated attacks in the capital of Tbilisi escalated by 2002 into a nation-wide scourge of widely publicized mob assaults against members of religious minorities.

The main instigators of these attacks were the defrocked GOC priest Basil Mkalavishvili and director of the Orthodox "Jvari" Union, Paata Bluashvili, the latter of whom was reportedly supported by some in the GOC hierarchy. After years of government delays and inaction, in November 2003, only days after the Shevardnadze government fell, a court in Rustavi sentenced Bluashvili and four associates to suspended prison terms, ranging from two to four years, for their role in spearheading the violence in two attacks against Jehovah's Witnesses. Mkalavishvili has also been convicted on criminal charges, though only after somewhat drawn-out legal proceedings. Mkalavishvili and an associate were sentenced in January 2005; Mkalavishvili received a six-year term and his associate a four-year term. Their lawyers reportedly plan to appeal the sentences.

Despite improvements, some religious freedom concerns remain. Although the primary leaders of the violent attacks against members of religious minorities have been convicted, many other of the people accused of participating in this violence—including local police officials—have not been held to account by the Georgian authorities, reportedly due to fears of offending the GOC hierarchy. Moreover, Orthodox communities other than the GOC and some other minority Christian denominations periodically encounter difficulties from local officials and the GOC in building places of worship or displaying their literature in bookstores.

There are a number of concerns involving the status of the GOC, to which 65 percent of the country's population claim adherence. Article 9 of the Constitution recognizes the "special importance of the GOC in Georgian history." In October 2002, the Georgian government signed an agreement, or concordat, with the GOC, granting the Church some approval authority over state school textbooks, the construction of religious buildings, and the publication of religious literature by other religious groups. Although the agreement was reaffirmed in January 2005, a new law passed in April 2005 provided for the separation of state schools and religious teaching and narrowed the application of the concordat, such as limiting teaching by the GOC to after-school hours and eliminating school and teacher involvement.

In recent years, Assyrian Chaldean Catholics, Lutherans, Muslims, Old Believers, Jehovah's Witnesses, and Roman Catholics have stated that the GOC Patriarchate has often acted to prevent them from acquiring, building, or reclaiming places of worship. The Patriarchate has also reportedly denied permission for Pentecostals, the Salvation Army, and the True Orthodox Church to print some religious literature in Georgia, although Assyrian Chaldean Catholics, Baptists, Roman Catholics, and Yezidis (an ancient religion with a majority of ethnic Kurdish adherents) have not reported difficulties in this regard. An affiliate organization of the Jehovah's Witnesses has been allowed to register as a civic association, which should ease problems with regard to the import of religious literature.

In April 2005, a new law was passed allowing religious communities to register as non-commercial organizations. As a result, both the Church of Jesus Christ of Latter Day Saints (Mormons) and the Seventh Day Adventists were approved for registration. While this remedy generally is considered a more or less satisfactory way to grant legal personality to religious groups, Roman Catholic and Armenian Apostolic churches reportedly are trying to devise a different arrangement with the government. They, along with Muslims, oppose registering as non-commercial organizations, preferring to register only as public religious bodies. This would give them the same status as that of the GOC, the only religious community in the country that enjoys such a distinction and one that it gained as a result of its 2002 concordat with the Georgian government. The leaders of many other religious minority groups are also still seeking recognized legal status, a prerequisite for the community collectively to own property or organize most religious activities. However, the absence of formal legal status generally has not prevented most religious communities from functioning through affiliated registered non-governmental organizations. According to the State Department, in December 2005, the government's human rights ombudsman issued a report calling for equal recognition under the law for all religions, a suggestion to which some Members of Parliament reportedly objected.

Despite general tolerance toward minority religious communities viewed as traditional to Georgia, opinion polls and the Georgian media reflect significant societal intolerance towards Protestants and other religions relatively new to Georgia. Public opinion polls continue to show that a majority of Georgians view minority or new religious groups as a threat to the GOC and national cultural values, and that violence against and the prohibition of such groups would be acceptable, according to the State Department's 2005 human rights report. Some GOC representatives have argued that foreign Christian missionaries should confine their activities to regions of Georgia where Muslims are the majority of the population. The government ombudsman has also reported hostility towards non-Orthodox religious communities, including reports that children in state orphanages are sometimes baptized by GOC clergy without their parents' permission (it is not uncommon in many countries of the former Soviet Union for poorer parents to place their children in orphanages on a temporary basis).

With regard to Georgia, the Commission recommends that the U.S. government should:

- encourage the Georgian government to continue to investigate and prosecute those individuals, including local officials, who are alleged to have been complicit or engaged in violence against members of religious minority communities;
- encourage the Georgian government to establish a mechanism to enable religious communities to gain legal personality as public religious bodies under Georgian law, consistent with international human rights standards; and
- direct funding to initiate programs in Georgia for journalists, religious leaders, and members of non-governmental organizations to promote religious tolerance and provide education on international standards on freedom of religion or belief.



The Organization for Security and Cooperation in Europe

The International Religious Freedom Act of 1998 (IRFA) specifically cites U.S. participation in multilateral organizations as a way to advance respect for freedom of religion or belief, which is enshrined in numerous international human rights declarations and conventions. The 55 participating States of the Organization for Security and Cooperation in Europe (OSCE), i.e., all of Europe and the former Soviet republics along with the United States and Canada, committed themselves to uphold extensive standards to protect freedom of religion or belief and to combat discrimination, xenophobia, intolerance, and anti-Semitism. In point of fact, freedom of thought, conscience, and religion or belief is singled out in the OSCE founding document, the 1975 Helsinki Final Act. After the fall of the Soviet Union, the OSCE has continued to be an important forum in which participating States have been held accountable for their human rights commitments. Moreover, uniquely for an international organization, the OSCE since its inception has involved non-governmental organizations (NGOs) as partners in its review of members' human rights practices.

In recent years, however, some participating states have sought to curtail the organization's human rights activities. In 2004, delegations from nine countries, led by Russia along with eight other former Soviet states—Armenia, Belarus, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Ukraine, and Uzbekistan—issued a written statement demanding that the OSCE give more weight to security matters.¹ Russia, in particular, has protested frequently in recent years that the OSCE focuses too much of its criticisms on the countries of the former USSR, while downplaying human rights problems in the West.² Russia withheld its needed approval for the OSCE's 2005 budget, which must be agreed to by the consensus of all participating States, thereby delaying its implementation and putting in jeopardy many of the organization's human rights activities. The OSCE's human rights activities are particularly important at a time when the governments of Russia and many other countries of the former USSR are demonstrating an increasing lack of commitment to their human rights obligations, which include efforts to combat racism, xenophobia, and various other forms of intolerance and discrimination.

Background on Racism, Xenophobia, Discrimination, and Intolerance

In recent years, there has been a dramatic rise in incidents of racism, xenophobia, discrimination, and intolerance toward Muslims, Jews, Christians, and members of other religious and ethnic minorities in the OSCE region. Anti-Jewish or anti-Semitic views and actions also continue to be a problem in many OSCE participating states. Frequently, officials fail to hold the perpetrators of anti-Semitic attacks to account. Reportedly, many of the recent anti-Semitic incidents in Western Europe have been committed by angry and marginalized young North African Muslim immigrants. "Skinhead" gangs are another source of hate-filled rhetoric

¹ In July 2004, the institution itself came under more pointed attack when these countries accused the OSCE of failing to respect their sovereignty. Having been criticized—in some cases, repeatedly—by OSCE election monitors for holding elections that failed to meet democratic standards, the nine countries accused the OSCE of interfering in their internal affairs.

² Yet, on the invitation of the United States, the OSCE deployed an Election Observation Mission for the U.S. November 2004 presidential elections.

and violence in all too many countries in the OSCE region. These gangs target various ethnic and religious minorities, including Jews and Muslims, with violence that includes acts of vandalism against religious and other property, and seek to inflame public opinion against these groups. Although such violence is often well documented, officials rarely investigate and prosecute these acts as hate crimes. Instead, they often trivialize such violence by treating it as “hooliganism.” Extremist rhetoric emanating from some circles that goes uncontested by political and societal leaders has also promoted an environment of intolerance toward members of various ethnic and religious minorities. Anti-Zionism and vilification of Israel can also mask anti-Semitism. When burnings, beatings, and other acts of violence are directed at a particular group because of who they are and what they believe, such acts should not be viewed merely as police problems, but as human rights violations that require an unequivocal response.

The OSCE Response

The OSCE has set up several new mechanisms to address intolerance and related human rights issues, as mandated by the 2003 OSCE Ministerial Meeting. The OSCE has convened a series of high-level meetings to address anti-Semitism and other tolerance-related issues. As the Commission recommended, in late 2004 the OSCE Chairman-in-Office appointed three Personal Representatives to promote tolerance. The OSCE became the first international organization to name a prominent appointee specifically to examine anti-Semitism. Similarly, there is a personal representative monitoring intolerance toward Muslims, and a third who tracks other forms of intolerance, including xenophobia, racism, Christianophobia, and intolerance against members of other religions. Finally, a new Tolerance Unit within the OSCE’s Office of Human Rights and Democratic Institutions (ODIHR) was set up, also in late 2004, to monitor and encourage compliance with OSCE commitments to combat xenophobia, anti-Semitism, and Islamophobia, and to promote freedom of religion or belief.

OSCE Meetings on Tolerance and Related Topics

The annual OSCE Ministerial Meeting in 2003 mandated a major international conference to address anti-Semitism in the 55 states of the OSCE region. The Berlin Conference on Anti-Semitism in April 2004 was attended by 600 officials from 55 nations and by hundreds of NGOs. The conference recommended specific steps to fight anti-Semitism, including collection of, and regular reporting on, hate crimes data; bolstering national laws; promoting educational programs, and combating hate crimes fueled by racist propaganda in the media and on the Internet. Led by the then-U.S. Ambassador to the OSCE, Stephan M. Minikes, the participating States authorized the OSCE Chairman-in-Office to appoint three special representatives to coordinate and highlight OSCE activities in this field. In addition to the Berlin Conference, the OSCE has held several other high-level and expert-level meetings on tolerance-related issues, including the Conference on Tolerance and the Fight against Racism, Xenophobia and Discrimination (Brussels, September 2004); the Human Dimension Seminar on Migration and Integration (Warsaw, May 2005); the OSCE Conference on Anti-Semitism and on Other Forms of Intolerance (Cordoba, June 2005); and the Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism (Vienna, July 2005). At the time of this writing, the OSCE had not publicized any official decisions on meetings in 2006 specifically related to tolerance topics.

These conferences have raised awareness among the governments of the OSCE participating States, NGOs, and the public regarding anti-Semitism, discrimination against Muslims, and other tolerance-related issues in the OSCE region. The challenge for the OSCE and its 55 members is to act on the ideas that have emerged from these conferences and translate them into activities and programs that will combat these forms of intolerance in OSCE participating States.

OSCE Personal Representatives

In December 2004, the 55 OSCE participating States authorized the then-Chairman-in-Office, Bulgarian Foreign Minister Solomon Passy, to name three Personal Representatives to promote tolerance. Anastasia Crickley of Ireland, Chairperson of the European Monitoring Centre on Racism and Xenophobia, was appointed as the Personal Representative on Combating Racism, Xenophobia and Discrimination, also focusing on Intolerance and Discrimination against Christians and Members of Other Religions; Gert Weisskirchen, German Parliamentarian and Professor of Higher Education, was named the Personal Representative on Combating Anti-Semitism; and Omur Orhun, former Turkish Ambassador to the OSCE, was appointed the Chairman-in-Office's Personal Representative on Combating Intolerance and Discrimination against Muslims. These appointments have been re-confirmed and will extend at least through 2007. The mandates of these Representatives include the promotion of better coordination of the implementation of decisions by the OSCE Ministerial and Permanent Councils on Tolerance and Non-discrimination as well as cooperation between the Chairman-in-Office and the ODIHR.

The mandates of the three Personal Representatives address separate but interrelated issues that call for distinct, yet coordinated, responses. Since the persons selected by the OSCE Chairman-in-Office for these honorary and part-time positions come from a variety of backgrounds, they may take different approaches to these important issues. Therefore, it is essential that the Personal Representatives more effectively coordinate with the various relevant OSCE institutions and among themselves in order to fulfill their mandates adequately. Indeed, the Commission is concerned that the work of the Representatives has been hampered by the lack of coordination of their complex and rather vague mandates, inadequate funding for staff and travel expenses, and other demands on their time and attention. The Commission also believes that the activities of the Personal Representatives should be given more prominence in the work of the OSCE.

In addition to playing an active role at relevant OSCE meetings, country visits have played a key role in the work of the Personal Representatives and in their reports to the OSCE Permanent Council. They have all visited the United States; Orhun held meetings in Turkey and made visits to the Netherlands, Great Britain, and France; Crickley also met with the UN in Geneva and paid a visit to Great Britain; and Weisskirchen has held meetings in Germany and has visited Russia. The Commission believes that the participating States should invite the Personal Representatives to their countries and enable them to meet with relevant government officials and, without interference, to meet with NGOs, and with community and religious leaders, and activists.

The Office of Democratic Institutions and Human Rights Tolerance Unit

One of the major institutional responses of the OSCE to growing concerns regarding religious intolerance was to set up a new Tolerance Unit in late 2004 within the ODIHR. The mandate of the Tolerance Unit includes OSCE efforts to promote tolerance and to combat intolerance and xenophobia, as well as to advance freedom of religion or belief. The United States has been a strong advocate for the establishment of the unit and for sufficient funding for its activities. The Tolerance Unit staff includes specialists on the issues of anti-Semitism, Islamophobia, xenophobia, and racism, as well as on freedom of religion or belief. These specialists monitor and conduct research, write reports, conduct programs, and serve as backups to the three Personal Representatives and the ODIHR Advisory Panel of Experts on Freedom of Religion or Belief. The Tolerance Unit was charged with setting up a database of information, as well as working on projects on such issues as data collection for hate crimes legislation, police training on hate crimes, and Holocaust education in specific countries.

Thus far, many of the Tolerance Unit's activities have centered on ambitious projects for gathering and publicizing information. The Unit's web site, slated to be operational in 2006, is supposed to provide access to information from OSCE participating states, NGOs, and inter-governmental organizations on international standards and instruments, plus Legislationline, ODIHR's online database, and the Human Rights Information and Documentation Systems International index to 2,000 NGO web sites. Although the Tolerance Unit has developed a "Website Guide to Tolerance Education" and a curriculum unit on "Holocaust Education and Anti-Semitism," the web site has not yet defined "tolerance" or "tolerance education" and does not include key documents and treaties, or relevant web links. The Tolerance Unit has issued several useful publications on combating intolerance, including "Combating Hate Crimes in the OSCE Region: An Overview of Statistics, Legislation, and National Initiatives" and "Education on the Holocaust and on Anti-Semitism: An Overview and Analysis of Educational Approaches." To date, however, the Tolerance Unit has focused little attention to specific countries where conditions are problematic. For example, few materials of the Tolerance Unit are available in the Russian language. Access to such information would make a significant contribution, in light of the rising levels of xenophobia, racism, and various forms of intolerance in Russia and other former Soviet countries.

Given the small staff and limited funding of the Tolerance Unit, however, it is open to question whether these many and complex projects make the most effective use of OSCE resources. To date, ODIHR's Tolerance Unit has emphasized activities with external organizations. To be more effective, the Unit should emphasize work with the 17 OSCE field presences and other OSCE institutions doing projects on the ground in participating States, thereby enabling the OSCE to identify and more directly address these problems. In 2005, the Tolerance Unit conducted pilot projects in Spain and Hungary to train police on hate crimes, but ODIHR has not yet taken up offers from several participating States to contribute expertise for such programs. If such offers were accepted, ODIHR core budget funding would be freed for other projects.

As mentioned above, part of the Tolerance Unit's mandate is to address freedom of religion or belief. Responsibility for the issue of religious freedom was removed from the ODIHR's Human Rights Unit when the issue was assigned to the Tolerance Unit in late 2004.

The Commission is concerned that because of this bureaucratic reassignment, freedom of religion or belief will be relegated as a corollary to tolerance work and will no longer be addressed by the ODIHR's human rights programs. Only one staff person in the Tolerance Unit is specifically assigned to the issue of freedom of religion or belief, and that person is also assigned to work with NGOs. In 2006, the ODIHR plans to hold workshops on freedom of religion issues with NGOs, religious communities, and government officials in Central Asia, the Caucasus, and South-Eastern Europe.

Other OSCE Venues for Addressing Freedom of Religion or Belief Issues

Freedom of religion or belief is set forth as one of the basic human rights principles in the 1975 Helsinki Final Act and since then has been addressed in various ways by the OSCE: through the periodic OSCE and later ODIHR conferences to review implementation of human rights commitments by the 55 participating States; during several conferences which specifically addressed these issues, such as the Supplementary Human Dimension Meeting on Human Rights and the Fight against Terrorism, held in Vienna in July 2005; in the structure of the ODIHR, where, until the Tolerance Unit was set up, freedom of religion or belief was part of the Human Rights Unit portfolio; through the 17 OSCE field presences, where freedom of religion or belief can also be the subject of monitoring, reports, and related activities; and through the inclusion of the views of relevant international, regional, and non-governmental human rights organizations in connection with each of the other venues described above.

Under the auspices of the ODIHR, the OSCE also hosts annual conferences, traditionally held in Warsaw in October, to review implementation by the 55 OSCE participating States of their OSCE human rights commitments, including freedom of religion or belief. Known as the Conferences on the Human Dimension (Human Dimension Implementation Meeting, or HDim), these ten-day meetings bring together diplomats, representatives of other international organizations, and, reportedly, the largest number of NGOs for a general European human rights conference. These conferences have been criticized by some government representatives for being too lengthy, for not attracting enough press and public attention, and increasingly, for the failure of participating States to respond—either in words or in deeds—to criticism of their human rights records voiced at the HDim.

The ODIHR Advisory Panel of Experts on Freedom of Religion or Belief was re-organized in 2004 and expanded to a total of 58 persons nominated by countries from throughout the OSCE region, including an Advisory Council of 15 members. The Panel functions primarily as a consultative body for the governments of participating States considering new or amended legislation affecting freedom of religion, as well as for expert opinions on individual cases. The Panel reviews both proposed and enacted legislation under guidelines developed by the ODIHR and the Council of Europe Venice Commission, guidelines that are based on international conventions and on OSCE commitments. The Panel then issues recommendations to the participating States on bringing such legislation into conformance with international human rights standards.

At present, the Panel is advising the governments of Macedonia, Romania, and Serbia on legislation. Panel recommendations on relevant legislation were also taken into consideration by

the governments of Kazakhstan, Kyrgyzstan, and Bulgaria. In the case of Uzbekistan, the government has not responded to the Panel's recommendations for revisions of its religion laws. In two recent examples of expert opinions on individual cases, the Panel determined that the situation of Jehovah's Witnesses in Moscow is illustrative of problems in other post-Soviet countries, where registration requirements are being used to control religious groups. The Panel also criticized the 18-month detention of Bishop Jovan in the Former Yugoslav Republic of Macedonia for alleged incitement of religious and ethnic hatred as incompatible with OSCE freedom of religion commitments. (Bishop Jovan has since been released from imprisonment.) The Commission believes that the activities of the Panel should be more transparent, in particular with respect to governments that ignore its recommendations.

Commission Activities

Since 2001, the Commission has participated with, often as members of, U.S. delegations to OSCE meetings and has made extensive recommendations relating to the work of the OSCE on protecting freedom of religion or belief and on combating intolerance and anti-Semitism in the OSCE region. In 2003, Commissioners participated with the U.S. delegations to the OSCE's first-ever special meeting on anti-Semitism in June; a special meeting on freedom of religion or belief in July; and the OSCE's annual human rights conference, the HDim, in October. Commission Vice Chair Felice D. Gaer made public statements on behalf of the Commission at each of these meetings.

In July 2004, the Commission recommended that the U.S. government should advocate an active role for NGOs in monitoring religious intolerance. In September 2004, at the OSCE Conference on Tolerance and the Fight against Racism, Xenophobia, and Discrimination (Brussels), Commission Vice Chair Gaer stressed the importance of freedom of religion or belief in the OSCE region. At the October 2004 OSCE HDim, the Commission publicized information on the status of freedom of religion or belief in various OSCE States, including Azerbaijan, Belarus, Georgia, Russia, Turkmenistan, and Uzbekistan. The Commission's concerns about religious freedom were included in the concluding intervention by the U.S. delegation to the HDim meeting. At the HDim, the Commission also met with delegations from Belgium and Russia, as well as with various NGOs from the OSCE region.

At the OSCE Conference on Anti-Semitism and Other Forms of Intolerance, held in Cordoba in June 2005, Commissioner Nina Shea spoke at the OSCE Panel of Experts Workshop on Promoting Tolerance and Ensuring Freedom of Religion and Belief on highly restrictive registration laws in Uzbekistan, Turkmenistan, and Belarus. Invited to serve as advisers to the U.S. delegation to the Cordoba meeting, Commission Chair Michael Cromartie and Vice Chair Shea met with a wide variety of diplomats and NGO representatives. Commissioner Archbishop Charles Chaput served in his private capacity as a member of the U.S. official delegation to the 2005 Cordoba meeting.

During the September 2005 OSCE Human Dimension conference in Warsaw, Commission Vice Chair Gaer served as a member of the U.S. delegation and made a plenary statement on the problems faced by ethnic minorities, including the scourge of anti-Semitism. She also held meetings with each of the three OSCE Personal Representatives, as well as with numerous delegations and NGO representatives. The Commission also took part in a roundtable

on intolerance and discrimination against Muslims and discussed how the Commission has addressed this problem, including in OSCE States such as Turkmenistan, Uzbekistan, and the Russian Federation, as well as with regard to the headscarf ban in French schools.

The Commission was one of the first official bodies to speak out against the rise in anti-Semitic violence in Europe; it has also addressed anti-Semitism and related issues in countries such as Belarus, Belgium, Egypt, Iran, France, Russia, Saudi Arabia, Uzbekistan, and Pakistan. The U.S. Congress introduced and unanimously passed resolutions in the Senate and the House on the rise of anti-Semitism in Europe. The Senate version cited the Commission's findings and urged the Commission to continue documenting the issue.

The Commission has recommended that the U.S. government work with the OSCE and the U.S. delegation to ensure that separate attention is paid to anti-Semitism in the region and successfully advocated for the OSCE's first special meeting on anti-Semitism, held in Berlin in April 2004. During preparations for that meeting, Commission Vice Chair Gaer stressed that acts of anti-Semitism must be seen not as hooliganism, but as a human rights abuse that States should combat by robust implementation of their international human rights commitments. Participating with the U.S. delegation at the Berlin meeting, Gaer discussed anti-Semitism in the OSCE region and met with a wide variety of delegations and NGOs. During the Berlin conference on anti-Semitism, the Commission called the attention of the U.S. delegation to the key role played by NGOs in monitoring anti-Semitism, intolerance, and discrimination, and this language was included in the delegation's concluding speech. The resulting OSCE "Berlin Declaration" on anti-Semitism has served as a precedent for the UN in organizing its own public event on combating anti-Semitism.

Commission recommendations:

With regard to the institution of the Organization for Security and Cooperation in Europe (OSCE), the Commission recommends that the U.S. government should:

- express continued strong support for the OSCE in the face of attacks led by the Russian government on the OSCE, particularly on its human rights activities carried out by the Office of Democratic Institutions and Human Rights (ODIHR); and
- authorize and appropriate additional funds to existing U.S. contributions to the OSCE for the purpose of expanding programs that combat anti-Semitism, xenophobia, and discrimination against Muslims, Christians, and members of other religions, and of developing ways to advance freedom of thought, conscience, and religion or belief.

With regard to freedom of thought, conscience, and religion or belief and the promotion of tolerance, the Commission has recommended that the U.S. government urge that OSCE participating States undertake the following steps:

- ensure that they are complying with their commitments to combat discrimination, xenophobia, and anti-Semitism, as detailed in the 1990 Copenhagen Document on the Human Dimension, including adopting laws against incitement to violence and ensuring effective remedies for acts of discrimination;

- engage in a regular public review of compliance with OSCE commitments on freedom of religion or belief, on racial and religious discrimination, and on anti-Semitism, including by facilitating a more active role by NGOs as part of that process;
- commit to condemn promptly, publicly, and specifically hate crimes and to investigate and prosecute their perpetrators;
- take all appropriate steps to prevent and punish acts of anti-Semitism, such as publicly to condemn specific anti-Semitic acts, to pursue and prosecute the perpetrators of attacks on Jews and their communal property, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and organized anti-Semitic activities;
- condemn in a public fashion, while vigorously protecting freedom of expression, attacks targeting Muslims and pursue and prosecute the perpetrators of such attacks;
- ensure that efforts to combat terrorism not be used as an unrestrained justification to restrict the human rights, including freedom of religion or belief, of members of religious minorities;
- bring national legislation and practice, as well as local laws, into conformity with international human rights standards and OSCE commitments by: permitting all religious groups to organize and conduct their activities without undue interference; discontinuing excessive regulation of the free practice of religion, including registration or recognition requirements that effectively prevent members of religious communities from exercising their freedom to manifest religion or belief; and permitting limitations on the right to freedom of religion or belief only as provided by law and consistent with participating States' obligations under international law;
- monitor the actions of regional and local officials who violate the right to freedom of religion or belief and provide effective remedies for any such violations; and
- establish mechanisms to review the cases of persons detained under suspicion of, or charged with, religious, political, or security offenses and to release those who have been imprisoned solely because of their religious beliefs or practices, as well as any others who have been unjustly detained or sentenced.

With regard to freedom of religion or belief and the promotion of tolerance, the Commission has recommended that the U.S. government urge the OSCE to:

- take concrete action within the OSCE to ensure that all participating states are living up to their commitments to combat discrimination and intolerance, in particular to combat anti-Semitism, as detailed in the 1990 Copenhagen Document, action which should include adopting laws to protect against incitement to violence based on discrimination, including anti-Semitism, and providing the individual with effective remedies to initiate complaints against acts of discrimination;
- undertake a public review of compliance by participating States within the OSCE on a regular basis of their commitments to combat discrimination, xenophobia, and anti-Semitism;

- provide the ODIHR the necessary mandate and adequate resources to hire experienced staff at the working level to monitor compliance with OSCE obligations on freedom of religion or belief and to combat discrimination, xenophobia, and anti-Semitism;
- ensure reappointment of the three Chairman-in-Office Personal Representatives on tolerance issues;
- provide funding for each of the three OSCE Personal Representatives on Tolerance for an annual budget allocation for travel and other program purposes;
- provide funding for added staff to deal with freedom of religion or belief, working within the ODIHR Human Rights Unit;
- provide funding for the OSCE Field Presences and the ODIHR to hold public roundtables with local government officials, NGOs, and community leaders to discuss the concept, definition, and implementation of hate crimes and hate crimes legislation;
- ensure that the ODIHR Tolerance Unit staff should take part in ODIHR training of Field Presences and other OSCE staff;
- provide funding for the translation of additional ODIHR Tolerance Unit reports into OSCE languages, particularly Russian, and for one ODIHR Tolerance Unit staffer with Russian-language capability;
- consider holding the Human Dimension Implementation Meeting (HDim) in September and October in several areas in the OSCE region, preferably in areas with major OSCE Field Presences;
- consider reorganization of the HDim conference into thematically-linked issues: Rule of Law (Elections; Judiciary; Penal System); Fundamental Freedoms (Religion, Expression/Media, Assembly/Association, Movement); Tolerance and Non-Discrimination (Gender and Minorities—Religious, Ethnic, Economic); and
- convene expert conferences on anti-Semitism and freedom of religion or belief, as well as other tolerance issues, during 2006 and 2007.



The Russian Federation

Since the Commission expressed strong concern in its May 2003 report that the Russian government was retreating from democratic reform and endangering significant gains on human rights, including freedom of religion or belief, it has become increasingly clear that this is a deliberate policy of the Russian government. Curtailments of media freedom and of the role of political parties, the placement of tighter restrictions on religious communities, non-governmental organizations, and other aspects of civil society, and the harassment of human rights organizations, as well as legal restrictions on freedom of assembly, constraints on the use of popular referenda, and President Vladimir Putin's decision to end the popular election of regional governors, have all revealed that progress toward democracy is being halted, if not reversed. The deterioration in conditions for religious freedom and other human rights appears to be a direct consequence of the increasingly authoritarian nature of the Russian government and the growing influence of chauvinistic groups in Russian society, which seem to be tolerated by the government. The country's progress toward the rule of law and protection of religious freedom and other human rights is now in peril.

Despite the setbacks in the past year, it can still be said that the practice of religion in Russia today, particularly for the individual, is freer than during the Soviet period, when atheism was the strictly enforced state policy and religious expression was harshly repressed. Nevertheless, advancements in religious freedom protections that emerged in the period immediately after the fall of the Soviet Union are now in danger of being reversed. A January 2006 law regulating non-commercial organizations allows Russian government officials to attend meetings of any registered religious community and provides for increased controls on foreign donations, which will likely hamper the charitable and other activities of religious groups. Although the number of violent incidents has not increased, there has been a noticeable rise in the number of anti-Semitic sentiments expressed in official government circles as well as the media. In addition, there has been a significant increase in allegations of official discrimination against, as well as harassment, detention and imprisonment of, members of the country's numerous Muslim communities, incidents in which religious identification is believed to play a growing role.

In 1997, Russia passed a new law on religion. Requiring registration at both federal and local levels, the law creates difficulties for previously unregistered as well as new religious groups. Religious groups that have taken their cases to court to overturn denials of registration have often been successful; however, administrative authorities have sometimes proved unwilling to implement court decisions. In addition, Russian authorities have denied registration to certain religious communities based on the allegedly insufficient time they have existed, despite a 2002 Russian Constitutional Court decision that an active religious organization registered before the 1997 law could not be deprived of legal status for failing to re-register. According to the State Department, a January 2006 amendment to the law requires that all registered local religious organizations notify the Federal Registration Service (FRS) within 36 hours of any change in its leadership or legal address. If a local organization twice fails to meet this requirement, the FRS may file suit with a court to have it dissolved.

At the federal level, the vast majority of religious organizations have been registered under a liberal interpretation of the 1997 law by federal officials and the Russian Constitutional

Court. There have been several noticeable exceptions. The March 2004 Moscow court decision banning the Jehovah's Witnesses in that city, upheld on appeal, marked the first time that a national religious organization in Russia had a local branch banned under the 1997 law, even though 135,000 Jehovah's Witnesses practice their faith in registered communities in many other parts of Russia. The Salvation Army has not been re-registered, despite a Constitutional Court ruling that overturned the government's decision not to register the organization in Moscow. Local officials sometimes either refused outright to register groups or created prohibitive obstacles to registration; a lack of specific guidelines to accompany the 1997 law and the shortage of knowledgeable local officials contributed to the problem. In the past year, there were a number of reports that the Procurator General encouraged local prosecutors to challenge the registration of some religious groups deemed "non-traditional" to Russia. In addition, some Muslim clerics have reported that it has become more difficult to register new Muslim communities. For example, registration has been arbitrarily denied to 39 of the Stavropol region's 47 mosques.

A number of minority religious groups continue to report difficulties in obtaining permission to build houses of worship, since local government officials often create barriers. Roman Catholics, Protestants, Old Believers, Molokans (an ancient Orthodox sect), and Muslims have reported problems in acquiring land for new buildings, as have other alternative Orthodox communities. Religious groups seen as non-traditional to Russia face particular difficulties. For example, in November 2005, Moscow authorities overturned their decision to allot land for the building of a Hare Krishna temple and in 2006 the community lost its appeal of that decision. In other cases, local authorities have been responsive to the needs of a religious community. For example, following protests in June 2005, the Moscow Department for Building Policy reportedly ordered that land be found for the Emmanuel Pentecostal Church to build a center. For Muslims, the situation is mixed. In majority Muslim areas, the local government often funds the building of new mosques; in Tatarstan, the local government has funded the building of 1,000 new mosques and several dozen Islamic schools. In areas where the Muslim population is new or in the minority, however, the community may face difficulties in building or operating places of worship. In October 2005, in the city of Nalchik, capital of Karbardino-Balkariya in the north Caucasus, the regional governor closed six of the seven mosques in that city and allowed the remaining mosque to open for only a few hours a week. In the regional capital of Astrakhan, local authorities have ordered the demolition of a mosque they initially helped fund. The case is apparently going to the Supreme Court.

The Russian Orthodox Church (ROC), which has played a special role in Russian history and culture, enjoys a favored status among many Russian government officials, a situation that sometimes results in restrictions on other religious communities. The ROC receives the overwhelming majority of various forms of state support, including subsidies for the construction of churches, although other religious communities also sometimes benefit. The ROC also has agreements with a number of government ministries on guidelines for public education, religious training for military personnel, and law enforcement decisions. Early in 2006, a bill was introduced to allow only clergy from the ROC to serve as official military chaplains. Members of registered Protestant communities in distant areas claim that they do have some access to military personnel that varies by region; however, the authorities generally prohibit Muslim services at military facilities.

ROC officials sometimes use their influence with regional authorities to restrict the activities of other religious groups. There are frequent reports, particularly on the local level, that minority religious communities must secure permission from the ROC before being allowed to build, buy, or rent a house of worship and that local authorities sometimes deny registration to minority groups at the behest of local ROC officials. In July 2005, reportedly in response to pressure from officials of the local ROC, the Sverdlovsk Regional Railway canceled a three-day congress of 5,000 Jehovah's Witnesses, due to be held in a railway-administered stadium.

Due to their perceived links to the decade-long conflict in Chechnya and acts of terrorism worldwide, Muslims throughout Russia in 2005 increasingly became the targets of widespread discrimination, media attacks, and occasional acts of violence. In many of these incidents, there is growing concern among human rights organizations in Russia that religion has been a major factor. In February 2003, the Russian Supreme Court reportedly met in secret and banned 15 Muslim groups because of their alleged ties to international terrorism. The evidence on which the Court made this decision has never been made public, but police, prosecutors, and courts reportedly have used the decision to arrest and imprison individuals from among Russia's estimated 20 million Muslims. Persons suspected by local police of involvement in alleged Islamic extremism have reportedly been subjected to torture and ill-treatment in pre-trial detention, prisons, and labor camps. There are as many as 200 cases of the imprisonment of Muslims on what are apparently fabricated criminal charges of possession of weapons and drugs.

After the 2004 hostage-taking in Beslan, police actions against Muslims in the North Caucasus intensified. The Russian human rights group Memorial described most cases against Muslims in that region as "trumped-up." Nine female Muslim students at the Kabardino-Balkariya State University reportedly were detained in June 2005 and interrogated for wearing the *hijab* and engaging in group study of the Koran. Mosque closings in Nalchik in October 2005 resulted in violence in which some 300 attackers targeted military garrisons and police stations, leaving 34 police and armed forces members dead. Following this incident, police harassment of Muslim clerics and torture of alleged militants reportedly increased. According to the State Department, the head of the Islamic Research Institute in Nalchik, who sought to promote dialogue between the authorities and Muslims, is reported to have disappeared in November 2005, after interrogation by the Federal Security Service. The Russian government continues to refuse to make a serious effort to address reports of chronic human rights abuses in Chechnya, reportedly carried out by the Russian military, Chechen government forces, and Chechen rebel fighters. Despite entreaties from the U.S. State Department, Russian authorities have not sought negotiations to find a political solution to the decade-long war in Chechnya.

Many in Russia's Jewish community state that despite some continued problems, conditions for the country's Jews have generally improved, because, unlike in the Soviet period, the state no longer acts as an official sponsor of anti-Semitism. In 2005, construction began on a Jewish community building complex on land donated by the city of Moscow, which will include a school, a hospital, and a new museum of Russian Jewry, the Holocaust, and religious tolerance.

Nevertheless, anti-Semitic acts, including public pronouncements as well as vandalism and physical attacks, continue, particularly in Russia's western regions. In January 2005, 20 members of the Russian State Duma (Parliament) called on the Procurator General to ban all

Jewish organizations in Russia, alleging that Jewish texts teach incitement of religious and ethnic hatred. Though the letter was later officially withdrawn, none of the signers have expressed regret for the views it expressed. In April 2005, another letter, expressing similarly virulent anti-Semitic views, was signed by 5,000 people, including many well-known Russian public figures and ROC officials. Both letters were publicly condemned by the Russian Foreign Ministry. However, a Moscow district prosecutor opened an investigation into the Jewish organization that published the translation of the letters, as well as into charges brought by Jewish and human rights organizations that the letters themselves, in promoting hatred of Jews, violated federal laws against ethnic incitement. These investigations were later closed with no charges being brought. In September 2005, Moscow airport border guards denied reentry to the rabbi of the Moscow Choral Synagogue. A Swiss citizen, he has lived in Moscow since 1989 and his family resides there. His visa status has since been resolved, after a delay of several months.

Casual anti-Semitic statements are reportedly so numerous in society that law enforcement bodies do not pay attention to them. While official investigations into anti-Semitic activity by individuals have increased, official efforts to combat chauvinist and anti-Semitic groups decreased in 2005. There was a significant exception in May 2005, when a Novgorod city court ruled that three distributors of an anti-Semitic bulletin constituted an "extremist community," as defined in criminal code Article 2821. All three defendants received conditional sentences, but were banned from distribution of mass media; one was also banned from journalism.

Anti-Semitic attacks and vandalism often go unpunished, except for high-profile incidents, such as an attack in January 2005 in Moscow on two rabbis who are U.S. citizens. The two attackers in that case were sentenced to four years and eighteen months in prison, respectively, but the court failed to find that they were motivated by hatred. In March 2006, a Moscow court sentenced a 21-year-old defendant to 13 years in prison for the stabbing of eight men in a prominent Moscow synagogue, but found him not guilty of inciting racial hatred. The perpetrator had reportedly been reading anti-Semitic literature before committing the act. The number of reported incidents of vandalism of Jewish cultural and religious sites in 2005 was estimated to be similar to that in 2004. Anti-Semitic graffiti and property damage were reported in Moscow, Petrozavodsk, Samara, Taganrog, Vladimir, and Nizhny Novgorod. Vandalism of Jewish cemeteries or of Jewish graves was reported in Moscow, Kazan, Tver, Tambov, Pskov Oblast, St. Petersburg, and near Izhevsk.

There continue to be official efforts to portray "foreign sects," mostly Evangelical Protestants, as alien to Russian culture and society. Officials do little to counter libelous media attacks or discrimination. Security services treat the leadership of some minority religious groups, particularly Muslims and adherents of newer religions, as security threats. Many officials in the legislative branch and in law enforcement speak of the need to protect the "spiritual security" of the country by discouraging the growth of "sects" and "cults," usually understood to include Protestant and newer religious movements. In one case, a local official reportedly warned that non-traditional religions are used by foreign organizations to undermine the country's security, grouping together Mormons, Jehovah's Witnesses, the True Orthodox Church, and the New Apostle Church with such groups as Aum Shinrikyo, the Japanese group notorious for the subway gas attack in Tokyo, and Satanists. Evangelical Protestants also

continued to be subject to societal violence in the past year, as churches and prayer houses were vandalized in several regions. The Slavic Law Center reported that a Baptist Church in Chelyabinsk Oblast was firebombed in April 2005. The Jehovah's Witnesses reported two incidents in March 2006, when members were assaulted, leaving one with a concussion.

There are continued reports of difficulties for foreign religious workers in entering Russia, either to work or to visit. Catholic authorities reported a decrease in visa problems for Catholic priests in 2005, though foreign Catholic priests in the Pacific region remain unable to invite others to assist them. None of the seven foreign Catholic clergy barred by authorities from entering Russia in 2001 and 2002 has since been allowed to return to the country. The Russian authorities have not resolved a pending visa request by the Dalai Lama to visit the Republic of Tuva, although the Tibetan Buddhist leader was finally allowed to visit the traditionally Buddhist region of Kalmykia in late 2004. In the past year, the government denied entry to high-ranking British and Danish Salvation Army officials who sought to attend a church congress, reportedly on the grounds that it was not "in the interests of state security."

In February 2005, the Commission held a joint briefing with the Kennan Institute for Advanced Russian Studies on "Russia: Religious Communities, Extremist Movements and the State" chaired by Commissioner Felice D. Gaer, at which findings were presented by experts on the current status of Muslim, Christian, and Jewish communities, as well as on increased acts of ethnic and religious extremism. Also in February, the Commission issued a press statement calling on President Bush to raise with President Putin the state of freedom of religion or belief in Russia at their then-upcoming meeting. In April 2005, the Commission held a briefing with Oleg Mironov, the former Human Rights Ombudsman of the Russian Federation, and Mufti Ismagil Shangareev, director of the Islamic Human Rights Defense Center in Russia. Also in that month, a briefing by Lyudmila Alekseeva, head of the Moscow Helsinki Group on religious freedom and other human rights concerns in Russia, took place at Commission offices. In May 2005, the Commission co-sponsored a presentation at Radio Free Europe/Radio Liberty on religious extremism in Russia by Aleksandr Verkhovsky, director of the SOVA Center for Information and Analysis in Moscow.

In February 2006, Commissioner Elizabeth Prodromou traveled to Moscow to make a presentation on "Human Rights and Tolerance in Today's Russia: an International View" at a conference in Moscow organized by the Russian Presidential Administration Training Academy for state officials. The conference brought together scores of national, regional, and local government officials responsible for the regulation of religious affairs in Russia. The Commission also made a similar presentation at a conference on religion in Russia at the Moscow Humanities University. During the visit, Commissioner Prodromou met with several representatives of human rights and other civil society organizations, as well as academic experts, concerned with freedom of religion and growing intolerance in Russia.

Also in February 2006, the Commission convened a public roundtable discussion at the Carnegie Endowment for International Peace entitled "Assessing U.S. Human Rights Policy Towards Russia." The panelists at the roundtable reviewed how the U.S. government should be responding to the rollback in human rights, including religious freedom, in Russia and increasing Russian nationalism.

The Commission has advocated continued inclusion of the “Smith Amendment” in the Foreign Operations Appropriations bill. The Smith Amendment conditions foreign assistance to the Russian government if the President certifies that the Russian government has not implemented any statute, executive order, or regulation that discriminates against religious groups or religious communities, in violation of international norms on human rights and religious freedoms to which the Russian Federation is a party. Congress included this provision in the Consolidated Appropriations Act of 2005.

With regard to Russia, the Commission has recommended that the U.S. government should:

- urge the Russian government to ensure that any special role for the Orthodox Church or any other religious community does not result in violations of the rights of, or discrimination against, members of other religious groups;
- ensure that the humanitarian and human rights crisis in Chechnya remains a key issue in its bilateral relations with Russia and urge the Russian government to end, and prosecute acts of, torture, arbitrary detention, rape, and other abuses by members of the military in Chechnya;
- urge the Russian government to accept a site visit to Chechnya from the UN Special Rapporteurs on Torture, Extrajudicial Executions, and Violence Against Women;
- raise religious freedom and other human rights violations in multilateral fora, including the OSCE and the UN, and continue, on a bilateral basis, to encourage the government of Russia to agree to the request of the UN Special Rapporteur on Freedom of Religion or Belief to visit Russia;
- use every possible means to engage and support the genuine democrats in the Russian government at the federal and local levels, and ensure that U.S. aid programs are not being used to support the activities in Russia of authoritarian-minded officials;
- make clear its concern to the Russian government that hostile rhetoric against Muslims and the Islamic faith is fueling an atmosphere in which perpetrators believe they can attack Muslim or members of other religious and ethnic minorities with impunity;
- make clear its concern to the Russian government that efforts to combat terrorism should not be used as an unrestrained justification to restrict the rights, including religious freedom, of members of Russia’s religious minorities;
- urge the Russian government to take all appropriate steps to prevent and punish acts of anti-Semitism, including to condemn anti-Semitic acts, to investigate and prosecute the perpetrators of violent incidents of anti-Semitism, and, while vigorously protecting freedom of expression, to counteract anti-Semitic rhetoric and other organized anti-Semitic activities;
- continue to press the Russian government to ensure that religious communities are not broadly and indiscriminately labeled as threats to Russia’s national security;

- continue to urge the Russian government to cease interference in the internal affairs of religious communities, such as denials of visas and work permits to religious workers and attempted interference in the elections of religious bodies;
- urge the government of Russia to monitor the actions of regional and local officials who interfere with the right to freedom of religion or belief, take steps to bring local laws and regulations on religious activities into conformity with the Russian Constitution and international human rights standards, and bring those who commit crimes to justice;
- continue to monitor official restrictions on the activities of non-governmental organizations (NGOs), including the implementation of the recently enacted law on NGOs, and to oppose such restrictions that constitute violations of international norms;
- advance human rights, including religious freedom, in Russia by continuing to provide assistance, as appropriate, to NGOs, public interest groups, journalists, and academic institutions, and by expanding programs aimed at encouraging religious tolerance and supporting international standards on freedom of religion and other human rights;
- include the promotion of freedom of religion or belief as a category for U.S. Embassy small grants proposals; and
- consider providing funds to non-governmental programs on international and Russian legal commitments to protect freedom of religion or belief as well as promote tolerance. Such programs should include training of religious affairs officials, court officials, and lawyers; media monitoring; journalism training; and conferences of academic specialists, representatives of civil society and religious communities and government officials.



Turkmenistan

Turkmenistan is among the most repressive states in the world today and engages in systematic and egregious violations of freedom of religion or belief. The all-pervasive authoritarian rule and escalating “personality cult” of President Saparmurat Niyazov effectively prevent any opposition or independent religious activity within the country. The country’s poor human rights situation further deteriorated after November 2002, when, in response to a reported assassination attempt, Niyazov ordered the arrest of hundreds allegedly linked to that attempt, sentencing many to long prison terms and sending others to psychiatric hospitals. In the past two years, the government has made small, purportedly positive legal adjustments to the laws that restrict religious practice; however, these changes have done little or nothing to alter the overall repressive situation. The Commission continues to recommend that the Secretary of State designate Turkmenistan a “country of particular concern,” or CPC. Although religious freedom continues to be severely proscribed in Turkmenistan and there is scant evidence that the situation has improved in the past year, the Secretary of State has not named Turkmenistan a CPC.

President Niyazov’s personality cult is increasingly becoming comparable to a state-imposed religion. This aspect of his rule is bolstered by the forceful official promotion of a book containing the president’s own “spiritual thoughts,” known as *Rukhnama*. According to the State Department, students are required to study the *Rukhnama* at all public schools and institutes of higher learning. Moreover, according to the State Department, observers have stated that the president uses his teachings “in part to supersede other established religious codes, as well as historical and cultural texts, and thereby influence citizens’ religious and cultural behavior.” A July 2002 law enjoins parents and guardians “to bring [children] up in spirit of ... the unshakeable spiritual values embodied in the holy *Rukhnama*.” Credible reports indicate that mullahs in Turkmenistan were told in late 2005 to stop reading the Quran in mosques and restrict themselves to the *Rukhnama*. In March 2006, Niyazov announced on Turkmen state television that anyone reading *Rukhnama* three times “would be assured a place in heaven.” According to reports, the study of the *Rukhnama* has even replaced some subjects in the school curricula. The president’s books must be displayed in mosques and churches alongside the Quran and the Bible. *Rukhnama* quotations have also been carved alongside Quran citations in the country’s largest mosque. Turkmenistan’s former chief mufti, Nazrullah ibn Ibadullah, who opposed this requirement, was sentenced in a closed trial in March 2004 to 22 years in prison, reportedly for treason due to his alleged link to the alleged assassination attempt. The former chief mufti remains in prison, where, reports indicate, he is maltreated by prison guards. During a December 2005 police raid of a registered Baptist church in the town of Deynau, ethnic Turkmen congregants were released from detention only after they signed a statement promising to read the *Rukhnama* rather than the New Testament.

Since independence in 1991, religious groups have been required to register with the government in order to engage in religious activities. The 1997 version of the country’s religion law effectively banned all religious groups except the state-controlled Sunni Muslim Board and the Russian Orthodox Church, though religious instruction even for these two communities is severely limited. Niyazov enforces his own interpretation of Islam as part of his version of Turkmen identity. Imams have been instructed by the government to repeat an oath of loyalty to the “fatherland” and to the President after each daily prayer. In March 2004, Niyazov

proclaimed that no new mosques should be built and some seven mosques are reported to have been destroyed in that year. In July 2005, Niyazov reportedly told his cabinet that Turkmen Muslims had their own way of praying and ordered the publication of a list of religious rituals common to all Turkmen. Reportedly, secret police attend mosques to identify Muslims who perform religious rites in a way that differs from this officially prescribed Turkmen practice. Since August 2005, according to the exiled Turkmenistan Helsinki Foundation, the secret police have increased the monitoring of young men who regularly visit mosques in the country's Ahal region by ordering imams to hang a list of mosque attendees above the doors to their mosques; now, only those whose names are on the lists are allowed to visit those mosques. The Turkmen authorities continue to limit the numbers of Muslims permitted to perform the *haj*; in 2006, only 188 of the country's official quota of 4,500 were allowed to go to Mecca. In the past year, the Turkmen State University Theological Faculty was dissolved and absorbed into another department, leaving only one institution of Islamic education open, with the government controlling the curriculum of that institution. As far back 2000, Niyazov reportedly ordered Muslims to renounce the hadiths, sayings attributed to the Prophet Muhammad that do not appear in the Quran.

The Russian Orthodox community has also been affected by the repressive policies of Niyazov, who has banned residents of Turkmenistan from receiving Russian publications by mail, including the *Journal of the Moscow Patriarchate*. All Russian Orthodox parishes were re-registered by November 2005. However, Turkmen authorities refuse to allow the Russian Orthodox community to build a new cathedral in the capital of Ashgabat, though Niyazov allocated land for that purpose ten years ago. In addition, the Turkmen government continues to attempt to isolate local parishes from the wider Russian Orthodox Church, in part by pressuring the local Church to take the Turkmen parishes from the jurisdiction of the Central Asian diocese in Uzbekistan and put them directly under the Patriarch of Moscow, who in July 2005 rejected this proposal.

A new law on religion in 2003 resulted in a further decline in religious freedom conditions. The new law codified the Turkmen government's already highly repressive policies even further, effectively banning most religious activity, and established criminal penalties for those found guilty of participating in "illegal" religious activity. The law also requires religious groups to coordinate with the Turkmen government any contacts with co-religionists abroad. In response to international pressure, Niyazov issued a decree in March 2004 stating that religious communities may register "in the prescribed manner," and will no longer have to meet the requirement of 500 members in order to do so. However, the decree only amended the numerical requirements for registration and not the penalties for violating it. In May 2004, President Niyazov issued several decrees decriminalizing unregistered religious activities and easing other requirements for registration, resulting in the registration of nine small groups, in addition to the majority Sunni Muslims and the Russian Orthodox Church. Nevertheless, Turkmen officials have stated that "eased" registration requirements do not mean that religious communities may gather in private homes or that religious adherents will no longer be required to request official permission before holding worship services. In fact, some reports indicate that registration is actually being used as a method of more effective state control over religious communities, as it affords officials the right to know what occurs at every meeting of a religious group. Church members who refuse to provide details about religious gatherings risk having their communities charged with being in violation of registration requirements.

In addition, police continued to interfere in the activities of registered and unregistered religious communities in the past year. Security officials regularly break up religious meetings in private homes, search homes without warrants, confiscate religious literature, and detain and threaten congregants with criminal prosecution and deportation. Family members of detained religious leaders have been subjected to harassment and internal exile. In March 2005, Baptist communities were raided in the towns of Turkmenabad and Mary and Pentecostals in Turkmenbashi. In August, "anti-terrorist" police raided a Baptist worship service in Dashoguz, questioning church members, confiscating Turkmen-language Bibles, and claiming that the church's national registration in Ashgabat was not valid in other towns. In the past year, Baptists, Hare Krishnas, Jehovah's Witnesses, and Seventh-day Adventists reported disrupted meetings, detainments (including of children), and administrative fines. Jehovah's Witnesses reportedly experienced eight incidents of harassment or short-term detention during a three-month period in the last year. One Jehovah's Witness was confined to a psychiatric hospital for refusing military conscription in November 2005. He was released in February 2006. In July 2005, police raided a home in Turkmenabad where a group of unregistered Baptists had gathered; police reportedly beat the host with her own Bible and threatened to hang her. An adherent of Hare Krishna received a seven-year jail sentence on unknown charges; in February 2006 her appeal to overturn that sentence was denied. In addition, members of some religious minority groups, particularly Protestants, Hare Krishnas and Jehovah's Witnesses, continue to face official pressure to renounce their faith publicly, and are forced to swear an oath on the *Rukhnama*.

No religious literature is printed in Turkmenistan and the import of religious materials is essentially impossible. In addition, known religious adherents are sometimes banned from travel. In 2005, two Protestants were denied permission to leave Turkmenistan after they told border guards they wanted to study the Bible, and a Hare Krishna follower who had planned to visit a temple in Russia was also prevented from traveling. In recent years, the Turkmen government has refused entry visas to three or four priests who are Russian citizens, while church delegations to Turkmenistan from Tashkent and Moscow have been forced by Turkmen officials to reduce their numbers. Muslims are not allowed to travel abroad for religious education; however, Russian Orthodox men from Turkmenistan are allowed to study for the priesthood at the Tashkent seminary.

For several years, the Commission has raised public concerns about the status of religious freedom in Turkmenistan at meetings of the Organization for Security and Cooperation in Europe. The Commission has met with the U.S. Ambassador to Turkmenistan to discuss bilateral relations, the status of religious freedom and other human rights, and steps the United States might take to ameliorate the situation. As recommended by the Commission, the UN Commission on Human Rights (UNCHR) passed resolutions condemning Turkmenistan for repression of religious and political rights in 2004. In March 2005, the Commission met with delegation heads from the United States and European Union (EU) countries at the 61st session of the UNCHR session and presented information about violations of religious freedom in Turkmenistan, questioning the decision of the United States and the EU not to introduce a resolution on Turkmenistan at the 2005 UNCHR.

In May 2004, the Commission organized two public briefings on “Religious Freedom in Turkmenistan: the U.S. Response to One of the World’s Worst Religious Freedom Violators,” with the Commission on Security and Cooperation in Europe and Radio Free Europe/Radio Liberty. The Commission also released a public statement in response to the Turkmen Ministry of Justice’s declaration that unregistered religious activity continues to be illegal, noting that “CPC designation would likely lead to significant improvements for the religious communities in Turkmenistan who have been ignored by the outside world for too long.” In July 2005, the Commission held a public briefing with the Center for Strategic and International Studies, on “U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan.” The briefing discussed the human rights situation in Uzbekistan and Turkmenistan, the nature of local extremist and terrorist threats, and U.S. and other strategic interests in the region.

In addition to continuing to recommend that Turkmenistan be designated a CPC, the Commission has further recommended that the U.S. government should:

- suspend all non-humanitarian assistance to the government of Turkmenistan, with the exception of programs that serve identifiable U.S. national security interests in connection with the current campaign against terrorism. This recommendation does not apply to U.S. assistance to appropriate non-governmental organizations, private persons, or cultural or educational exchanges;
- scrutinize all aspects of any assistance programs in Turkmenistan to ensure that these programs do not facilitate Turkmen government policies or practices that result in religious freedom violations. The United States should also examine its programs in Turkmenistan to determine if opportunities exist within those programs to promote the development of genuine respect for human rights, including religious freedom, in that country;
- support efforts to facilitate Turkmenistan’s sale of natural gas on world markets, including support for the Trans-Caspian Gas Pipeline, only if the Turkmen government takes definitive steps to improve substantially conditions for religious freedom in Turkmenistan;
- identify specific steps that the government of Turkmenistan could take in order to have its currently suspended assistance reinstated and to avoid triggering further restrictions on assistance programs, steps which should include, but not be limited to (1) the lifting of oppressive legal requirements on religious groups and allowing all such groups to organize and operate freely; (2) the end to harassment and deportation of religious leaders; and (3) the halting of unjust arrest, detention, imprisonment, torture, and residential and workplace intimidation of religious leaders and their adherents, including releasing those currently in detention or imprisoned;
- press the government of Turkmenistan: (a) to release immediately and unconditionally any persons who have been detained solely because of their religious beliefs, practices, or choice of religious association; (b) to ensure that all people in Turkmenistan are able to exercise their right to religious freedom without threat of harassment, detention, imprisonment, or torture; and (c) to permit all religious groups to organize and worship freely;

- continue to support discussions in Turkmenistan among representatives of Turkmenistan's religious communities, religious affairs officials, and experts on international norms on religious freedom, possibly in conjunction with the Organization for Security and Cooperation in Europe (OSCE);
- support efforts to counteract the Turkmen government's blockade on information into the country and its rollback of general education by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Turkmenistan, including educational topics, human rights, freedom of religion, and religious tolerance;
- increase exchange programs for Turkmen citizens, including civil society leaders, students, and others concerned with human rights;
- suspend state visits between the United States and Turkmenistan until such time as religious freedom conditions in the country have improved significantly; and
- encourage scrutiny of religious freedom violations in Turkmenistan in appropriate international fora such as the OSCE and other multilateral venues and also raise the issue of religious freedom violations in Turkmenistan at those UN bodies that consider human rights questions.



Uzbekistan

Since Uzbekistan gained independence in 1992, fundamental human rights, including freedom of religion or belief, have been under assault. A restrictive law on religion severely limits the ability of religious communities to function in Uzbekistan, facilitating the Uzbek government's exercise of a high degree of control over religious communities, as well as the approved manner in which the Islamic religion is practiced. In the past year, Uzbek authorities continued to crack down harshly on Muslim individuals, groups, and mosques that do not conform to government-prescribed practices or that the government claims are associated with extremist political programs. This has resulted in the imprisonment of thousands of persons in recent years, many of whom are denied the right to due process, and there are credible reports that many of those arrested continue to be tortured or beaten in detention. Though security threats do exist in Uzbekistan, including from members of *Hizb ut-Tahrir* and other groups that claim a religious linkage, these threats do not excuse or justify the scope and harshness of the government's ill treatment of religious believers. The Commission continues to recommend to the Secretary of State that Uzbekistan be designated a "country of particular concern," or CPC. However, the Commission's CPC recommendation for Uzbekistan should not in any way be construed as an exculpatory defense of *Hizb ut-Tahrir*, an extremist and highly intolerant organization that promotes hatred of the West, moderate Muslims, Jews, and others.

Despite the constitutional separation of religion and state, the Uzbek government strictly regulates Islamic institutions and practice through the officially sanctioned Muslim Spiritual Board. The Uzbek government has also closed down approximately 3,000 of the 5,000 mosques that were open in 1998. In the Ferghana Valley, viewed as the country's most actively religious region, the state has confiscated a number of mosques and used them as warehouses or for other state purposes; in the Kashkadarya region, state officials allow certain mosques to be open only for major religious holidays. In early 2006, the Uzbek government reportedly issued an order requiring imams in the city of Namangan in the Ferghana Valley not to allow men wearing traditional white prayer caps into mosques.

Over the past decade and particularly since 1999, the Uzbek government has arrested and imprisoned, with sentences of up to 20 years, thousands of Muslims who reject the state's control over religious practice or who the government claims are associated with extremist groups. Although it is difficult to estimate the exact number of such prisoners, in 2004 there were estimated to be as many as 5,500, including those sent to psychiatric hospitals. In 2005, the State Department reported that that number remained the same or increased. Piety alone may result in arrest. Human rights organizations report that many of those in detention were arrested on false drug charges or for possession of literature of a banned organization. Once arrested, they often are denied access to a lawyer or are held incommunicado for weeks or months. Many of those imprisoned or detained for charges related to religion are treated particularly harshly; prisoners who pray or observe Muslim religious festivals are by many accounts subjected to further harassment, beatings, and other torture, in efforts to force them to renounce their religious or political views.

The use of torture continues to be widespread in Uzbekistan, despite promises from the government to halt the practice. The UN Special Rapporteur on Torture, in his February 2003 report on Uzbekistan, concluded that "torture or similar ill-treatment is systematic" and that the

“pervasive and persistent nature of torture throughout the investigative process cannot be denied.” Even after the publication of the Rapporteur’s report, reliance on the use of torture in detention did not significantly decrease. According to the State Department, “police, prison officials, and the [security services] allegedly used suffocation, electric shock, deprivation of food and water, and sexual abuse, with beating the most commonly reported method of abuse [and] torture.” Convictions in the cases described above are based almost entirely on confessions, which, according to the State Department and many human rights organizations, are frequently gained through the use of torture.

The government of Uzbekistan does face threats to its security from certain groups that claim religious links, including the Islamic Movement of Uzbekistan, which has used violence but whose membership reportedly declined after U.S. military action in Afghanistan in late 2001 killed its leaders. Uzbekistan continues to be subject to violent attacks; there were several incidents in 2004, although the motivation of those involved is difficult to determine.

In the city of Andijon in May 2005, after a series of daily peaceful protests in support of 23 businessmen on trial for alleged ties to Islamic extremism, a group turned violent: it seized weapons from a police garrison, stormed the prison holding the businessmen, released the defendants, and attacked other sites in the city. On May 13, several thousand mostly unarmed civilians gathered on the central square; armed forces fired indiscriminately and without warning into the crowd. Estimated fatalities range from an official total of 187 to over 700 according to the Organization for Security and Cooperation in Europe (OSCE); some reports of non-governmental organizations say as many as 1,000 men, women, and children were killed. The Uzbek government has rejected repeated calls from the United States, the European Union, the OSCE, and the UN High Commissioner for Human Rights for an independent international investigation into these events. In the aftermath, Uzbek authorities have reportedly jailed hundreds of local residents, human rights activists, and journalists.

Hizb ut-Tahrir, banned in most Muslim countries, purports not to engage in violence but is intolerant of other religions and has in some circumstances sanctioned violence. The group calls for a worldwide caliphate to replace existing governments and the imposition of an extremist interpretation of Islamic law. Although it does not specify the methods it would use to attain those goals, it does, according to the State Department, reserve the “possibility that its own members might resort to violence.” In addition, the State Department reports that *Hizb ut-Tahrir* material includes “strong anti-Semitic and anti-Western rhetoric.” Alleged members of *Hizb ut-Tahrir* make up most of the thousands in prison; in most cases, however, Uzbek authorities have failed to present evidence that these persons have committed violence. Many of those arrested and imprisoned are not affiliated with *Hizb ut-Tahrir* but are wrongfully accused of membership or association, sometimes due to alleged—or planted—possession of the group’s literature at the time of arrest.

“Wahhabi” is a term that generally is used to refer to followers of a highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia. In Uzbekistan, “Wahhabi” is a catchphrase used to refer to genuine extremists, Muslim individuals and groups that oppose the Karimov regime, and those who wish to practice Islam independently of government strictures. For the Uzbek authorities, all these groups and individuals are equally suspect and subject to government repression. Such groups include *Hizb-ut-Tahrir*, *Tabligh*, a Muslim missionary

movement which originated in South Asia in 1920, and *Akromiya*, a group based on the 1992 writings of an imprisoned Uzbek mathematics teacher, Akram Yuldashev, which reportedly espouses charitable work and a return to Islamic moral principles. In 2004, there were several trials of alleged *Tabligh* members in the Ferghana valley, including one in October 2004 at which the two defendants received comparably “light” six-month terms, reportedly because the Commission had visited the courthouse the previous day. Although observers contend that *Akromiya* does not promote extremism, several persons were convicted in 2005 of religious extremism for alleged affiliation with that group. The 23 local businessmen on trial in Andijon in May 2005 were also charged with membership in *Akromiya*. In July, a Tashkent court convicted three alleged *Akromiya* members on charges of taking part in a religious extremist group, conspiracy to overthrow the constitutional order, and establishing a criminal group. Defendants received prison sentences of up to 16 years, and convictions in the case were reportedly based on confessions, which often are the result of torture. In March 2006, an anti-terrorist unit reportedly arrested a Muslim man in Tashkent as an alleged “Wahhabi,” although a police search of his house found no evidence of this or any other charge.

The Law on Freedom of Conscience and Religious Organizations passed in May 1998 severely restricts the exercise of religious freedom. Through a series of regulations that are often arbitrarily applied, the law imposes onerous hurdles for the registration of religious groups; criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; prohibits private teaching of religious principles; and forbids the wearing of religious clothing in public by anyone other than clerics. According to the State Department, in the past year, local authorities continued to block the registration or re-registration of numerous Protestant Christian congregations in the country, including in Tashkent, Samarkand, Guliston, Gazalkent, Andijon, and Nukus. A Pentecostal Church in Chirchiq was denied registration and the city of Nukus’ only registered Protestant church lost its registration in the past year. Of the country’s 11 Jehovah’s Witness congregations, only those in Chirchiq and Ferghana have been registered. For several years, the non-denominational International Church of Tashkent has been denied registration, partly because it cannot meet the registration minimum of 100 Uzbek citizens. In 2004, a Jewish organization in Tashkent was denied registration; Uzbek officials reportedly told the group that because a Jewish organization already exists in Tashkent, the Jewish community does not need another.

As with Muslims, members of Protestant and other minority religious groups have been arrested, sometimes on spurious drug or other charges. Several Christian leaders have reportedly been detained in psychiatric hospitals, severely beaten, and/or sentenced to labor camps and continue to have their churches raided, services interrupted, Bibles confiscated, and the names of adherents recorded by Uzbek officials. There are frequent reports that officials accuse them of being members of alleged extremist organizations. In this atmosphere, some Christian groups in various parts of Uzbekistan have been forced to operate underground. The situation of Protestants is particularly difficult in Karakalpakstan, an autonomous republic in the country’s northwest, where it is almost impossible for churches to be registered. In March 2006, police raided a gathering of 40 Protestants in a private home in the village of Kum Kurgan, in the Surkhandarya region of southern Uzbekistan. All 40 participants were interrogated for 18 days. In February 2006, in the town of Syr-Darya, officials invaded a private home where nine Pentecostals were meeting. The officials confiscated the group’s religious literature, forced them

to write statements, and later levied fines against them. In March 2005, over 200 members of the Jehovah's Witnesses were detained for up to one day in police raids in Tashkent, Kogon, Bukhara, Samarkand, Navoi, and Bekobod; 120 were questioned in the town of Angren. In the past year, a judge ordered the brief detention of two Jehovah's Witnesses and the imposition of fines on another nine for alleged administrative infractions. The authorities also continue to exert pressure on the Hare Krishna community in Karakalpakstan.

In December 2005, the government modified the country's criminal and administrative codes to introduce much heavier fines for repeated violations of rules on religious meetings, processions, and other religious ceremonies, as well as of the law on religious organizations. As a result, official inspections and police monitoring of places of worship has intensified. In addition, there are persistent reports of societal discrimination against ethnic Uzbeks who convert to Christianity. In April 2005, authorities did not respond to the complaint of a Christian convert who had been beaten by local villagers near the city of Nukus and told to "return to Islam" or leave the village. An ethnic Uzbek Pentecostal pastor in Andijon reportedly was attacked in late 2005 and reviled as a "traitor to the faith." Another Pentecostal pastor in Andijon reported that he and other local Protestants are under police surveillance and that he has often been threatened with arrest if he does not close his unregistered church.

In the past year, the Uzbek government stepped up efforts to isolate the people of Uzbekistan from the international human rights community and the outside world. In August 2005, the Uzbek government detained and then officially deported the representative of Forum 18, a non-governmental organization that reports on religious freedom violations. Censorship and confiscation of mail and religious literature has also increased. In another move, the Uzbek government in March 2006 ordered the UN High Commissioner for Refugees, in Uzbekistan since 1993, to close its office within one month despite some 2,000 refugees from Afghanistan in the country.

In October 2004, the Commission traveled to Uzbekistan and met with senior officials of the Foreign, Internal Affairs, and Justice Ministries, the Presidential Administration, the Committee on Religious Affairs, and the Parliamentary Ombudsman's office. The delegation also met with Islamic, Jewish, and Christian communities and other religious groups, Uzbek human rights activists and lawyers, alleged victims of repression and their families, Western non-governmental organizations active in Uzbekistan, and U.S. Embassy personnel.

Throughout the past year, the Commission staff has held meetings with numerous delegations of Uzbek religious leaders, as well as with human rights groups and academics. In May 2005, Commission Chair Michael Cromartie testified at a hearing of the U.S. Commission on Security and Cooperation in Europe entitled "Unrest in Uzbekistan: Crisis and Prospects." At a June 2005 Carnegie Endowment roundtable on Andijon, the Commission released its *Policy Focus* report, which includes numerous policy recommendations. In July, the Commission held a public briefing on "U.S. Strategic Dilemmas in Uzbekistan and Turkmenistan" with the Center for Strategic and International Studies discussing the human rights situation and U.S. policy in both countries.

Language reflecting a Commission recommendation on Uzbekistan was included in the Consolidated Appropriations Act of 2005. The Congress conditioned funds to Uzbekistan on its “making substantial and continuing progress in meeting its commitments under the ‘Declaration of Strategic Partnership and Cooperation Framework Between the Republic of Uzbekistan and the United States of America,’” such as respect for human rights, including religious freedom. In addition, the Commission’s recommendation to re-open the Voice of America’s Uzbek Service was taken up in June 2005.

In addition to recommending that Uzbekistan be named a CPC, the Commission makes the following recommendations for U.S. policy.

I. The U.S. government should ensure that it speaks in a unified voice in its relations with the Uzbek government. To that end, the U.S. government should:

- ensure that U.S. statements and actions are coordinated across agencies to ensure that U.S. concerns about human rights conditions in Uzbekistan are reflected in all dealings with the Uzbek government;
- following the European Union’s October 2005 decision, reduce aid and arms sales to Uzbekistan and ban visits by high-level Uzbek officials in response to the Uzbek government’s refusal to allow an independent investigation into the violence in the eastern city of Andijon in May 2005;
- ensure that U.S. assistance to the Uzbek government, with the exception of assistance to improve humanitarian conditions and advance human rights, be made contingent upon establishing and implementing a specific timetable for the government to take concrete steps to improve conditions of freedom of religion or belief and observe international human rights standards, steps which should include:
 - ending reliance on convictions based solely on confessions, a practice that often is linked to ill treatment of prisoners, and implementing the recommendations of the UN Committee Against Torture (June 2002) and the UN Special Rapporteur on Torture (February 2003);
 - halting the detention and imprisonment of persons on account of their religious beliefs and practices;
 - establishing a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses, including Criminal Code Articles 159 (criminalizing “anti-state activity”) and 216 (criminalizing membership in a “forbidden religious organization”); releasing those who have been imprisoned solely because of their religious beliefs or practices as well as any others who have been unjustly detained or sentenced; and making public a list of specific and detailed information about individuals who are currently detained under these articles or imprisoned following conviction;

- implementing the recommendations of the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Religion or Belief to revise the 1998 law on Freedom of Conscience and Religious Organizations and bring it into accordance with international standards;
- registering religious groups that have sought to comply with the legal requirements; and
- ensuring that every prisoner has access to his or her family, human rights monitors, adequate medical care, and a lawyer, as specified in international human rights instruments, and allowing prisoners to practice their religion while in detention to the fullest extent compatible with the specific nature of their detention;
- ensure that U.S. security and other forms of assistance are scrutinized to make certain that this assistance does not go to Uzbek government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for particularly severe violations of religious freedom as defined by the International Religious Freedom Act of 1998 (IRFA);
- use appropriate avenues of public diplomacy to explain to the people of Uzbekistan why religious freedom is an important element of U.S. foreign policy, as well as specific concerns about violations of religious freedom in their country; and
- establish “American corner” reading rooms in various regions of Uzbekistan, including in the capital Tashkent, which should include materials on democracy, civic education, human rights, the role of religion in society, and other relevant topics.

II. The U.S. government should encourage greater international scrutiny of Uzbekistan’s human rights record. To that end, the U.S. government should:

- encourage scrutiny of Uzbek human rights concerns in appropriate international fora such as the OSCE and other multilateral venues and facilitate the participation of Uzbek human rights defenders in multilateral human rights mechanisms; and
- urge the Uzbek government to agree to a visit by UN Special Rapporteurs on Freedom of Religion or Belief and the Independence of the Judiciary and provide the full and necessary conditions for such a visit.

III. The U.S. government should support Uzbek human rights defenders and religious freedom initiatives. To that end, the U.S. government should:

- respond publicly and privately to the recent expulsions of U.S. non-governmental organizations and the numerous new restrictions placed on their activities; unless these restrictions are rescinded, the U.S. government should make clear that there will be serious consequences in the U.S.-Uzbek bilateral relationship, including a ban on high-level meetings;

- continue careful monitoring of the status of individuals who are arrested for alleged religious, political, and security offenses and continue efforts to improve the situation of Uzbek human rights defenders, including by pressing for the registration of human rights groups and religious communities;
- support efforts to counteract the Uzbek government's blockade on information into the country by increasing radio, Internet, and other broadcasting of objective news and information on issues relevant to Uzbekistan, including education, human rights, freedom of religion, and religious tolerance;
- increase foreign travel opportunities for civil society activists, religious leaders, and others concerned with religious freedom to permit them to take part in relevant international conferences;
- continue to develop assistance programs for Uzbekistan designed to encourage the creation of institutions of civil society that protect human rights and promote religious freedom, programs that could include training in human rights, the rule of law, and crime investigation for police and other law enforcement officials; since such programs have been attempted in the past with little effect, they should be carefully structured to accomplish, and carefully monitored and conditioned upon fulfillment of these specific goals:
 - expanding legal assistance programs for Uzbek relatives of detainees, which have sometimes led to the release of detainees;
 - expanding "train-the-trainer" legal assistance programs for representatives of religious communities to act as legal advisers in the registration process;
 - specifying freedom of religion as a grants category and area of activity in the Democracy and Conflict Mitigation program of the U.S. Agency for International Development and the Democracy Commission Small Grants program administered by the U.S. Embassy; and
 - encouraging national and local public roundtables between Uzbek officials and representatives of Uzbek civil society on freedom of religion; and
- increase opportunities in its exchange programs for Uzbek human rights advocates and religious figures, and more specifically:
 - expand exchange programs for Uzbek religious leaders to include representatives from all religious communities;
 - expand exchange programs for Uzbek human rights defenders, including participation in relevant international conferences and opportunities to interact with Uzbek officials; and
 - ensure that the U.S. Embassy vigorously protests cases when an Uzbek participant in an exchange program encounters difficulties with the Uzbek authorities upon return to

Uzbekistan, and if such difficulties continue, inform the Uzbek authorities that there will be negative consequences in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings.