

# U.S. Commission *on* International Religious Freedom

Annual Report 2012



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

The U.S. Commission on International Religious Freedom (USCIRF) is an independent U.S. government advisory body separate from the State Department. Created by Congress, USCIRF is tasked with monitoring religious freedom worldwide and making policy recommendations to the President, the Secretary of State, and the Congress.

*Front Cover:* Nearly 3,000 Egyptian mourners gather in central Cairo on October 13, 2011 in honor of Coptic Christians among 25 people killed in clashes during a demonstration over an attack on a church.  
MAHMUD HAMS/AFP/Getty Images

**Annual Report of the  
United States Commission on International Religious Freedom**

**March 2012  
(Covering April 1, 2011 – February 29, 2012)**

**Excerpts for 2012 OSCE Human Dimension Implementation  
Meeting**

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## OVERVIEW OF FINDINGS AND RECOMMENDATIONS

### Introduction

Over the past year, while economic woes captured world headlines, an ongoing crisis of equal breadth and scope frequently went unnoticed. Across the global landscape, the pivotal human right of religious freedom was under escalating attack. To an alarming extent, freedom of thought, conscience, and religion or belief was being curtailed, often threatening the safety and survival of innocent persons, including members of religious minorities.

In Egypt, an epicenter of the Arab Spring, hope turned to dismay, as human rights conditions, particularly religious freedom abuses, worsened dramatically under military rule. Authorities continued to prosecute and sentence citizens charged with blasphemy and allowed official media to incite violence against religious minority members, while failing to protect them or to convict responsible parties. Law enforcement and the courts fostered a climate of impunity in the face of repeated attacks against Coptic Christians and their churches. Rather than defending these minorities, military and security forces turned their guns on them, using live ammunition against Coptic Christians and other demonstrators, killing dozens and wounding hundreds in Maspero Square.

Other governmental actors over the past year also repressed the right to religious freedom, especially of religious minority members. Iran's theocracy targeted Baha'is, as well as Christians, Zoroastrians, and Sufi Muslims. Members of these groups were harassed, arrested, and imprisoned, including Pastor Youcef Nadarkhani, a Christian convert who was put on trial for his life. Some dissenters were even executed, while hatred was fomented against Jews through repeated Holocaust denial and other means. In China, the government made conditions for Tibetan Buddhists and Uighur Muslims the worst in decades.

The failure to prevent or punish violence against vulnerable religious minorities provided a grim portrait of how states can create or fuel a culture of impunity, encouraging private citizens or groups to threaten, intimidate, and even murder others. In Nigeria, the government for years had failed to stem Muslim-Christian violence or bring the perpetrators to justice, emboldening others to commit further bloodshed. The violence reached a terrible peak over the past year, claiming more than 800 lives, displacing 65,000 people, and destroying churches and mosques in the three days after Nigeria's presidential election, and at least 35 more lives in a series of coordinated church bombings on Christmas Day. In Pakistan, blasphemy laws and other discriminatory measures such as the anti-Ahmadi provisions have created an atmosphere conducive to chronic violence, which has worsened due to the government's failure to bring to justice, or even to charge, anyone for the March 2011 assassination of Shahbaz Bhatti, a Christian who was Pakistan's Federal Minister for Minority Affairs and a longtime religious freedom advocate.

Coupled with the continued exportation of religious extremist material from Saudi Arabia across the Middle East and into parts of Africa, Asia, and Europe, cultures of impunity have strengthened the hand of terrorist groups like Boko Haram in Nigeria and the Taliban in Afghanistan and Pakistan, ramping up killings and other abuses.

Whether Ahmadis, Baha'is, Christians, or others, religious minority individuals and their communities are – to a chilling extent – in trouble. Across much of the Middle East, Christian communities that have been a presence for nearly 20 centuries have experienced severe declines in population, aggravating their at-risk status in the region.

To be sure, religious freedom abuses harm members of religious majorities and minorities alike. But make no mistake: across much of the world, persons associated with religious minority communities often are harmed the most. Even when violations do not include or encourage violence, intricate webs of discriminatory rules, regulations, and edicts can impose tremendous burdens on these communities and their adherents, making it difficult for them to function and grow from one generation to the next, potentially threatening their existence. For example, while an electoral democracy, Turkey fails to legally recognize religious minority communities, such as the Alevi, the Greek, Armenian, and Syriac Orthodox Churches, the Roman Catholic and Protestant Churches, and the Jewish community. Furthermore, Turkish officials meddle in these communities' internal government and education and limit their worship rights.

In the end, the right to freedom of religion or belief should extend to every individual in every community and country. Since its inception, the U.S. Commission on International Religious Freedom (USCIRF) has been committed to this fundamental principle and universal standard. USCIRF will continue to report on countries where this freedom is lacking and make positive recommendations for reform.

Religious freedom abuses must never go unchallenged. This is not merely USCIRF's opinion, or a reflection of our own heritage as a free people. It is a basic tenet of humanity, a moral, ethical and legal duty that the United States ought to honor with action.

### **Countries of Particular Concern and the Watch List**

The International Religious Freedom Act of 1998 (IRFA) established as USCIRF's "primary responsibility" the annual and ongoing review of the facts and circumstances of religious freedom violations worldwide and the making of policy recommendations to the President, the Secretary of State, and Congress. The 2012 Annual Report represents the culmination of the efforts over the past year by Commissioners and staff to fulfill this responsibility.

This year's reporting period addresses events from April 2011 through February 2012, and the Annual Report includes chapters on 25 countries. The report is divided into two main sections. The first section highlights countries which USCIRF recommends that the State Department designate as "countries of particular concern" (CPCs) under IRFA for particularly severe violations of religious freedom. The second section focuses on countries USCIRF has placed on a Watch List for serious violations of religious freedom that do not meet the CPC threshold but require very close attention. In addition, there is a chapter on USCIRF's role in IRFA implementation, a chapter discussing other countries and issues of concern, and an appendix containing biographies of Commissioners and supplemental materials.

IRFA requires the President, who has delegated this authority to the Secretary of State, to designate as "countries of particular concern," or CPCs, those governments that have engaged in

or tolerated “particularly severe” violations of religious freedom. IRFA defines “particularly severe” violations as ones that are “systematic, ongoing, and egregious,” including acts such as torture, prolonged detention without charges, disappearances, or “other flagrant denial[s] of the right to life, liberty, or the security of persons.” After a country is designated a CPC, the President is required by law to take one or more of the actions specified in IRFA, or to invoke a waiver if circumstances warrant.

For the 2012 Annual Report, USCIRF recommends that the Secretary of State designate the following 16 countries as CPCs: Burma, the Democratic People’s Republic of Korea (North Korea), Egypt, Eritrea, Iran, Iraq, Nigeria, Pakistan, the People’s Republic of China, Saudi Arabia, Sudan, Tajikistan, Turkey, Turkmenistan, Uzbekistan, and Vietnam.

The State Department made CPC designations in October 2011 when releasing the *Annual Report on International Religious Freedom*, repeating the designations of eight countries issued by the previous administration in January 2009: Burma, the Democratic People’s Republic of Korea (North Korea), Eritrea, Iran, the People’s Republic of China, Saudi Arabia, Sudan, and Uzbekistan. It also announced Presidential actions for six of the countries it designated, and waivers on taking any action against Saudi Arabia and Uzbekistan (see the table Actions Taken Under IRFA, below). As a result of these waivers, the United States has not implemented any policy response to the particularly severe violations of religious freedom in either country.

USCIRF also maintains a Watch List of countries where the serious violations of religious freedom engaged in or tolerated by the governments do not meet the CPC threshold but require close monitoring. The Watch List provides advance warning of negative trends that could develop into severe violations of religious freedom, thereby providing policymakers with the opportunity to engage early and increasing the likelihood of preventing or diminishing the violations. The following nine countries are on USCIRF’s Watch List in this reporting period: Afghanistan, Belarus, Cuba, India, Indonesia, Laos, Russia, Somalia, and Venezuela.

<b>Current CPC and Watch List Countries</b>		
<b>Countries Designated as CPCs by the Department of State</b>	<b>USCIRF Recommendations for CPC Designation</b>	<b>USCIRF Watch List Countries</b>
Burma	Burma	Afghanistan
China	China	Belarus
Eritrea	Eritrea	Cuba
Iran	Iran	India
North Korea	North Korea	Indonesia
Saudi Arabia	Saudi Arabia	Laos
Sudan	Sudan	Russia
Uzbekistan	Uzbekistan	Somalia
	-----	
	Egypt	Venezuela
	Iraq	
	Nigeria	
	Pakistan	
	Tajikistan	
	Turkey	
	Turkmenistan	
	Vietnam	

IRFA provides the Secretary of State with a unique toolbox with which to promote religious freedom more effectively and with greater impact. The Act includes a range of options for countries designated as CPCs, and a list of actions to help encourage improvements in countries that violate religious freedom but do not meet the CPC threshold. Specific policy options to address severe violations of religious freedom in CPC countries include sanctions (referred to in IRFA as Presidential actions) that are not automatically imposed. Rather, the Secretary of State is empowered to enter into direct consultations with a government to find ways to bring about improvements in religious freedom. IRFA also permits the development of either a binding agreement with a CPC-designated government on specific actions that it will take to end the violations that gave rise to the designation or the taking of a “commensurate action.” The Secretary may additionally determine that pre-existing sanctions are adequate or waive the requirement of taking action in furtherance of the Act.

However, in practice, the flexibility provided in IRFA has been underutilized and as a result the statute has not been fully employed to bring about adequate progress to warrant removing countries designated as CPCs. Generally, the State Department relies on pre-existing sanctions, which is technically correct under the statute. However, the practice of “double-hatting” provides little incentive for CPC-designated governments to reduce or end egregious violations of religious freedom. For these actions to have any real impact on promoting religious freedom, the designation of an egregious religious freedom violator as a CPC should always be followed by the implementation of a clear, direct, and specific Presidential action.

<b>Actions Taken Under IRFA</b>	
The following Presidential actions under section 402(c)(1) of IRFA were approved by Secretary Clinton on August 18, 2011	
<b>Burma</b>	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
<b>China</b>	The existing, ongoing restrictions on exports to China of crime control and detection instruments and equipment, under P.L. 101-246 and the Foreign Relations Authorization Act of 1990 and 1991.
<b>Eritrea</b>	The existing, ongoing arms embargo referenced in 22 CFR 126.1(a).
<b>Iran</b>	The existing, ongoing restrictions on certain imports from and exports to Iran, in accordance with section 103(b) of the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010 (P.L. 111-195).
<b>North Korea</b>	The existing, ongoing restrictions to which North Korea is subject, pursuant to sections 402 and 209 of the Trade Act of 1974 (the Jackson-Vanik Amendment).
<b>Sudan</b>	The restriction on making certain appropriated funds available for assistance to the Government of Sudan in the annual Department of



	State, Foreign Operations, and Related Programs Appropriations Act, currently set forth in section 7070(f) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2010 (Div. F, P.L. 111-117), as carried forward by the Full-Year Continuing Appropriations Act, 2011 (Div. B, P.L. 112-10) and any provision of law that is the same or substantially the same as this provision.
<b>Saudi Arabia &amp; Uzbekistan</b>	Waived the requirements of section 405(a) of the IRF Act with respect to Saudi Arabia, and Uzbekistan, to further the purposes of the IRFA.

In addition to implementing specific Presidential actions, the U.S. government should designate CPCs in a timely manner. While IRFA does not set a specific deadline, it indicates that CPC designations should take place soon after the State Department releases its *Annual Report on International Religious Freedom*, as decisions are to be based on that review. The State Department’s October 2011 CPC designations, which were made along with its release of the 2011 *Annual Report on International Religious Freedom*, were a welcome change from past practice, when the two had been separated by years. CPC designations were made in 2006, 2009, and 2011. USCIRF encourages the State Department to continue the practice of announcing CPC designations with the issuance of the 2012 *Annual Report on International Religious Freedom*, as envisioned by IRFA.

### Overview of CPC Recommendations and Watch List

#### *Justification of Commission Recommendations for CPC Designation*

**Burma:** The Burmese military is implicated in some of the world’s worst human rights abuses, including rape, torture, ethnic cleansing, conscription of child soldiers, and particularly severe religious freedom violations. These abuses continued in the past reporting period, despite November 2010 elections that installed a new civilian government and some initial reforms announced during 2011-2012. Religious groups, particularly ethnic minority Christians and Muslims and Buddhist monks suspected of engaging in anti-government activity, faced intrusive monitoring, arrest, mistreatment, destruction or desecration of property, severe restrictions on worship, education, and religious activities, and targeted violence. Monks are still imprisoned for participating in peaceful demonstrations in 2007, and the ban on independent Protestant “house church” activities remains.

**China:** The Chinese government continues to violate severely its international obligations to protect the freedom of thought, conscience, and religion or belief. Religious groups and individuals considered to threaten national security or social harmony, or whose practices are deemed superstitious, cult-like, or beyond the vague legal definition of “normal religious activities” face severe restrictions, harassment, detention, imprisonment, and other abuses. Religious freedom conditions for Tibetan Buddhists and Uighur Muslims remain particularly acute, as the government broadened its efforts to discredit and imprison religious leaders, control the selection of clergy, ban certain religious gatherings, and control the distribution of religious literature by members of these groups. The government also detained hundreds of

unregistered Protestants in the past year and stepped up efforts to shutter “illegal” meeting points and public worship activities. Dozens of unregistered Catholic clergy remain in detention or have disappeared, and relations between the Vatican and Beijing have declined in the past year. Falun Gong adherents continue to be targeted by extralegal security forces and tortured and mistreated in detention. The Chinese government also continues to harass, detain, intimidate, disbar, and forcibly disappear attorneys who defend vulnerable religious groups.

**Egypt:** Over the past year, the Egyptian transitional government continued to engage in and tolerate systematic, ongoing, and egregious violations of freedom of thought, conscience and religion or belief. Serious problems of discrimination, intolerance, and other human rights violations against members of religious minorities, as well as disfavored Muslims, remain widespread in Egypt. Violence targeting Coptic Orthodox Christians increased significantly during the reporting period. The transitional government has failed to protect religious minorities from violent attacks at a time when minority communities have been increasingly vulnerable. This high level of violence and the failure to convict those responsible continued to foster a climate of impunity, making further violence more likely. During the reporting period, military and security forces used excessive force and live ammunition targeting Coptic Christian demonstrators and places of worship resulting in dozens of deaths and hundreds of injuries. The government also continued to prosecute, convict, and impose prison terms on Egyptian citizens charged with blasphemy. Implementation of previous court rulings – related to granting official identity documents to Baha’is and changing religious affiliation on identity documents for converts to Christianity – has seen some progress but continues to lag, particularly for Baha’is. In addition, the government has not responded adequately to combat widespread and virulent anti-Semitism in the government-controlled media.

**Eritrea:** Systematic, ongoing, and egregious religious freedom violations continue in Eritrea. These violations include: torture or other ill-treatment of thousands of religious prisoners; arbitrary arrests and detentions without charges of members of unregistered religious groups; a prolonged ban on public religious activities; revocation of citizenship rights of Jehovah’s Witnesses; interference in the internal affairs of registered religious groups; and inordinate delays in responding to registration applications from religious groups.

**Iran:** The government of Iran continues to engage in systematic, ongoing, and egregious violations of religious freedom, including prolonged detention, torture, and executions based primarily or entirely upon the religion of the accused. Iran is a constitutional, theocratic republic that discriminates against its citizens on the basis of religion or belief. During the past year, religious freedom conditions continued to deteriorate, especially for religious minorities, most notably Baha’is, as well as Christians and Sufi Muslims, and physical attacks, harassment, detention, arrests, and imprisonment intensified. Even the recognized non-Muslim religious minorities protected under Iran’s constitution – Jews, Armenian and Assyrian Christians, and Zoroastrians – faced increasing discrimination, arrests, and imprisonment. Majority Shi’a and minority Sunni Muslims, including clerics who dissent, were intimidated, harassed, and detained. Dissidents and human rights defenders were increasingly subject to abuse and several were sentenced to death and even executed for the capital crime of “waging war against God.” Heightened anti-Semitism and repeated

Holocaust denials by senior government officials have increased fear among Iran's Jewish community. Since the 1979 Iranian revolution, members of minority religious communities have fled Iran in significant numbers for fear of persecution.

**Iraq:** The Iraqi government continues to tolerate systematic, ongoing, and egregious religious freedom violations. In the past year, religious sites and worshippers were targeted in violent attacks, often with impunity, and businesses viewed as "un-Islamic" were vandalized. The most deadly such attacks during this period were against Shi'a pilgrims. While the Iraqi government has made welcome efforts to increase security, it continues to fall short in investigating attacks and bringing perpetrators to justice. It also took actions against political rivals in late 2011 that escalated Sunni-Shi'a sectarian tensions. Large percentages of the country's smallest religious minorities – which include Chaldo-Assyrian and other Christians, Sabeen Mandaeans, and Yazidis – have fled the country in recent years, threatening these ancient communities' very existence in Iraq; the diminished numbers that remain face official discrimination, marginalization, and neglect, particularly in areas of northern Iraq over which the Iraqi government and the Kurdistan Regional Government (KRG) dispute control. Religious freedom abuses of women and individuals who do not conform to strict interpretations of religious norms also remain a concern.

**Nigeria:** The past year saw a dramatic rise in sectarian or religiously-related violence in Nigeria, confirming USCIRF's warnings in our 2011 Annual Report. Over 800 people were killed, and more than 65,000 displaced, in three days of rioting in northern states following the presidential 2011 elections. Although triggered by political issues, the post-election violence quickly became sectarian. In addition, Boko Haram, a militant group that espouses an extreme and violent interpretation of Islam, has been emboldened by the climate of impunity. Boko Haram has shifted its tactics and emphasis by targeting, killing, and bombing Christians and Christian clergy and threatening to kill all remaining Christians in the north, while continuing its attacks against government officials, as well as killing hundreds of Muslims, including Muslim religious leaders who spoke out against the group.

**North Korea:** Despite the December 2011 death of autocratic leader Kim Jong Il and the succession of his son and chosen successor Kim Jong Un, the Democratic People's Republic of North Korea (DPRK or North Korea) remains one of the world's most repressive regimes, with a deplorable human rights and religious freedom record. There continue to be reports of severe religious freedom abuses occurring during the past year, including: discrimination and harassment of both authorized and unauthorized religious activity; the arrest, torture, and possible execution of those conducting clandestine religious activity; and the mistreatment and imprisonment of asylum-seekers repatriated from China, particularly those suspected of engaging in religious activities, having religious affiliations, or possessing religious literature.

**Pakistan:** The government of Pakistan continues to both engage in and tolerate systematic, ongoing, and egregious violations of freedom of religion or belief. Pakistan's repressive blasphemy laws and other religiously discriminatory legislation, such as the anti-Ahmadi laws, have created an atmosphere of violent extremism and vigilantism. Sectarian and religiously-motivated violence is chronic, and the government has failed to protect members

of the majority faith and religious minorities. Pakistani authorities have not consistently brought perpetrators to justice or taken action against societal leaders who incite violence. Growing religious extremism threatens the freedoms of religion and expression, as well as other human rights, for everyone in Pakistan, particularly women, members of religious minorities, and those in the majority Muslim community who hold views deemed “un-Islamic” by extremists. It also threatens Pakistan’s security and stability.

**Saudi Arabia:** During the reporting period, systematic, ongoing, and egregious violations of religious freedom continued in Saudi Arabia despite improvements. More than 10 years since the September 11, 2001 attacks on the United States, the Saudi government has failed to implement a number of promised reforms related to promoting freedom of thought, conscience, and religion or belief. The Saudi government persists in banning all forms of public religious expression other than that of the government’s own interpretation of one school of Sunni Islam; prohibits churches, synagogues, temples, and other non-Muslim places of worship; uses in its schools and posts online state textbooks that continue to espouse intolerance and incite violence; and periodically interferes with private religious practice. There have been numerous arrests and detentions of Shi’a Muslim dissidents, partly as a result of increasing protests and demonstrations related to 2011 uprisings in the region, and Ismaili Shi’a Muslims continue to suffer repression on account of their religious identity. Members of the Commission to Promote Virtue and Prevent Vice (CPVPV) continue to commit abuses, although their public presence has diminished slightly and the number of reported incidents of abuse has decreased in some parts of the country. In addition, the government continues to be involved in supporting activities globally that promote an extremist ideology, and in some cases, violence toward non-Muslims and disfavored Muslims.

**Sudan:** Systematic, ongoing, and egregious violations of freedom of religion or belief continue in Sudan. Violations include: the criminalization, subject to the death penalty, of apostasy; the efforts by the government in Khartoum to impose its restrictive interpretation of Shari’ah (Islamic law) on Muslims and non-Muslims; attacks and threats against the Christian community; the application of the Public Order Act and related laws and use of floggings for undefined acts of “indecentcy” and “immorality;” the denial of public religious expression and persuasion of Muslims by non-Muslims, while allowing proselytizing of non-Muslims by Muslims; and the difficulty in obtaining permission to build churches, as compared to government funding of mosque construction.

**Tajikistan:** The religious freedom situation in Tajikistan further deteriorated during the reporting period, as it has over the past several years, leading to systematic, ongoing, and egregious violations of freedom of religion or belief. The state suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. The Tajik government’s restrictions on freedom of religion or belief primarily affect the country’s majority Muslim community, but also target minority communities viewed as foreign-influenced, particularly Protestants and Jehovah’s Witnesses. Jehovah’s Witnesses are banned and, as a result, that community has faced numerous official penalties, including allegations of inciting inter-religious discord. In recent years, the Tajik government has destroyed a synagogue, a

church, and three mosques, and it has closed down hundreds of unregistered mosques, including 50 in early 2011.

**Turkey:** Due to the Turkish government's systematic and egregious limitations on the freedom of religion or belief that affect all religious communities in Turkey, and particularly threaten the country's non-Muslim religious minorities, USCIRF recommends Turkey be designated a "country of particular concern." The Turkish government, in the name of secularism, has long imposed burdensome regulations and denied full legal status to religious groups, violating the religious freedom rights of all religious communities. These restrictions, including policies that deny non-Muslim communities the rights to train clergy, offer religious education, and own and maintain places of worship, have led to their decline, and in some cases, their virtual disappearance. Turkey has a democratic government, and the country's constitution protects the freedom of belief and worship. While the political climate in Turkey is generally more open to public debate on religious freedom matters and the government has recently taken some positive steps on property, education, and religious dress, these *ad hoc* announcements have not resulted in systematic changes in constitutional and legal structures that would remedy violations of religious freedom for non-Muslim minorities. Longstanding policies continue to threaten the survivability and viability of minority religious communities in Turkey.

**Turkmenistan:** Severe religious freedom violations and official harassment of religious adherents persist in Turkmenistan. Despite a few limited reforms undertaken by President Berdimuhamedov since 2007, the country's laws, policies, and practices continue to violate international human rights norms, including those on freedom of religion or belief. Police raids and other harassment of registered and unregistered religious groups continue. The highly repressive 2003 religion law remains in force, causing major difficulties for religious groups to function legally, and has justified police raids and arrests. Turkmen law does not allow a civilian alternative to military service, and six Jehovah's Witnesses are imprisoned for conscientious objection.

**Uzbekistan:** Since Uzbekistan gained independence in 1991, its government has systematically and egregiously violated freedom of religion or belief. The Uzbek government violates the full range of human rights and harshly penalizes individuals for independent religious activity regardless of their religious affiliation. A restrictive religion law facilitates the government's control over all religious communities, particularly the majority Muslim community. The government continues to arrest Muslims and repress individuals, groups, and mosques that do not conform to officially-prescribed practices or that it claims are associated with extremist political programs. Thousands of such persons remain imprisoned as alleged extremists, including many who reportedly are denied due process and subjected to torture. While Uzbekistan does face security threats from members of groups that advocate or perpetrate violence in the name of Islam, the government arbitrarily applies vague anti-extremism laws against many Muslims and others who pose no credible threat to security.

**Vietnam:** The government of Vietnam continues to control all religious communities, restrict and penalize independent religious practice severely, and repress individuals and groups viewed as challenging its authority. Religious activity continues to grow in Vietnam and the government has made some important changes in the past decade in response to international

attention, including from its designation as a “country of particular concern” (CPC). Nevertheless, individuals continue to be imprisoned or detained for reasons related to their religious activity or religious freedom advocacy; independent religious activity remains illegal; legal protections for government-approved religious organizations are both vague and subject to arbitrary or discriminatory interpretations based on political factors; and new converts to ethnic-minority Protestantism and members of one Buddhist community face discrimination, intimidation, and pressure to renounce their faith.

*The Commission’s Watch List*

**Afghanistan:** Conditions for religious freedom are exceedingly poor for dissenting members of the majority faith and for minority religious communities. The Afghan constitution fails explicitly to protect the individual right to freedom of religion or belief and allows other fundamental rights to be superseded by ordinary legislation. It also contains a repugnancy clause stating that no law can be contrary to the tenets of Islam, which the government has interpreted to limit fundamental freedoms. Individuals who dissent from the prevailing orthodoxy regarding Islamic beliefs and practices are subject to legal action that violates international standards, for example prosecutions for religious “crimes” such as apostasy and blasphemy. In addition, the Afghan government remains unable, as well as at times unwilling, to protect citizens against violence and intimidation by the Taliban and other illegal armed groups.

**Belarus:** The government of Belarus, through intrusive laws and policies, continues to violate the freedom of thought, conscience, and religion or belief throughout the country. Religious communities and individuals found to have violated these restrictive laws have been harassed, raided, fined, and detained. Vandalism of religious properties has occurred with impunity.

**Cuba:** Serious religious freedom violations continue in Cuba despite some improvements. Violations by the Cuban government include: detention, sporadic arrests, and harassment of clergy and religious leaders, as well as interference in church affairs. The Cuban government also controls and monitors religious belief and practices through surveillance and legal restrictions.

**India:** Progress in achieving justice for victims of past large-scale incidents of communal violence in India continued to be slow and ineffective. In addition, intimidation, harassment, and occasional small-scale violence against members of religious minority groups continued, particularly against Christians in states with anti-conversion laws. While there has been no large-scale communal violence against religious minorities since 2008, and despite the Indian government’s recognition of past communal violence and the creation of some structures at various levels to address these issues, the deleterious pace of the judicial responses and the adopted anti-conversion laws enable impunity.

**Indonesia:** Indonesia is a stable democracy with stronger human rights protections than at any time in its history, but the country’s tradition of religious tolerance and pluralism has been strained. While the government has addressed past sectarian violence and curtailed terrorist networks, religious minorities continue to experience intimidation, discrimination,

and societal violence. The Indonesian government, including the police and provincial officials, sometimes tolerate activities of extremist groups, and national laws and provincial decrees have restricted religious freedom.

**Laos:** Serious religious freedom abuses continue in Laos. The Lao government restricts religious practice through its legal code and has not curtailed religious freedom abuses in some rural areas. Provincial officials continue to violate the freedom of religion or belief of ethnic minority Protestants through detentions, surveillance, harassment, property confiscations, forced relocations, and forced renunciations of faith. However, religious freedom conditions have improved for the majority Buddhist groups and for Christians, Muslims, and Baha'is living in urban areas.

**Russia:** Religious freedom conditions in Russia continue to deteriorate. The government increasingly used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. National and local officials also apply other laws to harass Muslims and groups they view as non-traditional or alien. These actions, along with rising xenophobia and intolerance, including anti-Semitism, are linked to violent or lethal hate crimes. Despite increased prosecutions in Moscow, the Russian government has not addressed these issues consistently or effectively, leading to significant problems of impunity in many regions.

**Somalia:** Egregious religious freedom violations by the U.S.-designated terrorist group al-Shabaab continue in Somalia, including: the violent implementation of its extremist interpretation of Islamic law and use of hudood punishments; execution of those it deems "enemies of Islam;" and killing of Christian converts. The internationally-recognized Transitional Federal Government (TFG) lacks the capacity to enforce religious freedom protections or address religious freedom violations. Although al-Shabaab conducts systematic, ongoing, and egregious violations of religious freedom, it is not the governing authority and Somalia cannot be designated a "country of particular concern."

**Venezuela:** Violations of freedom of religion or belief continue in Venezuela. These violations include: the government's failure to investigate and hold accountable perpetrators of attacks on religious leaders and houses of worship, and virulent rhetoric from President Hugo Chavez, government officials, state media, and pro-Chavez media directed at the Venezuelan Jewish and Catholic communities.

### Prisoners

USCIRF has also compiled an informal list of prisoners that reflects only a small number of those detained, jailed, or disappeared.

<p><b>Individuals Referenced in the Annual Report as Detained, Jailed or Disappeared on Account of Religious Beliefs and/or Activities</b></p>
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<p>(Individuals listed below reflect only a small number of those detained, jailed, or disappeared)</p>
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<p><b>Afghanistan:</b> Baljit Singh</p>
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U.S. Commission on International Religious Freedom  
2012 Annual Report Excerpts for OSCE HDim

<p><b>China:</b> Gao Zhisheng, Wang Yonghang, Tang Jitian, Alimujiang Yimiti, Qahar Menus, Muhemmed Tursun, Yang Rongli, Wang Xiaoguang, Fr. Li Huisheng, Fr. Joseph Zhang, Bishop Su Zhimin, Bishop Shi Enxiang, Fan Yafeng, Jin Tianming, Namkha Gyaltzen, Gedun Choekyi Nyima, Runggye Adak, Tenzin Delek Rinpoche, Liu Gang, Liu Fengmei, Song Sheng</p>
<p><b>Eritrea:</b> Patriarch Abune Antonios, Paulos Eyassu, Isaac Mogos, Negede Teklemariam</p>
<p><b>Iran:</b> Youcef Nadarkhani, Farshid Fathi, Noorollah Qabitzade, Mehdi Furutan Ayatollah Mohammad Kazemini Boroujerdi, Fariba Kamalabadi, Jamaloddin Khanjani, Afif Naemi, Saeid Rezaie, Mahvash Sabet, Behrouz Tavakkoli, Vahid Tizfahm</p>
<p><b>Pakistan:</b> Aasia Bibi, Abdul Sattar, Muhammad Mushtaq, Muhammad Yousaf, Imran Ghafoor, Wajihul Hassan, Rafiq from Punjab province, Mohammad Shafi, Mohammad Aslam, Ruqqiya Bibi, Munir Masih, Hector Aleem, Rehmat Masih</p>
<p><b>Saudi Arabia:</b> Hamza Kashgari, Ali Sabat, and 35 Ethiopian Christians</p>
<p><b>Tajikistan:</b> Sharifjon Yoqubov, Igbolsho, Amirali Davlatov, Murodali Davlatov, Nosir Rakhimov, Doniyor Khashimov, Saynurdin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov, Abduvali Murodov</p>
<p><b>Turkmenistan:</b> Muhammed-Rahim Muhammedov, Vladimir Nuryllayev, Dovleyet Byashimov, Ahmet Hudaybergenov, Sunet Japbarov, Matkarim Aminov, Dovran Matyakubov, Mahmud Hudaybergenov</p>
<p><b>Uzbekistan:</b> Hairulla Khamidov, Bakhtiyar Makhamatov, Nematilla Sakhibov, Akram Yuldashev, Suhrob Zokirov, Islom Alikulov, Islom Manopov, Alisher Karimov, Farhod Sarymsokov, Botyr Sheraliyev, Kudrat Sultonov, Nosyr Mamazhanov, Muhammad Yarmatov, Ramzhon Abdukodyrov, Nasibullo Karimov, Akhror Saidvaliev, Adkham Siddiqov, Ammoridin Bahromov, Abdullo Turgunov, Sharifjon Boltaboev, Habibullah Madmarov, Mamirzhan Yusupov, Akhmadzhon Bekpulatov, Sanzharbek Satvaldiev, Rustam Amanturdiev, Dilshodbek Amanturdiev, Zarbotzhon Akbarov, Alim Boymatov, Mehriniso Hamdamova, Zulkhumor Hamdamova, Shahlo Rakhmonova, Abdubannob Ahmedov, Olim Turaev, Sergey Ivanov, Tohar Haydarov, Nasibullo Karimov</p>
<p><b>Vietnam:</b> Fr. Nguyen Van Ly, Cam Tu Huynh, Kpa Y Co, Ksor Y Du, Nguyen Cong Chinh, Nguyen Trung Ton, Nguyen Van Lia, Tran Hoai An, Thich Quang Do</p>



## COUNTRY CHAPTERS: COUNTRIES OF PARTICULAR CONCERN

### Tajikistan

**FINDINGS:** The religious freedom situation in Tajikistan further deteriorated during the reporting period, as it has over the past several years, leading to systematic, ongoing, and egregious violations of freedom of religion or belief. The state suppresses and punishes all religious activity independent of state control, and imprisons individuals on unproven criminal allegations linked to religious activity or affiliation. The Tajik government's restrictions on freedom of religion or belief primarily affect the country's majority Muslim community, but also target minority communities viewed as foreign-influenced, particularly Protestants and Jehovah's Witnesses. Jehovah's Witnesses are banned and, as a result, that community has faced numerous official penalties, including allegations of inciting inter-religious discord. In recent years, the Tajik government has destroyed a synagogue, a church, and three mosques, and it has closed down hundreds of unregistered mosques, including 50 in early 2011.

Based on this deterioration and these systematic, ongoing, and egregious violations of religious freedom, USCIRF recommends for the first time in 2012 that Tajikistan be designated a country of particular concern (CPC). Tajikistan had been on USCIRF's Watch List since 2009.

The government's actions against peaceful religious practice are based in part on a recent and ongoing expansion of repressive laws limiting religious freedom. The 2009 Tajik religion law establishes onerous and intrusive registration requirements for religious groups; criminalizes unregistered religious activity, private religious education, and proselytism; sets strict limits on the number of mosques and their size; allows government interference with the appointment of imams; requires official permission for religious organizations to provide religious instruction and communicate with foreign co-religionists; and imposes state controls on the publication and import of religious literature. In 2011, new administrative and penal code provisions set new penalties, including large fines and prison terms, for religion-related charges. A new parental responsibility law also came into force in 2011, banning minors from any organized religious activity except in official religious institutions. Women are not permitted to go to mosques or wear headscarves in educational institutions, and men are not permitted to wear beards in public buildings.

**PRIORITY RECOMMENDATIONS:** Tajikistan is strategically important for the United States due to its long and porous border with Afghanistan and the key role of ethnic Tajiks in that country. The U.S. government should designate the country a CPC and engage the Tajik government about the importance of enacting specific reforms. In doing so, the U.S. government should press Tajik officials and work with civil society to bring the relevant laws into conformity with international commitments. The U.S. embassy should monitor the trials of those charged solely because of religious belief or practice and call for the release of such prisoners. The U.S. should work with the international community to provide training for judges and prosecutors in civil law and human rights standards. U.S. officials should criticize publicly violations by the Tajik government of its international and Organization for Security and Cooperation in Europe (OSCE) human rights commitments. Additional recommendations for U.S. policy toward Tajikistan can be found at the end of this chapter.

## **Religious Freedom Conditions**

### *Restrictive Legal Framework*

#### *New Legal Restrictions*

In 2011, the Tajik government successfully sought passage of several repressive and vague amendments to the criminal and administrative codes. The changes empower the government to arbitrarily limit the peaceful practice of religion by setting lengthy prison terms for “unapproved” religious activity and placing heavy fines for religious education and expression.

Two new Administrative Code articles went into effect in January 2011 that set new penalties for peaceful religious activity. One article sets onerous fines for “teaching religious knowledge without [state] permission.” Individuals may be fined up to U.S. \$800; groups, up to U.S. \$1,600; and repeat violations are subject to fines of up to three times these amounts. The 2010 official minimum monthly wage and pension in Tajikistan is U.S. \$19. Another article similarly sets onerous fines for the production, distribution, import or export of religious literature that has not passed the compulsory review by state censors.

The Tajik parliament amended the criminal code in June 2011 and set maximum two-year prison terms as punishment for organizers and participants in “unapproved gatherings, meetings, demonstrations, pickets and street processions,” which could include unregistered or unapproved religious meetings. Another criminal code provision was added that punished the “organization of a religious extremist study group and participation in it without regard to the place of study.” Alleged participants in such groups face prison terms of five and eight years; organizers face eight to 12-year terms. Property confiscation also may be imposed.

The Parental Responsibility Law went into effect in August 2011. The law bans almost all religious activity by children, including mosque attendance and participation in funerals, but permits participation in approved religious education. The law also restricts children’s religious dress and even limits parents’ choice of their children’s names. The state Religious Affairs Committee (RAC) and other state agencies are tasked with enforcing parents’ responsibilities under the law. In August 2011, the heads of the RAC and of the government-backed Council of Ulema traveled around the country to clarify the new law’s practical effects, but some communities were not satisfied with the explanations about the new law’s implementation.

Nevertheless, many young people reportedly were still attending places of worship after the law took effect. It was reported in August that police stopped people under 18 from entering mosques to celebrate Eid al-Fitr at the end of Ramadan. The 57-member Organization of Islamic Cooperation (OIC), of which Tajikistan is a member, publicly expressed concern about the law, which it noted affects not only Muslims, but also Christians and members of other religious communities. It is not known if the Tajik government has responded to the OIC’s official request for clarification but, in a February 2012 letter to USCIRF, the Tajik embassy claimed that the law was justified to protect youth from alleged radical influences and argued that it did not violate international legal commitments on freedom of religion or belief.

2009 Religion Law

Tajikistan enacted a highly restrictive religion law in March 2009 and aggressively enforced the law after February 2010 parliamentary elections. The law places onerous administrative burdens on religious groups, which prevent or control religious activity. Non-violent unregistered religious groups, which either were denied registration or decided not to seek registration, are deemed “illegal” and the Tajik government has closed their houses of worship.

The 2009 law also prohibits private religious education, requires state permission for an institution or organization to provide religious instruction, and requires that both parents provide written permission for a child to receive such instruction. It is not clear whether under the law religious instruction includes children attending religious services, though police have tried to prevent children from praying at mosques after school hours on Fridays. The law also bans proselytism and requires prior official approval for religious organizations to invite foreigners into the country or attend religious conferences outside the country. Under the law, the government must approve the content and “appropriate quantities” of all published or imported religious literature and religious communities must pay for this “service.” Although Tajikistan has the only legal Islamic political party in Central Asia, the law forbids religious associations from participating in political activities.

The law’s preamble notes the “special role of the [Sunni] Hanafi school of Islam” in Tajik culture, ignoring any role of the country’s Ismaili Shi’a Muslims, who comprise from five to 10 percent of the population, as well as contributions of Tajik Jews and Orthodox Christians.

The international community, including the United Nations, the OSCE, and USCIRF, raised numerous concerns about the 2009 law. The UN Special Rapporteur on Freedom of Religion or Belief told the UN Human Rights Council that the law “could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities.” The OSCE’s Advisory Panel of Experts on Freedom of Religion or Belief also found that many of the law’s provisions do not meet international standards regarding the freedom of religion or belief. In October 2011, the UN Human Rights Council undertook its first Universal Periodic Review of Tajikistan. Tajik representatives promised to undertake various labor and human rights reforms, including on torture. Nevertheless, Tajikistan rejected key recommendations on freedom of religion or belief, including amending the new Parental Responsibility Law.

Members of various Tajik minority religious communities, including Seventh-day Adventists, Baptists, Baha’is and Hare Krishna, expressed similar concerns about the law’s impact on freedom of religion or belief. In February 2011, Patriarch Kirill of the Russian Orthodox Church reportedly noted the new law’s numerous restrictions. Tajik government officials, however, have said that concerns about the religion law are baseless and have accused Tajik organizations that share these concerns of supporting “alien ideas.”

### Registration Issues

As discussed above, the Tajik religion law requires religious groups to register, and the administrative and criminal codes penalize unregistered religious activity. There are two types of registration: as a religious organization, which has legal personality, or as a religious community, which does not. National religious centers, central mosques, central prayer places, religious educational institutions, churches, and synagogues can apply for registration as religious organizations. Other religious entities, including smaller central mosques and prayer mosques, can register only as religious communities. To register as a religious organization, 10 adult citizen founders must present a certificate from local officials attesting that they have lived in the area for at least five years, as well as provide proof of citizenship, dates of birth, home addresses, and descriptions of their beliefs and religious practices, their views on education, family, and marriage, and data on their founders' state of health. State officials and members of political parties are not eligible to be among the 10 founders. Religious organizations must specify all their activities in their charters and report annually on their activity or face loss of registration. The religion law also requires that the charters define the geographic status of religious organizations as well as religious communities, thereby limiting their activities to the national, town, or district level.

The law singles out mosques for particularly strict regulation: one large, so-called Friday prayer mosque is allowed in a district of 10,000-20,000 people and one smaller five-time-daily prayer mosque is permitted in an area of 100-1,000 people; quotas are higher for the capital, Dushanbe. Mosques that exceed the quota for an area can be closed. Under the law, "appropriate state bodies in charge of religious affairs" select all imams and their assistants (*imam-khatibs*); other religions appear to be allowed to appoint their own leaders. Muslim worship is restricted to mosques, homes, and cemeteries, and is not permitted in places of work or on streets around mosques. Under the 2009 religion law, only state-licensed mosques are permitted to hold Qur'an study classes; previously, any mosque could do so.

The 2009 religion law imposed a re-registration deadline of January 1, 2010. The State Department reported that as of the end of 2010, most religious groups had applied for re-registration. As of March 2011, however, some mosques had been denied re-registration and many others were still waiting for registration. According to a February 2012 letter from the Tajik embassy to USCIRF, 4,000 religious organizations, 74 of which are non-Muslim, are currently registered. Muslim structures include 3,366 mosques, 345 Friday mosques, 41 central mosques and one national Islamic Religious Center, a modest increase over official statistics from a year ago. These figures did not include Ismaili *Jamatkhonas* (places of worship).

### Law on Traditions and Rituals

Tajikistan's 2007 Law on Observing National Traditions and Rituals regulates private celebrations, allegedly to protect the public from spending excessive amounts of money. This law restricts the manner in which individuals can conduct private celebrations, including those with religious significance, such as weddings, funerals, gatherings after the return of a pilgrim from the *hajj*, and the birthday of the Prophet Muhammad. National minorities specifically are exempted from restrictions in celebrating their national events.

### *Restrictions on Muslims*

Through various legal provisions, the Tajik government in effect controls the practice of Islam. This control is carried out via the state-appointed Council of Ulema (CoU). The CoU promotes official government policies on Islam, issues *fatwas* and religious guidance to Islamic religious organizations, and drafts Friday sermon topics for national distribution. It is the only “national center” allowed for Muslims under the religion law, and its “decisions and *fatwas* are viewed as government policies,” according to the State Department. The government also indirectly controls the selection and retention of imams, including through “attestations” on Islamic teachings and religious principles. In addition, the RAC selects, controls, collects the fees and limits the age and the numbers of those who annually participate in the *haji*; in 2010, 5,500 were allowed to participate. According to the State Department, observers have noted that the government drafts Muslim sermons and manipulates teachings so as to bolster its own political standing against the Islamic Renaissance Party (IRP), the major legal opposition party.

In December 2011, the CoU accused three prominent Tajik religious and political opposition leaders in the IRP, the Turajonzoda brothers, of “endangering the spiritual unity of our nation” by performing the “alien” Shi’a ritual of Ashura at their mosque near Dushanbe. Although the brothers denied observing Ashura, the CoU distributed its accusatory statement to all Tajik mosques and requested that imams read it at Friday prayers. Tajik authorities later dismissed several imams who refused to do so, including one brother who was imam at the family mosque. The CoU also called on the Tajik authorities to examine whether the Turajonzoda family’s religious activity is in accord with the religion law.

Three days later, 50 police and officials raided the Turajonzoda mosque during Friday prayers, and detained nine worshippers without charges for 10 days. In addition, the RAC downgraded the mosque’s status for three months so that Friday sermons – which attracted 10,000 worshippers – could not legally be held, and threatened that its return to Friday prayer status would depend on the absence of any further legal violations. In addition, the government dismissed two of the brothers, Nuriddin and Mahmudjon, as the mosque’s imams. A Tajik court also fined Nuriddin and his brother, Akbar, about U.S. \$70 each for allegedly insulting the leader of the CoU, but ignored their counterclaims against the government.

The CoU issued a *fatwa* in 2004 that bans women from praying in Tajik mosques, which remains in effect. In October 2010, a fire destroyed the IRP’s Dushanbe cultural center, the country’s only mosque that officially allowed women to pray alongside men. An IRP official has claimed that the fire, which took place one day after Religious Affairs Committee officials visited the center to tell party officials that they could no longer use it for prayers, was not an accident. There has been no known official investigation of the incident. Reportedly, however, some unregistered mosques, particularly in remote regions of Tajikistan, still allow women to pray in their buildings.

Tajik officials, including those from the State Committee on National Security, monitor mosques throughout the country. Officials attend services to listen to imams and observe individuals attending the mosques, as well as monitor audio and video cassettes for possible extremist and anti-government views. Officials also monitor weddings and funerals for compliance with the

law on traditions and rituals. The Tajik president, Emomali Rahmon, established a Center for Islamic Studies, under the Presidential Administration, to direct religious policy in 2009. This center is headed by a former director of the state Committee on Religious Affairs, Murodullo Dovlatov, who reportedly also is linked to the security services.

#### *Application of Extremism Laws*

Several articles of Tajikistan's Criminal Code penalize extremist, terrorist, or revolutionary activities without requiring acts that involve violence or incitement to imminent violence. Article 189 prohibits "inciting ethnic, communal or religious hatred," and, as discussed above, in 2011 a provision was added to punish the "organization of a religious extremist study group and participation in it without regard to the place of study." However, the criminal code does not define "extremist religious" study or teaching. These overly broad provisions permit Tajik authorities to apply these laws against peaceful religious activity in an arbitrary and sweeping fashion or to penalize other non-violent activities which the government claims constitute prohibited practices.

Moreover, in 2011 Tajik officials reportedly claimed that domestic security agencies need additional training to more effectively counter religious extremists. Reportedly, some Tajik security staff was fired in 2010 due to a lack of professional qualifications, according to the Tajik National Security Committee's Counterterrorism Department. In 2011, security staff is being retrained, reportedly with the assistance of Pakistani and Russian specialists.

Tajikistan is unique among the former Soviet republics in that it experienced a civil war in which liberals and Islamists faced off against former communists led by current President Rahmon. During the five-year conflict, which ended in late 1997, over 100,000 persons were killed. Tajikistan continues to face genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion and from terrorist groups based in neighboring Afghanistan. Nevertheless, the Tajik government's security policies are highly problematic, partly due to its application of overly broad anti-extremism laws against religious adherents and others who pose no credible threat to security. In a May 2011 report, the International Crisis Group, a non-governmental organization, noted the inept policies of the Soviet-trained Tajik leadership in dealing with a society increasingly drawn to observant Islam. According to the Tajik embassy, the Tajik government has legally banned 12 organizations for extremism and terrorism, including al-Qaeda, the Islamic Movement of Eastern Turkestan, the Taleban Movement, *Ikhvan-almuslimin*, the Pakistan Islamic Society, *Tabligh Jamaat*, and *Hizb-ut-Tahrir*. The acting chief prosecutor of the northern Sughd province announced in January 2012 that 135 individuals had been arrested in 2011 on charges of membership in religious extremist groups; 14 criminal proceedings have been initiated.

*Hizb ut-Tahrir* (HT), or the Islamic Party of Liberation, is an international, secretive, radical Sunni Muslim political movement. While HT is active in 40 countries, its political emphasis varies somewhat in individual countries. HT seeks to establish a trans-national Islamic state by educating Muslims to spread HT views in their countries and thereby cause the eventual collapse of secular governments. At that point, according to HT, a supreme Islamic leader, a Caliph, would rule all Muslims with political and religious authority.

Individual HT members may have committed violent acts, and its literature suggests that it might resort to armed action. While HT is banned in most Muslim countries, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. While HT literature expresses virulently anti-Semitic and anti-Western views, it also has denounced the 9/11 terrorist attacks and the London bombings as un-Islamic.

Observers have noted that the Tajik government's prosecution of alleged HT members seems mainly motivated by their political activity. Further, the Tajik government has reportedly not presented proof that specific defendants were involved in or advocated violence during trials of HT members, which generally lacked due process guarantees. The government of Tajikistan has been criticized, by both the UN Committee against Torture and groups such as Human Rights Watch, for its widespread use of torture against prisoners.

Tajikistan has jailed over 500 people for HT membership in the past ten years, according to the AFP news agency; 40 individuals were convicted of this in the first six months of 2011. Two alleged Tajik leaders of the HT movement were arrested in early June 2011. One was the alleged head of a local HT organization in the northern Sughd region and Sharifjon Yoqubov, arrested in Dushanbe, allegedly is a key national HT leader. He was arrested after his emails with HT's London headquarters were monitored; Yoqubov reportedly has spent a decade in prison for his HT membership.

In recent years, the Tajik government also has used extremism charges against journalists who have been critical of official religion policies. On June 13, 2011, Tajik police arrested local BBC reporter, Urnunboy Usmonov, allegedly for being in contact with HT leaders and assisting in the development and distribution of "printed material, calling for the violent seizure of power and change in the constitutional design of Tajikistan." Usmonov, an ethnic Uzbek, said he met with HT members as part of his work as a journalist and that he had been burned with cigarettes and beaten in detention. The BBC and the American and British embassies protested his arrest. The charge against Usmonov was later changed to "complicity" in HT's activities and failing to provide details about HT members to police. On October 14, 2011, Usmonov was sentenced to three years in jail, but the judge granted him an amnesty and ordered his release. In November 2010, Mukhamadyusuf Ismoilov, a journalist in the Sughd region, was fined the equivalent of U.S. \$7,300 on charges including incitement of national, racial, local, or religious hostility. He was released under amnesty, but banned from journalism for three years.

Opposition journalists also have been subject to attacks. In February 2011, Khikmatullo Saifullozoda, the editor of the newspaper of the Islamic Renaissance Party of Tajikistan, was beaten in Dushanbe by unidentified assailants. January 2012 saw the stabbing in Moscow of Dodojon Atovulloev, founder of the Tajik opposition monthly *Charogi Ruz* (Daily Light) and head of the *Vatandor* movement, which is critical of Tajik religious policies. Some observers claim the Tajik government was involved. Since 2001, the Tajik government has charged Atovulloev twice with insulting the president and inciting ethnic, racial, and religious hatred, charges subject to potential 15-year prison terms. Atovulloev left Tajikistan for political reasons 20 years ago, and Russia has refused numerous Tajik extradition requests, most recently in 2011.

*Tabligh Jamaat* is an Islamic missionary group with origins in South Asia. With a presence in 150 countries, its 12 to 80 million followers emphasize prayer, preaching and respect for others. The State Department, the International Crisis Group, and Stratfor, among others, describe *Tabligh Jamaat* as a non-political, non-violent movement that stresses the strict practice of individual piety. Some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. Tajik officials have expressed concern that the group propagated a foreign ideology and threatened social stability. In March 2011, four Tajik women accused of belonging to *Tabligh Jamaat* were released from detention, although their husbands reportedly continue to serve prison terms for alleged membership in this group.

A court in Tajikistan's northern Sughd Province has sentenced seven individuals to between three and five years imprisonment for their alleged membership in *Tabligh Jamaat*, RFE/RL reported on February 23, 2012. In 2010, Tajik courts jailed at least 59 people for terms of three to eight years, and fined at least 33 others between US \$5,340 and US \$10,680, for alleged membership in *Tabligh Jamaat*. According to Forum 18, those imprisoned include brothers Igbolsho, Amirali and Murodali Davlatov, Nosir Rakhimov, Doniyor Khashimov, Saynuridin Kalugshoyev, Churabek Saidzoda, Jamshed Boyakov, Mahkamjon Azizov, Umarjon Azizov, Nasrullo Khisomov, Talabsho Abdusamadov, Abdumanon Sattorov, Khudaydod Alnazarov, Churakhon Mirzoyev, Toirjon Samadov, and Abduvali Murodov. Tajik officials claimed that the Supreme Court banned the group as extremist in 2006, but two Supreme Court officials said in May 2009 that they were not aware of this ban.

The Tajik Supreme Court banned the Salafi school of Islam in February 2009, although no criminal acts have been linked to followers of Salafism in Tajikistan. The court did not release the text of its decision. Reportedly, it was based on the alleged need to protect the constitutional order, strengthen national security, and prevent conflict between religious confessions. In January 2010, seven individuals were sentenced to prison terms of five to seven years for membership in the Salafi movement, according to the State Department. They were arrested in 2009 when local police and security service officials raided a Dushanbe mosque during evening prayers. A Tajik official also told Forum 18 that Salafis engage in "hooliganism" by disturbing other worshippers in mosques with their bodily gestures and shouting during prayers.

#### *Restrictions on Religious Minorities*

The Jehovah's Witnesses were banned in October 2007 on official charges of causing discontent among the people. The Ministry of Culture said that their conscientious objection to military service and refusal of blood transfusions were among the reasons for the ban, and cited "expert analysis" from the Tajik Academy of Sciences Institute of Philosophy and Law that concluded Jehovah's Witnesses are a "destructive cult." A prosecutor reportedly has said that the accusation is based on the fact that Jehovah's Witnesses do not interpret the Bible as Protestants do.

Police raided a Jehovah's Witness meeting in Dushanbe in July 2011; the police had no warrant and took all those present, including children, to a police station, where they were questioned for several hours. In August 2011, a court ordered the deportation of Sherzod Rahimov, a Jehovah's Witness who is an Uzbek citizen. He and other Jehovah's Witnesses were detained and fined in



August for their unregistered religious activity. Rahimov, who is disabled, was beaten by police officers because he did not renounce his faith.

In 2008, the Tajik government temporarily halted the activity of the Ehyo Church and the Abundant Life Christian Center, two Protestant churches in Dushanbe. The Ehyo Church was allowed to resume its activity in late 2008, but the Abundant Life Christian Center decided in May 2008 to close permanently due to official restrictions.

### *Closures and Destructions of Houses of Worship*

In recent years, the Tajik government has closed dozens of unregistered mosques and prayer rooms, and ordered the demolition of three unregistered mosques in Dushanbe. In April 2011, Tajik authorities demolished an unregistered mosque in the city of Qurghonteppa; a court also fined its imam. Recent examples of closures include the following: In December 2010, the Religious Affairs Division in the south-eastern Badakhshan Region denied registration to 22 out of the 32 mosques in that region, forcing their closure. In January 2011, the government closed around 50 mosques in Dushanbe. Asked whether the authorities would demolish these places of worship, an official of the Dushanbe Mayor's Office said: "None of the places will be torn down, but the people were warned not to use them for religious worship."

The CoU has claimed that Tajik authorities consult with congregants to reach consensus about their future, but as of March 2011, Forum 18 could not confirm from worshippers at any demolished place of worship that such a consultation process exists. In September 2011, the chief religious affairs official of Khatlon Region stated that 229 unregistered mosques in the region will soon "change their status and become first-aid stations and sports halls." In addition, the same region's Jomi District had forcibly changed 16 unregistered mosques into similar "social facilities."

In 2008, the nation's only synagogue, located in Dushanbe, was bulldozed. Dushanbe's Jewish community later received a building for use as a synagogue, which is now being used for worship services. The new building, however, was not provided as compensation by the city of Dushanbe, but rather was donated by one of the country's richest bankers, who is also President Rahmon's brother-in-law. The Tajik delegation at a 2008 OSCE meeting stated that the government could not provide compensation for the building, citing "separation of church and state."

In 2009, the Grace Sunmin Church, the country's largest Protestant congregation, lost its appeal to save its property from repossession by Dushanbe city authorities and had to vacate the premises. Another registered Protestant church in Dushanbe, whose building was demolished in 2008, has not received any compensation. The government typically does not pay compensation for such demolitions.

### *Restrictions on Religious Literature*

As stated earlier, the government must approve the production, import, export, sale, and distribution of religious literature and other items, which is only permitted for registered

religious organizations (not religious communities) and only in an undefined “appropriate quantity.” Literature and other items must carry the full name of the registered religious organization that produced them, effectively banning private or commercial publishing by any religious group that is not represented by a registered religious organization. It is unclear whether this ban extends to publications on anti-religious, atheist, or agnostic material. Government-owned presses only occasionally published religious literature, including the Qur’an in Tajik. The Tajik government restricted distribution of Christian and Islamic literature that it deemed extremist or promoting foreign ideology, according to the State Department.

The Ministry of Culture has confiscated religious literature it deems inappropriate, including from the Jehovah’s Witnesses. A Jehovah’s Witness reported that three tons of confiscated Jehovah’s Witnesses literature was destroyed in early 2010 after three years of open storage caused it to become “decayed and unusable.”

The registered Islamic Revival Party of Tajikistan distributed one weekly newspaper and one monthly magazine, the State Department reported.

### *Restrictions on Religious Education*

Tajikistan, as previously stated, requires a state license to conduct religious instruction, and both parents must give written permission for children aged between seven and 18 to receive such instruction. These rules mean that only registered religious organizations can provide religious instruction and that children under the age of seven cannot participate. Another restriction applies only to Muslims: registered central mosques can set up basic educational groups, but local mosques cannot. The religion law permits parents to teach religion to their own children at home, but religious homeschooling outside the nuclear family is forbidden. In 2008, the government nationalized the previously independent Islamic University, the country’s only religious institution of higher learning, and took full control of its activities and curriculum. Teachers underwent a vetting process, and the institution was downgraded from a university to an “Islamic institute.”

Many Tajik religious communities say it is difficult to gain official approval for religious education. At most, 80 Islamic educational centers have official approval, a number deemed insufficient by Tajik religious communities. While children can attend Christian Sunday schools, Tajik officials limit the number of locations for Islamic religious education for children. Registered non-Muslim religious communities must register their religious schools as separate organizations. In addition, some Tajiks complained that it is difficult for children to attend registered religious schools because of transportation difficulties, the State Department reported. As discussed above, Tajikistan faces genuine security concerns due to serious threats from groups which advocate or perpetrate violence in the name of religion, including groups based in Afghanistan. In response to these concerns, however, the Tajik government has developed an ineffectual and heavy-handed policy which restricts access to foreign religious education while providing few suitable domestic alternatives. During an August 2010 speech on state television, President Rahmon called on all Tajik parents to recall their children from foreign Islamic colleges to prevent them from becoming “extremists and terrorists.” A senior presidential advisor later clarified that he did not mean all students who are studying abroad, but only those

“studying in violation of the [2009] Religion Law.” In July 2011, the Tajik religion law was amended to limit access to religious education abroad only to those Muslims who have completed religious education in officially-approved institutions inside Tajikistan and who receive written permission from the state agencies for religious affairs and education. According to the Tajik embassy in the United States, as of early 2012, 1,219 Tajiks have returned from foreign study programs, mostly in Turkey, Egypt and Pakistan, but at least 700 Tajik Muslim students remain abroad “illegally.”

In May 2010, the Tajik Interior Ministry launched “Operation *Madrassa*,” mainly targeted against the unlicensed religious instruction of children and youth, including numerous police raids of “illegal” (unregistered) private Qur’an lessons. In January 2011, local authorities in the southern province of Khatlon detained individuals who reportedly had held private, allegedly Salafi, classes on Islam for some 60 local children. Three women were fined in May and June 2011 for unauthorized teaching of the Qur’an to girls in private homes in the Khatlon Region. Local officials visited eight *madrassas*, 93 Friday mosques, and 955 daily prayer mosques in May 2011 and brought charges against 11 individuals for private religious education in the northern Sughd region; three illegal *madrassas* were closed and an administrative investigation launched into school personnel. In addition, an administrative case for the private teaching of religion was opened in June 2011 against the imam of a registered mosque in the Rudaki District near Dushanbe.

The Tajik government halted teaching at four higher education Islamic schools in northern Tajikistan’s Sughd region. In August 2011, a regional religious affairs official told RFE/RL’s Tajik Service that the schools had not re-registered as required under the religion law, the teachers had not provided required religious education, and the buildings did not meet official standards.

#### *Restrictions on Religious Dress*

In 2005, the government banned the wearing of Islamic headscarves in schools, arguing that it was not traditional Tajik dress. Such restrictions were enforced, although students at the Islamic Institute are allowed to wear headscarves. The Tajik National University fired a teacher and expelled a student in April 2010 for wearing a headscarf outside class, the State Department reported. Some women said that they chose not to pursue higher education in secular institutions due to the dress code. Girls are not permitted to wear headscarves after the ninth grade and, according to Forum 18, some who tried to do so reported that schoolteachers mocked their religious views. In some rural areas, teachers allowed girls to wear headscarves but asked them to leave the classroom during official inspections. CoU members have not disputed the Ministry of Education dress code banning headscarves in schools, saying that a scarf, tied in the traditional way, may substitute for Islamic headscarves.

Some women who wore the Islamic headscarves reported difficulty in finding employment due to discrimination against women in religious dress, the State Department reported. Some also expressed concern that men pressure female relatives to wear headscarves.

In 2009, the Tajik government banned teachers from wearing beards and in January 2011, Tajik authorities reportedly began to detain, fingerprint, and interrogate bearded men. Some 30

teachers were forced to shave and a journalist whose official identity documents showed him wearing a beard was not allowed to leave the country. Reportedly, Tajik officials associate beards with the conservative Salafi school of Sunni Islam banned in January 2009.

## **U.S. Policy**

Tajikistan is strategically important for the United States, due in part to the key role of ethnic Tajiks in Afghanistan, the country's southern neighbor. Tajiks are the second largest ethnic group in Afghanistan, and included a former Afghan president and Ahmad Shah Masoud, the head of the Northern Alliance who fought the Soviets and the Taliban and was murdered on September 9, 2001. In September 2011, a Taliban suicide bomber killed Burhanuddin Rabbani, the de facto leader of the eight million Tajiks in Afghanistan. Rabbani, a former Afghan president and former Northern Alliance member, was leading peace talks with the Taliban. He was killed four days before he was due to attend a meeting in Dushanbe.

Tajikistan is an isolated and impoverished country that experienced a five-year civil war in the 1990s, which resulted in as many as 100,000 deaths. In the aftermath of the civil war, the official amnesty extended to most of those Tajik officials allegedly responsible for torture and maltreatment of detainees and prisoners. In 2006, the UN Committee against Torture called on the Tajik government to establish an independent body to investigate numerous allegations of torture and to punish those found responsible for such acts including during the civil war.

Tajikistan has a weak state with an inadequate and highly corrupt government. Corruption in Tajikistan is endemic and slows the pace of crucial reforms, according to a 2011 report by the United Nations Development Program and the Strategic Research Centre of the President of Tajikistan. That study also found that corruption tends to become institutionalized over time, and that a key cause is the low salaries of government officials. The country's economy is also heavily dependent on remittances from an estimated one million migrant workers, mostly in Russia. Due to the 2008 economic crisis, these remittances declined in 2010, but again increased last year. Many Tajik migrant workers have returned, giving rise to new social tensions in the country.

The State Department repeatedly has documented the worsening religious freedom conditions in Tajikistan. The State Department's *Annual Report on International Religious Freedom* between 2007 and 2010 stated that the Tajik government's respect for religious freedom was "poor and declined," "remained poor," "continued to decline," and "eroded." Similar concerns were expressed publicly in 2011 by high ranking U.S. officials, up to and including Secretary of State Hillary Clinton, who highlighted the Tajik government's poor human rights record, including regarding freedom of religion or belief.

In March 2011, the U.S. Ambassador to the OSCE, Ian Kelly, identified Tajikistan as a government that "cite[s] concerns about political security as a basis to repress peaceful religious practice." During the second Annual Bilateral Consultations with Tajikistan in April 2011, Assistant Secretary of State for South and Central Asian Affairs, Robert Blake, raised human rights concerns, including religious freedom. In October 2011, Secretary Clinton visited Tajikistan, and said publicly that the government's recent steps to control faith could drive "legitimate religious expression underground" and thus fuel extremism. She also stated that

“Tajik citizens deserve the opportunity to . . . practice whatever religion they choose,” noting that Tajik leaders are responsible to “ensure that fundamental freedoms, including religious freedom, are protected for all people: men and women, young and old.” The main purpose of Clinton’s visit was to thank the Tajik president for his support for the U.S.-led coalition in Afghanistan and for its role in the Northern Distribution Network (NDN) overland supply route. During a December visit to Tajikistan that focused on Afghanistan, Assistant Secretary of State Blake again raised human rights concerns.

U.S. foreign, humanitarian, and security assistance to Tajikistan amounted to approximately \$49 million in FY 2010. According to the State Department, the U.S. priority for human rights and democracy promotion in Tajikistan is to increase respect for the rights of Tajikistan’s citizens and strengthen the country’s sovereignty and stability, which is a difficult task due to “acute challenges,” including “border security issues, failed educational and healthcare systems, and a legacy of Soviet repression.” According to the State Department, “U.S.-Tajik relations have developed considerably since September 11, 2001” and “the two countries now have a broad-based relationship, cooperating in such areas as counter-narcotics, counterterrorism, non-proliferation, and regional growth and stability.” In February 2010, the United States and Tajikistan launched an annual bilateral consultations process to enhance cooperation on a broad range of policy and assistance issues. The United States continues to assist Tajikistan on economic reforms and integration into the broader global marketplace, such as pursuing World Trade Organization accession.

In 2010, the United States expanded its security cooperation with Central Asian states to allow it to ship cargo bound for U.S. and NATO forces in Afghanistan overland through Central Asia via the NDN, rather than through areas in Pakistan that are subject to constant attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. U.S. Special Operations Forces have been given permission to enter Tajikistan, as well as Kyrgyzstan, Turkmenistan, and Uzbekistan on a “case-by-case” basis, with permission from the host nation, when conducting counter-terrorism operations, as the U.S. Central Command confirmed. In September 2010, U.S. Special Forces provided tactical support to Tajik government troops in repelling an attempted Islamic militant operation in the Rasht valley, which left 20 militants and one Tajik government soldier dead.

## **Recommendations**

USCIRF recommends that the U.S. government designate Tajikistan as a CPC and engage in negotiations to see concrete progress to address religious freedom abuses. If those negotiations fail, the U.S. government should apply a presidential action or a commensurate action under IRFA. As described more fully below, USCIRF also recommends that the U.S. government should prioritize the issue of freedom of religion or belief in U.S.-Tajik bilateral relations, support Tajik civil society and religious actors, and encourage greater international scrutiny of Tajikistan’s human rights record.

### **I. Promoting Reform to Protect Freedom of Religion or Belief**

In addition to designating Tajikistan as a CPC, the U.S. government should:

- engage the Tajik government in immediate negotiations for the implementation of concrete steps to address religious freedom abuses, with specific areas for improvement including, but not being limited to:
  - amending the 2009 religion law and other relevant legislation to bring them into conformity with Tajikistan's international and OSCE commitments, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations;
  - limiting its legal definition of extremism to those acts that involve violence or incitement to imminent violence and to drop bans on non-violent organizations, literature, and groups;
  - affirming publicly its official intention to comply fully with Tajikistan's international and OSCE commitments to respect freedom of religion or belief, as well as the rights of members of all non-violent religious communities in the country, including by statements from President Rahmon;
  - establishing a mechanism to review the convictions of persons previously detained or charged with non-violent religious, political, or security offenses;
  - releasing those individuals who have been imprisoned solely as a result of their non-violent practice of their religious or other beliefs;
  - ceasing the harassment, raids, fines, detention and imprisonment of individuals who are exercising their rights to the non-violent practice of their religious or other beliefs; and
  - engaging in an open and public dialogue with religious groups and groups with a religious affiliation that explicitly repudiate the use of violence, and repeal laws banning such organizations and encourage their participation in Tajikistan's political and social life;
- make U.S. assistance to the Tajik government, with the exception of assistance to improve humanitarian conditions and advance human rights, contingent upon the implementation of the above-named benchmarks; and
- restrict U.S. security and other forms of assistance to ensure that it does not go to Tajik government agencies, such as certain branches of the Interior and Justice Ministries, which have been responsible for violations of religious freedom and other human rights.

## **II. Emphasizing Tajikistan's Religious Freedom and Human Rights Record**

The U.S. government should:

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- continue to monitor the status of individuals who are arrested for alleged religious, political, and security offenses, and continue to monitor the trials of leaders or members of religious communities that lose their registration;
- publicly criticize any Tajik government violations of international and OSCE commitments on human rights, including respect for freedom of religion or belief, both in Tajikistan and at international meetings;
- urge the Tajik government to implement the religious freedom recommendations, such as reform of its religion law, raised in the October 2011 UN Human Rights Council after its Universal Periodic Review of Tajikistan;
- urge the OSCE Mission in Tajikistan to pay particular attention to violations of freedom of religion or belief and to undertake relevant programs, including holding training sessions with local officials and journalists on international obligations;
- work with the international community in Tajikistan to undertake efforts to improve judicial standards and to provide training for judges and prosecutors in civil law and international human rights standards; and
- increase opportunities for Tajik human rights advocates and religious figures to participate in exchange programs, and use appropriate avenues of public diplomacy to explain to the people of Tajikistan both why religious freedom is an important element of U.S. foreign policy and the United States' specific concerns about violations of religious freedom in their country.

## Turkmenistan

**FINDINGS:** Severe religious freedom violations and official harassment of religious adherents persist in Turkmenistan. Despite a few limited reforms undertaken by President Berdimuhamedov since 2007, the country's laws, policies, and practices continue to violate international human rights norms, including those on freedom of religion or belief. Police raids and other harassment of registered and unregistered religious groups continue. The highly repressive 2003 religion law remains in force, causing major difficulties for religious groups to function legally, and has justified police raids and arrests. Turkmen law does not allow a civilian alternative to military service, and six Jehovah's Witnesses are imprisoned for conscientious objection.

In light of these severe violations, USCIRF continues to recommend in 2012 that the U.S. government designate Turkmenistan as a "country of particular concern," or CPC. The Commission has recommended CPC designation for Turkmenistan since 2000, but the State Department has never followed this recommendation.

Under the late President Niyazov, Turkmenistan was among the world's most repressive and isolated states. Niyazov's personality cult dominated public life, and there is evidence that President Berdimuhamedov is building a cult to justify his own dominance, but without religious overtones. While President Berdimuhamedov has ordered a few limited reforms and released the former chief mufti from prison in 2007, since then his government has not adopted essential systemic legal reforms on freedom of religion or belief and other human rights. Moreover, the Turkmen government has reinstated restrictive policies regarding education, foreign travel, dual citizenship, and telecommunications that have again led to the country's extreme isolation.

**PRIORITY RECOMMENDATIONS:** In addition to designating Turkmenistan as a CPC, the United States should raise human rights and religious freedom in all bilateral meetings with the Turkmen government, urge it to adopt specific new laws and practices that comply with international human rights standards, and establish a regular reporting mechanism on these issues. If the Turkmen government continues to violate its human rights obligations, including on freedom of religion or belief, and to threaten Turkmen human rights defenders regardless of country of residence, the United States should express its concern publicly at appropriate international fora, including the United Nations and the Organization for Security and Cooperation in Europe (OSCE). The United States also should increase exchange programs and broadcasts to Turkmenistan to help overcome decades of isolation which have created a dangerous cultural and educational vacuum. Additional recommendations for U.S. policy toward Turkmenistan can be found at the end of this chapter.



## Religious Freedom Conditions

### *Governing and Legal Framework*

Until the 2006 death of President Saparmurat Niyazov, Turkmenistan was among the world's most repressive and isolated states. Virtually no independent public activity was allowed, and the 2003 religion law banned most religious activity. Moreover, Turkmenistan's public life was dominated by Niyazov's quasi-religious personality cult expressed in his book, the *Ruhnama*, which the government imposed on the country's religious and educational systems.

Since assuming the presidency in early 2007, Gurbanguly Berdimuhamedov has implemented limited educational reforms and has promised, but not undertaken, reform of the country's oppressive laws. He ordered the release of 11 political prisoners, including the former chief mufti, in 2007; placed certain limits on Niyazov's personality cult; set up two new official human rights commissions; and registered 13 additional minority religious groups. In addition, he eased police controls on travel inside Turkmenistan and made the country slightly more open to the outside world.

Turkmenistan's constitution purports to guarantee religious freedom, the separation of religion from the state, and equality regardless of religion or belief. The 2003 religion law, however, contradicts these provisions and violates international standards on freedom of religion or belief. This law sets intrusive registration criteria and bans any activity by unregistered religious organizations; requires that the government be informed of all foreign financial support; forbids worship in private homes and the public wearing of religious garb except by religious leaders; and places severe and discriminatory restrictions on religious education.

Religious matters fall under the purview of the government-appointed Council on Religious Affairs (CRA), which reports to the president. While the CRA's membership includes government officials and Sunni Muslim and Russian Orthodox Church representatives, no other religious groups are represented. The CRA controls the hiring, promotion, and firing of Sunni Muslim imams (who must report regularly to the CRA), censors religious publications, and oversees the activities of all registered groups.

CRA Deputy Chair Andrei Sapunov, a Russian Orthodox Church (ROC) priest, has official responsibility for policies relating to Christian communities and reportedly has veto power over the ability of other Christian groups to function in Turkmenistan. Some ROC members have told human rights groups that Sapunov has disclosed to the secret police confidential information from religious confessionals. Moreover, members of religious minorities view recently-named CRA officials as favoring state-controlled Islam and denying permission for non-Muslim activity more often than their Niyazov-appointed predecessors. Four of the officials appointed in September 2009 to head CRA regional branches were also appointed as new regional chief imams; in their dual role, they are expected to collaborate with government agencies, including the security police.

### *Stalled Legal Reforms*

In 2007, President Berdimuhamedov set up a new government commission, headed by the Supreme Court Chairman, to examine citizens' petitions on the work of law enforcement bodies, but it has no other members and no specified procedures. Reportedly, the commission has received thousands of petitions on police abuse, bribery, unjust arrests, and prosecutions. In August 2007, the commission pardoned and released 11 prisoners of conscience, including former Chief Mufti Nasrullah ibn Ibadullah, who had been sentenced to a 22-year prison term in a secret 2004 trial. His release occurred on the eve of USCIRF's visit to the country. Ibadullah had opposed Niyazov's decree that the *Ruhnama* be displayed in mosques, but was charged with treason for his alleged role in a 2002 coup attempt against Niyazov. After his release, Ibadullah was allowed to resume work in Ashgabat as a senior adviser to the CRA. The commission's more recent activities, if any, are unknown.

During USCIRF's August 2007 visit to Turkmenistan, the President established a new commission to examine how the country's laws conform to international human rights commitments. In 2008, the government requested that the U.S. Agency for International Development (USAID) provide a technical critique of Turkmen laws affecting religious freedom. The critique, prepared by the International Center for Not-for-Profit Law (ICNL), was presented to the government in July 2008, but the government has not implemented any of the recommendations. The government postponed, without setting a future date, a follow-up seminar on the religion law with international experts scheduled for March 2010. It also has failed to implement any of the recommendations of a largely critical legal review of the religion law published by the OSCE in late 2010. In November 2011, the UN Committee on Economic, Social and Cultural Rights also called on Turkmenistan to amend its religion law "to remove undue registration criteria pertaining to certain religious groups as well as various restrictions impacting negatively on the freedom of religion." The government has not responded to this recommendation.

### *Registration*

In response to international pressure, President Niyazov issued several decrees in 2004 that reduced the number of members required for registration as a religious group from 500 to five and eased other registration requirements. Nevertheless, unregistered religious activity remains illegal, and subject to penalties under the administrative code that may include imprisonment and large fines. Even registered groups are forbidden to meet for private worship, to print and import religious literature, or to be led by foreign citizens. They are subject to financial restrictions and must provide the government with detailed information about their meetings and activities.

The Justice Ministry manages the registration process, and the CRA plays an advisory role. A commission, which includes representatives from the Ministries of Justice and Internal Affairs and the security services, reviews registration applications. Although the review process should not last more than three months and written denials are supposed to be issued, often these standards are not met. Reportedly, Justice Ministry officials have denied registration due to minor or spurious clerical errors or required religious groups to amend their charters in order to register. After national registration, religious groups must also obtain local approval for religious activities, and some groups reported difficulty in obtaining such permission. Some

communities have decided not to submit applications due to the onerous and opaque registration process, while others prefer an underground existence, due in part to the numerous legal restrictions on religious activity and to the limited advantages of registration.

After the 2004 decrees, nine small minority religious groups were registered, including the Baha'i faith, several Pentecostal communities, the Seventh-day Adventists, several Evangelical churches, and the Society for Krishna Consciousness. The Ashgabat parish of the ROC was reregistered in 2005 and the Turkmenabat ROC parish was reregistered in early 2006. The Source of Life Church in Turkmenabat and a Muslim group in Akhal were registered in late 2007. According to the CRA, Shi'a Muslim groups were allowed to register collectively, likely in 2008. In a January 2010 report to the UN Human Rights Committee, the Turkmen government claimed that 123 religious communities were registered in the country, fewer than previously cited. Of these, 100 are Sunni and Shi'a Muslim and 13 are Russian Orthodox. The rest include Baptist, Pentecostal, Greater Grace, Seventh-day Adventist, New Apostolic, Baha'i, and Hare Krishna communities. Also, according to the same report, the Turkmen Justice Ministry was considering registration applications from four religious communities, including the Path of Faith Church in Dashoguz, an independent ethnic Turkmen Baptist congregation whose registration has been "pending" for five years. In March 2010, after 13 years of effort, Ashgabat's Polish-led and mostly foreign Catholic community gained local legal status, in an apparent exception to the legal requirement that any religious community must be headed by a Turkmen citizen. In August 2010, the religious organization Ibrahim Edhem was registered in the Dashoguz province, but registration applications of the Abadan branch of Light of Life Christian Church and the Turkmen Baptist Church in Dashoguz remained pending.

Certain Shi'a Muslim groups, the Armenian Apostolic Church, and some Protestant groups have had numerous registration applications rejected or their registration efforts refused entirely. The government rejected as "incomplete" the Jehovah's Witnesses' previous registration application; but the CRA would not tell the community which documents were missing. The Peace to the World Pentecostal Church in Mary, headed by the recently-released Pastor Nurliev, has applied unsuccessfully for registration since 2007. Reportedly, the Turkmen government has also pressured some groups to write promises that they will not gather for worship until they receive official registration.

#### *Status of Presidential Personality Cult*

The presidential personality cult forms the basis of official Turkmen ideology. Turkmen citizens, regardless of their religious views or personal beliefs, are taught to view the president as the living embodiment of the state. The *Ruhnama* has been removed from government buildings and mosques, but its citations remain inscribed on the huge mosque in Gipchak, Niyazov's home town. While the current government has moved away from Niyazov's personality cult, President Berdimuhamedov is establishing his own cult, which includes the appearance of many large posters of the current president.

Most textbooks were revised to remove references to Niyazov and his family, but new textbooks highlight President Berdimuhamedov's family and his "New Revival" ideology. Further, President Berdimuhamedov reportedly will soon issue a new "spiritual guide" for the Turkmen people, which, according to the Turkmen media, will be called the *Turkmennama* (Book for

Turkmen) or *Adamnana* (Book for Humanity). The Turkmen president has been granted the official title of *Arkadag* (Protector). Teachers and other state employees are compelled to purchase the president's five previous books, such as on the Akhal-Tekke horse or folk medicine. Teachers and students still must also spend 70 to 80 days of the academic year in elaborate state-sponsored presidential parades.

While imams no longer are required to include a loyalty oath to the fatherland in their daily prayers, they must pray for the president. Public school students spend less time studying the *Ruhnama*, but still must pass exams on that book for advancement, graduation, or admission to higher educational institutions. Although the government reopened the Turkmen Academy of Sciences and allowed books by Turkmen historians and classical Turkmen authors to be published, in 2010 it opened a university named for the *Ruhnama*. The long-term effects of this state ideology and the presidential personality cult -- combined with Turkmenistan's continuing isolation and severe educational deficiencies -- are difficult to calculate.

#### *Government Interference in Internal Religious Affairs*

The Turkmen government continues to interfere in the internal leadership and organizational arrangements of religious communities. The current Chief Mufti, Gurban Haitliev, was selected and appointed by the president; at the time of Haitliev's appointment, numerous regional imams also were transferred to new duties, following former President Niyazov's practice of frequent rotation of official leaders. Friday sermons by imams increasingly are used to convey state messages, with the CRA "recommending" suitable topics.

Muslims in Turkmenistan have expressed concern that the state has replaced imams who have formal Islamic theological training with those who lack such education. Indeed, many Turkmen view the former Chief Mufti, Nasrullah ibn Ibadullah, an ethnic Uzbek who was imprisoned from 2004-2007, as the country's last Muslim leader with a thorough knowledge of theology. Turkmen officials have also stated that imams cannot be appointed if they have received theological training outside the country. The government also recently removed from office ethnic Uzbek imams in the Dashogus region and replaced them with ethnic Turkmen imams.

While the government officially banned as extremist only those groups that advocate violence, it has prevented all groups that advocate strict interpretations of Islamic religious doctrine from operating in the country, according to the State Department.

Former President Niyazov requested that the ROC in Turkmenistan be removed from the Central Asian diocese in Tashkent and come under Moscow Patriarchate jurisdiction. The new president continued to press for this transfer. The ROC placed Turkmenistan's 12 ROC parishes and one Ashgabat convent under the Moscow Patriarchate's jurisdiction in 2008, after a meeting between President Berdimuhamedov and ROC officials. The ROC named Bishop Feofilakt (Kuryanov) as the first head of the Patriarchal Deanery for Turkmenistan.

The Turkmen Justice Ministry reportedly has "advised" several smaller unregistered groups to combine with other currently-registered communities, regardless of possible doctrinal differences or need for organizational autonomy.

*Penalties for Religious and Human Rights Activities*

According to the International Crisis Group, Turkmenistan has one of the world's highest prisoner-to-population ratios. A June 2011 report by the UN Committee Against Torture (CAT) on Turkmenistan concluded that reports of torture are "numerous and consistent" and "there appears to be a climate of impunity resulting in the lack of meaningful disciplinary action or criminal prosecution against persons of authority accused of [torture]." Three religious prisoners who were in the Seydi prison camp, where most of the religious prisoners are held, reported that solitary confinement and severe beatings by guards were "routine" in 2011.

In recent years, members of religious communities, including Muslims, Protestants, and Jehovah's Witnesses, as well as a Hare Krishna adherent, have been imprisoned or sent into internal exile due to their religious convictions. Nurmuhamed Agaev, a former Muslim prayer leader, remains at the closed psychiatric hospital in the Lebap Region, where reportedly he is subject to forcible drug treatment. Islamic cleric Shiri Geldimuradov died in prison under unexplained circumstances in July 2010. Geldimuradov, 73, was arrested in April 2010 along with his three sons Muhammed, Abdullah, and Abdulhay. A fourth son, Abdulmejid, was sentenced to three years in prison in February 2010 for "misusing urban water resources." An anonymous January 2012 message to Radio Liberty's Turkmen Service claimed that an unnamed Muslim man was imprisoned the previous year for distributing religious audio and video discs; the government reportedly charged him with distributing pornography.

In October 2010, Pastor Ilmurad Nurliev of the unregistered Peace to the World Protestant Church in Mary was sentenced to four years' imprisonment on charges of swindling, which his family and church members refuted in court. He was denied the right to appeal his case and was held at the notorious Seydi prison camp, where reportedly he was put in a cell with an inmate with tuberculosis. The court ordered that Nurliev be given "forcible medical treatment to wean him off his narcotic dependency," and he reportedly was denied his diabetes medication and a Bible. Nearly 18 months after his arrest, Nurliev was released on February 18, 2012 along with about 230 prisoners, Forum 18 reported, but he must still report regularly to the police.

According to Forum 18, Pastor Nurliev expressed concern over several Muslim prisoners in Seydi who may have been imprisoned for peaceful religious activity, including Musa (last name unknown), a young Muslim from Ashgabat who reportedly received a four-year sentence for teaching the Qur'an to children. Pastor Nurliev also said the former chief imam of Mary Region, Muhammed-Rahim Muhammedov, remains in the Seydi camp for allegedly resisting the authorities.

In January 2012, Jehovah's Witness Vladimir Nuryllayev was sentenced to four years' imprisonment at a secret trial in Ashgabat on criminal charges of spreading pornography, which his community vehemently denies.

Unregistered religious communities continue to face raids by secret police, anti-terrorist police units, local government, and local CRA officials. Registered religious communities, particularly outside Ashgabat, also may face such treatment. Local secret police officers reportedly require

Muslim and Orthodox clerics to make regular reports on their towns or neighborhoods. At least six secret police agents, as well as informants, allegedly have been placed in each Muslim and Orthodox community, and the secret police and ordinary police also try to recruit agents in unregistered religious groups, Forum 18 reported.

In 2011, seventeen Protestants in Turkmenabad were each fined up to US \$140 for the administrative offense of participating in unregistered religious activity. (The average monthly wage in Turkmenistan is US \$100). The city judge reportedly told them that the imam had said that their faith was “against the state.” Two Protestant schoolchildren were not fined, but endured public humiliation at their school. Members of an independent ethnic Turkmen Baptist church in Dashoguz, denied registration since 2005, were subjected to a police raid while on summer holiday in July 2011.

In October 2010, Farid Tuhbatullin, exiled head of the Turkmen Initiative for Human Rights, said that two reliable sources had informed him that the Turkmen Ministry of Security (MNB) planned an “accidental” physical attack on him in Vienna. Since that time, despite Austrian police protection, Tuhbatullin has felt compelled to change his country of residence and to observe certain security measures for self-protection. In January 2012, Turkmen civil society activist Natalya Shabunts, a longtime critic of her government’s human rights and religious freedom record whom USCIRF met during its 2007 visit, found a bloody sheep’s head outside her door after she gave an interview to RFE/RL. The Turkmen Initiative for Human Rights reported on these incidents and shortly thereafter its Web site was hacked.

### *Conscientious Objectors*

Current Turkmen law has no civilian alternative to military service for conscientious objectors, as it did until 1995. Individuals who refuse military service for religious reasons can only serve noncombatant roles in the military. The penalty under the criminal code for refusing to serve in the armed forces is up to two years’ imprisonment. In September 2010, the Turkmen parliament adopted a new law setting the military conscription age for men at between 18 and 27, but it did not provide an alternative service regime. It is not known if President Berdimuhamedov has signed the unpublished law.

Six Jehovah’s Witnesses currently are serving prison sentences for refusing military service, while two others are serving suspended sentences. The six imprisoned Jehovah’s Witness conscientious objectors are: Dovleyet Byashimov (sentenced to 18 months in August 2010); Ahmet Hidaybergenov (sentenced to 18 months in September 2010); Sunet Japbarov (sentenced to 18 months in December 2010); Matkarim Aminov (sentenced to 18 months in December 2010); Dovran Matyakubov (sentenced to 18 months in December 2010); and Mahmud Hidaybergenov (sentenced to 2 years in August 2011). All are being held in the Seydi labor camp, where some prisoners have been subjected to psychiatric abuse. Reportedly, another Jehovah’s Witness, Denis Petrenko, must regularly report to the police under the terms of a suspended sentence imposed by an Ashgabat court in April 2010. Until 2009, the Turkmen government had given suspended sentences to Jehovah’s Witnesses who refused military service. None of the known religious prisoners was released during an April 2011 presidential amnesty.

### *Restrictions on Religious Meetings and Houses of Worship*

It is illegal for unregistered religious groups to rent, purchase, or construct places of worship, and even registered groups must obtain government permission, which is often difficult to secure, to build or rent worship places. For meeting to worship in unapproved places, such as private homes, congregations face police raids, court-imposed fines, and other forms of harassment. While the government has allowed some mosque construction, it refuses to permit the building of three Shi'a mosques. The Turkmen government is using state funds to build monumental mosques in Koneürgench, Mary, and Gypchak, but it is unclear how such mosque construction is in line with the constitutional separation of religion from the state. In addition, the Turkmen government reportedly has not adequately compensated the owners of private houses destroyed on the sites of these future mosques.

The ROC has been trying to build a new cathedral and educational center in Ashgabat for years. In the mid-1990s, President Niyazov had allocated the ROC a plot in Ashgabat, but Turkmen authorities refused to allow the cathedral to be built. The site remained vacant until the government built the Ruhnama University there in 2010. In March 2011, after a meeting between the ROC Bishop of Smolensk and the Turkmen Foreign Minister, the government donated a site for the future cathedral in an Ashgabat suburb; the ROC will pay for the construction. Most ROC churches in Turkmenistan were built before 1917 and are in urgent need of repair.

Security police reportedly continue to break up religious meetings in private homes and search homes without warrants. Nevertheless, ten small registered minority religious communities have established places of worship (five in rented facilities, two in residential buildings used exclusively as church facilities, and three in private homes). Even for registered religious communities, worship in private homes is limited to nuclear family members.

There have been no recent reports of government destruction of houses of worship, unlike in the Niyazov era, when the Turkmen state closed, confiscated, or destroyed at least 17 mosques and churches. Despite the country's vast financial resources from the sale of natural gas (most funds reportedly are held in personal accounts in western banks), the government has paid no compensation to any religious community for these destructions or confiscations.

#### *Restrictions on Religious Literature*

The publication of religious literature inside Turkmenistan is banned by decree. By law, only registered religious communities can import such literature, and the quantities must correlate to the number of members in their congregations. Customs officers restrict returning travelers, regardless of citizenship, to only one copy of a religious text for personal use. Border guards and police also search departing and arriving travelers and confiscate religious material. According to the State Department, Turks who reside in Turkmenistan have had their personal Qur'ans confiscated at the border. Religious literature also is routinely confiscated in police raids on religious individuals and groups, and is rarely returned.

The CRA must approve all imported religious literature, but since the CRA only includes representatives of Islam and Russian Orthodoxy, its knowledge of other religions is limited. Members of religious minority communities report that they are often denied official permission

to import religious literature which is often confiscated before it can be submitted for official examination. Local CRA branches frequently confiscate and photocopy literature. Religious communities need a license to copy religious literature already in their possession. One leader of a registered Protestant community said that the Justice Ministry had threatened his church for trying to copy religious material without a license.

According to the State Department, the Qur'an is "practically unavailable" at state bookstores in Ashgabat. While most homes have one Arabic copy of the Qur'an, few are available in Turkmen. The ROC can receive and distribute Bibles easily, but reportedly it does not share them with Protestants because it views them as competitors. In early 2011, the Turkmen government lifted the ban on the Russian Orthodox community receiving certain Russian publications by mail, including the *Journal of the Moscow Patriarchate*. According to Protestant groups, a Bible society and Christian bookshops are not permitted in the country.

In February 2011, two students reportedly were expelled from the National Institute of Sports and Tourism in Ashgabat for propagating "religious extremism" after Education Ministry inspectors found audio recordings of Qur'anic verses on their computers. Unlike in previous years, there are no reports that the Turkmen government singled out for particularly harsh treatment ethnic Turkmen members of unregistered religious groups accused of disseminating religious material.

Internet users in Turkmenistan cannot access most international religious Web sites. The government has a monopoly on Internet access, and uses a computer program to search emails for coded words and block "suspicious" messages. Further, the Turkmen government has shut down the cell phone service that provided telecommunication for most of the Turkmen population. Nevertheless, some communities maintain that the Internet has improved their access to religious literature and the Russian Orthodox Church in Turkmenistan recently opened a Web site.

#### *Restrictions on Education and the Training of Clergy*

The Turkmen authorities have become concerned about the Nursi movement that supported Turkmen-Turkish schools in Turkmenistan for more than a decade. In April, the Turkish schools stopped taking new pupils. In August, the Nursi schools were closed in Turkmenbashi, Nebitdag, Turkmenabad, and other cities; only in Ashgabat is a Nursi-funded Turkmen-Turkish school still open, reports the *Chronicles of Turkmenistan*.

Turkmenistan's religion law bans the private teaching of religion. Only graduates of institutions of higher religious education (domestic or foreign is not specified) who are CRA-approved may offer religious instruction, and such instruction must take place in officially-approved institutions. Nevertheless, some independent religious education takes place unofficially.

Under the religion law, mosques are allowed to provide religious education to children after school for four hours per week, as long as parents have given their approval. Some Sunni mosques have regularly-scheduled Qur'an instruction. However, the law prohibits the ROC



from conducting religious education programs without CRA and presidential approval, which to date apparently has not been granted.

Muslims are not allowed to travel abroad for religious education, and women are barred from studying Islamic theology at Turkmen State University, the only place where it is permitted to be taught. According to Forum 18, the theology faculty only has 60 students in its five-year course, the faculty's building was torn down, and it no longer is allowed to employ foreign staff.

The country's largest religious minority, the Russian Orthodox community, has 15 priests for 12 parishes, but no institution in Turkmenistan to train clergy. Russian Orthodox men are allowed to leave the country for clerical training and reportedly nine are studying in Belarus. Shi'a Muslims, most belonging to Iranian and Azeri ethnic minorities, also lack religious training institutions in Turkmenistan. Even registered religious minorities face difficulties in this regard; one leader has said that most religious training is conducted informally and in private homes.

#### *Restrictions on International Travel for Religious Reasons*

The government continues to interfere with the ability of religious adherents to travel outside the country, including the reported reinstatement of blacklists for hundreds of Turkmen citizens. In 2009, authorities did not allow any Muslims to leave the country to perform the *hajj* (pilgrimage to Mecca), allegedly due to fear of swine flu infection. Instead, the government organized "an internal *hajj*" for 188 officially-designated Muslim pilgrims to travel to 38 sites inside Turkmenistan. In 2010, the Turkmen government resumed its previous practice of permitting 188 pilgrims (out of the reported official Saudi quota of 5,000) to travel at state expense to Mecca. Pilgrims reportedly have had to pay bribes to be included on the list.

Foreign religious workers and co-religionists of certain groups continue to have difficulty obtaining entry visas to Turkmenistan. The last known visit to the country by Armenian Apostolic Church clergy was in 1999. The Baha'i community reports that it is impossible for their foreign relatives to receive permission to visit Turkmenistan, but Baha'is in the country are allowed to go on foreign visits. ROC then-Metropolitan Kyril was permitted to visit Turkmenistan in 2008, the first visit by a ROC leader since 2003. In addition, the New Apostolic Church was allowed a visit by a European church leader for the first time in 2009. While foreign Adventists were allowed to visit Turkmenistan after Niyazov's death, reportedly no such visits have been permitted since 2008.

#### **U.S. Policy**

In April 2011, Robert E. Patterson was sworn in as U.S. Ambassador to Turkmenistan, becoming the first fully accredited U.S. ambassador to this strategically-important country in five years. Previous ambassadors have played a key role in highlighting the importance of respect for human rights in Turkmenistan, and USCIRF had long called for this post to be filled.

USCIRF also has recommended that the United States and Turkmenistan engage in regular discussions on important bilateral issues, including human rights and religious freedom. Accordingly, USCIRF welcomed the first U.S.-Turkmenistan Annual Bilateral Consultations in

Ashgabat in June 2010, as well as the fact that the U.S. government addressed the need to improve religious freedom conditions in the wider human rights context.

The United States has important interests in Turkmenistan, including those related to over-flight rights and railroad links to Afghanistan and to the country's huge natural gas supplies. The United States also has an interest in ensuring that the Turkmen government adequately addresses numerous gaps in its education system and does not return to an official policy of isolationism. It is also in the United States' interest to help prevent radical Islamist influences from flowing into the country over its long and porous borders with Iran and Afghanistan.

Due to its official policy of neutrality, Turkmenistan is not part of the Northern Distribution Network (NDN) for the delivery of supplies to U.S. and NATO troops in Afghanistan. Nevertheless, the United States government has held high-level meetings with Turkmen officials on related issues. Turkmenistan has allowed U.S. refueling rights at the Ashgabat International Airport for non-lethal supplies to Afghanistan, and construction will soon begin on a railroad linking Afghanistan and Turkmenistan. Some observers claim the United States may be interested in using this rail link to ship fuel to NATO troops.

Nevertheless, despite its official neutral status, Turkmenistan is trying to improve its naval and military capacity. The United States is training Turkmenistan's burgeoning navy as well as organizing exchange programs on English language and basic naval administration. During the conduct of counterterrorism operations in 2011, U.S. Special Operations Forces reportedly were allowed to enter Turkmenistan, as well as Kyrgyzstan, Tajikistan, and Uzbekistan, on a "case-by-case" basis, with permission from the host nation.

In December 2010, Turkmenistan entered into agreements with Afghanistan, Pakistan, and India to begin construction on a major gas pipeline, known as "TAPI," due to be completed in 2014. This project, encouraged by the United States, could help stabilize the Turkmen gas export market as well as create economic and political bonds with energy-poor South Asian markets.

The U.S. government has stressed the importance of freedom of information and media in its programs in Turkmenistan and has sent Turkmen professionals, government officials, and students to the United States for foreign policy and broadcast journalism programs. In recent years, however, the Turkmen government has imposed last-minute rules barring many students from participating in U.S.-funded exchange programs. The U.S. government also provides funding for local civil society projects, including leadership camps and seminars, as well as for a resource center to provide Turkmen with Internet access and computer training. In addition, the United States has encouraged the Turkmen government to revise its laws on religion, NGOs, and mass media and to reform its criminal code. The U.S. government meets with representatives of Turkmen religious groups to promote religious freedom.

Despite President Berdimuhamedov's personal invitation to USCIRF in 2007 to make a return visit, his government has refused to meet with USCIRF three times in the past two years, most recently in December 2010, each time just prior to the USCIRF delegation's departure. Despite promises from the Turkmen Ambassador to the United States in February 2011 that his country would host a USCIRF visit, no concrete dates were proposed.

## **Recommendations**

While the geo-strategic importance of Turkmenistan is on the rise, the United States should raise concerns about human rights and religious freedom in all meetings with the Turkmen government, urge it to reform its laws and practices to comply with international human rights standards, and, if concrete improvements are not made, designate Turkmenistan as a CPC. To this end, USCIRF recommends that the U.S. government take a number of specific steps to expand its bilateral relations with Turkmenistan, promote religious freedom and related human rights, and expand U.S. programs and other activities in pursuit of this aim.

### **I. Promoting Freedom of Religion or Belief and Other Human Rights**

The U.S. government should:

- raise human rights and freedom of religion or belief during all bilateral meetings with the government of Turkmenistan, explore ways in which Turkmenistan can implement laws and practices to comply with international human rights standards, and establish a regular reporting mechanism on these issues; and
- designate Turkmenistan as a CPC, if specific improvements are not made in line with the recommendations immediately below.

The U.S. government should urge the government of Turkmenistan to:

- repeal all laws, decrees or regulations, and amend those articles of the religion law that violate international norms on freedom of religion or belief, including by implementing the recommendations of the USAID-funded analysis of the religion law;
- restore genuine legal alternatives to military service on the grounds of religious or conscientious objection based on international commitments, including those of the OSCE, and cease the criminal prosecution and fully restore the civil and political rights of Jehovah's Witnesses and others who refuse to serve in the army on the grounds of conscience;
- end state interference in the management of religious communities and in the selection and training of religious leaders, including those from Sunni and Shi'a Muslim and the Russian Orthodox communities, as well as from Protestant and other minority communities;
- honor its commitment to allow a USCIRF delegation to return to Turkmenistan to assess current conditions for freedom of religion or belief, speak with current or former prisoners of conscience in places of detention, and speak unimpeded with religious and other organizations and their members; and
- fulfill its previous human rights promises, including those regarding freedom of religion or belief made to the USCIRF delegation during its August 2007 visit.

## II. Expanding U.S. Programs and Activities to Promote Human Rights and Reform Efforts

The U.S. government should:

- increase and improve radio, Internet, and other broadcasts of objective news and information, including on freedom of religion or belief and on other human rights and religious tolerance, by:
  - expanding and improving broadcasts to Turkmenistan by the Turkmen Service of Radio Free Europe/Radio Liberty (RFE/RL), such as increased coverage of issues relating to freedom of religion or belief including for the Turkmen diaspora, and adding Russian-language broadcasts; and
  - restoring Voice of America's Russian-language television and radio broadcasts to Central Asia, particularly those broadcasts relating to human rights, including freedom of religion or belief;
- assist in improving Turkmenistan's educational system, particularly with regard to curricula on religious freedom and other human rights, by:
  - reprinting Russian and Turkmen language materials on human rights, particularly on international norms on freedom of religion or belief; and
  - providing funds for libraries in Ashgabat and other cities, including materials on human rights, as well as freedom of religion or belief, tolerance, civic education, and international legal standards;
- develop assistance programs to encourage civil society groups that protect human rights and promote freedom of religion or belief, including by expanding legal assistance programs for representatives of religious communities through grants that address freedom of religion or belief; and
- expand international contacts and increase U.S. involvement in communities in Turkmenistan, including through Peace Corps and USAID programs, include religious leaders in community projects in order to address social problems and increase tolerance, and expand exchange programs, including with civil society leaders, students, and others concerned with human rights and religious freedom.

### **III. Strengthening Efforts in the International Arena**

In various international fora, the U.S. government should urge the Turkmenistan government to:

- implement the recommendations of the October 2006 Report of the UN Secretary General on the Situation of Human Rights in Turkmenistan, the 2008 recommendations of the UN Human Rights Council during the Universal Periodic Review of Turkmenistan and the 2008 recommendations of the UN Special Rapporteur on Freedom of Religion or Belief issued after a country visit;
- agree to the numerous requests for visits by UN Special Rapporteurs, as well as representatives of the OSCE, including its Panel of Experts on Freedom of Religion or Belief, and provide the full and necessary conditions for such visits; and
- participate fully in the OSCE, including in the annual Human Dimension meeting in Warsaw, and expand the activities of the OSCE Center in Ashgabat, particularly on civic education, human rights, including programs with local schools, universities, and institutes on human rights standards, including freedom of religion or belief.

## Uzbekistan

**FINDINGS:** Since Uzbekistan gained independence in 1991, its government has systematically and egregiously violated freedom of religion or belief. The Uzbek government violates the full range of human rights and harshly penalizes individuals for independent religious activity regardless of their religious affiliation. A restrictive religion law facilitates the government's control over all religious communities, particularly the majority Muslim community. The government continues to arrest Muslims and repress individuals, groups, and mosques that do not conform to officially-prescribed practices or that it claims are associated with extremist political programs. Thousands of such persons remain imprisoned as alleged extremists, including many who reportedly are denied due process and subjected to torture. While Uzbekistan does face security threats from members of groups that advocate or perpetrate violence in the name of Islam, the government arbitrarily applies vague anti-extremism laws against many Muslims and others who pose no credible threat to security.

Based on these systematic, ongoing, and egregious violations, USCIRF continues to recommend in 2012 that Uzbekistan be designated as a "country of particular concern," or CPC. Since 2006, the State Department has so designated Uzbekistan, but since 2009 it placed a waiver on any punitive action that would sanction the country, as set forth in IRFA.

Uzbek police and security forces continue to raid and detain members of unregistered, and sometimes registered, religious groups for peaceful religious activity. Over the past decade, an estimated 5,000 individuals reportedly have been sentenced or imprisoned, sometimes in psychiatric hospitals, for terms of up to 20 years due to their non-violent Islamic religious affiliations or beliefs in trials that fall far short of international standards. For example, the Uzbek government continues its campaign against the *Nur* group for alleged extremism. It also targets religious minority groups, especially those viewed as engaging in proselytism.

**PRIORITY RECOMMENDATIONS:** The State Department should again designate Uzbekistan as a CPC. Upon re-designation, the United States immediately should engage Uzbekistan in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials. U.S. policy on Uzbekistan should be coordinated across agencies to ensure that human rights concerns are reflected in all dealings with the Uzbek government. Measures need to be taken to ensure that U.S. security and other assistance does not go to agencies responsible for particularly severe violations of religious freedom. To the extent possible, U.S. assistance, except humanitarian assistance and human rights programs, should be contingent on the Uzbek government's adoption of specific actions to improve religious freedom conditions and comply with international human rights standards. The United States also should press the Uzbek government to revise its 1998 religion law to comply with international standards; establish a mechanism to review the cases of persons previously detained under suspicion of or charged with religious, political, or security offenses; and permit an independent international investigation into the May 2005 Andijon events. Additional recommendations for U.S. policy toward Uzbekistan can be found at the end of this chapter.

## **Religious Freedom Conditions**

### *Legal Framework*

Uzbekistan's 1998 Law on Freedom of Conscience and Religious Organizations includes provisions on freedom of worship and the separation of religion from the state. Through regulations that often are arbitrarily applied, however, the law imposes onerous hurdles for the registration of religious groups, particularly minority religious groups, severely restricts religious freedom for unregistered groups, and restricts rights deemed in conflict with national security. The law criminalizes unregistered religious activity; bans the production and distribution of unofficial religious publications; prohibits minors from participating in religious organizations; and forbids the wearing of religious clothing in public by anyone other than clerics.

The religion law grants, but only to registered religious groups, the right to establish schools and train clergy. It also limits the right to conduct religious instruction to officially sanctioned religious schools and state-approved instructors, does not permit private instruction, and authorizes court fines for violations. Only six entities meet the Uzbek religion law's requirements for training religious personnel, and only seven have the legal right to import, publish, or distribute religious literature. The term "religious clothing" is not defined; reportedly, Muslim men hesitate to grow beards or wear traditional clothing in order to avoid possible harassment. Women wearing head scarves face official harassment and possible sentences. Reportedly, teachers are instructed not to wear religious head coverings, nor to allow their students to do so.

The criminal code distinguishes between improperly registered "illegal" groups and banned "prohibited" groups. Individuals participating in organizations deemed to be religious extremist, fundamentalist, or separatist groups face up to 20 years in prison. Alleged organizers of "illegal" religious groups face up to five-year terms, as do those who resume the activities of a group denied registration or ordered to disband. Alleged participants of such groups may spend up to three years in prison. The Uzbek government deploys the following criminal code articles against religious activity: Article 159 (anti-constitutional activity); Article 216 (illegal establishment of public associations or religious organizations); Article 216, section two (violation of legislation on religious organizations, including proselytism); Article 244, section one (production and distribution of materials that create a threat to public security and public order); and Article 244, section two (establishment, direction of, or participation in religious extremist, separatist, fundamentalist, or other banned organizations).

The country's criminal and administrative codes permit the levying of heavy fines, of as much as 200 to 300 times the minimum monthly wage, for repeated violations of the regulations on religious meetings, processions, other ceremonies, and education. Repeated violations of the provisions related to religious literature may result in a fine of 100 to 200 times the minimum monthly wage or corrective labor of up to three years.

Under the Uzbek religion law, worship meetings and all other religious activities are illegal for unregistered religious groups. Unregistered religious congregations may be subject to massive fines and police raids, as well as threats or use of physical violence, detention and arrest.

Without legal registration status, religious groups cannot open bank accounts; construct, rent, or buy buildings; print religious literature; or appoint or hire religious leaders. Many religious groups are unable to meet the registration requirements, which include: a minimum membership of 100 Uzbek citizens; a fee which is 50 times the minimum monthly wage; numerous documents setting out the group's rules and meeting protocols and certifying the fulfillment of other requirements; and proof of a valid legal address. Registration of a central body also requires that it be present in eight of the 13 provinces, impossible for most minority religious groups. Uzbek officials reportedly set up administrative hurdles to registration, such as rejecting applications that meet registration requirements, claiming that applicants have falsified congregation lists, finding grammatical or minor errors in a religious group's charter, creating difficulties in certifying addresses, or claiming improper fire and sanitation inspections.

In 1998, the Uzbek government closed down some 3,000 of the 5,000 mosques that were then open; since then, mosques have faced registration difficulties. Several mosques in the Ferghana valley, the country's most actively religious region, have not been registered in recent years even though they had the legally required number of congregants. Nevertheless, the government reportedly allows a number of unofficial, independent mosques to operate under the watch of official imams. For example, for many years Uzbek authorities have permitted the operation of an unregistered Sufi monastery in Kokand in the Ferghana valley. The Uzbek government sometimes promotes Sufism, particularly the native Naqshbandi order, as an alternative to "foreign" Islam, which it views as extremist.

Many non-Muslim religious groups in Uzbekistan also encounter major registration difficulties. For instance, the registration requests of all Baptist churches have been rejected since 1999. The Uzbek government repeatedly has denied registration to the Bethany Baptist Church in the Mirzo-Ulugbek District of Tashkent, the Pentecostal Church in Chirchik, the Emmanuel and *Mir* (Peace) Churches in Nukus, the Hushkhabar Church in Guliston, the Pentecostal Church in Andijon, the Baptist Church in Gazalkent, and the Adventist, Greater Grace Christian, and Miral Protestant Churches in Samarkand, among others. Many churches, particularly evangelical churches with ethnic Uzbek membership, do not apply for registration because they expect local officials to refuse their applications. The Council of Churches Baptists refuses on principle to seek registration. Reportedly, Jewish groups have not been allowed to register in various cities.

In 2007 the Tashkent City Civil Court invalidated the property title of the Grace Presbyterian Church of Tashkent, thereby depriving it of the legal address required for registration. Since 1996, the Jehovah's Witnesses have made at least 23 registration applications in Tashkent and some 13 applications in various Uzbek provinces, but only one Jehovah's Witness group in Chirchik was registered. Nevertheless, the Uzbek government reportedly has made frequent attempts to restrict the activities of Jehovah's Witnesses in Chirchik.

#### *Application of Extremism Laws*

The highly-regarded Russian human rights group Memorial reported in 2011 that there are more political prisoners in Uzbekistan than in all of the other former Soviet republics combined. Over the past decade, an estimated 5,000 individuals reportedly were imprisoned (sometimes in psychiatric hospitals), for terms of up to 20 years because of their Islamic religious affiliations or



beliefs. Some Uzbek human rights activists, however, estimate that there are almost 10,000 people imprisoned for their alleged links to groups the Uzbek government views as extremist, as well as Muslims who choose to practice Islam independently of officially-approved entities. USCIRF has received information from the Initiative Group of Independent Human Rights Defenders of Uzbekistan concerning 65 Muslim political prisoners in Uzbekistan who were arrested or sentenced in 2011 and early 2012; a detailed list of these individuals is included in the appendix to this Annual Report.

Many of these individuals have been imprisoned because they reject state control over religious practice or because the Uzbek government claims they are associated with extremist groups. According to international and Uzbek human rights advocates, however, the only “crime” of many of these individuals is the independent practice and intensive study of Islam. The Uzbek government does not consider repression of persons or groups suspected of extremism to be an issue of religious freedom, but rather prevention of armed resistance. Security threats do exist and terrorist bombings have occurred in Uzbekistan, including from groups which advocate or perpetrate violence in the name of religion. Nevertheless, the Uzbek government’s policies are highly problematic, since they lack due process guarantees, are based on arbitrary application of vague anti-extremism laws against religious adherents and others who pose no credible threat to security, and often involve credible allegations of torture.

The Uzbek government bans certain Islamic organizations it labels “Wahhabi” or “Jihadist.” Alleged membership in these groups, which include *Hizb ut-Tahrir* (HT), *Akromiya*, *Tabligh Jamaat*, *Nur*, and others, is a crime under Uzbek law. Although the term “Wahhabi” usually refers to followers of the highly restrictive interpretation of Sunni Islam practiced in Saudi Arabia, the Uzbek government uses the term to refer to a wide range of Muslim individuals or groups, including genuine violent extremists, political opponents of President Karimov’s regime, those educated abroad, those who practice non-violent Islam outside of government entities, or followers of three Uzbek imams prominent in the 1990s. Two of these prominent imams have disappeared in Uzbek prisons.

The third such imam, Obidkhon Qori Nazarov, known for his defense of religious freedom and condemnation of violence, was the imam of a large mosque in Tashkent from 1990 to 1996. He was fired from this position and his house was demolished by the government in 1996. Two years later, Nazarov faced criminal charges, which Uzbek human rights activists say were fabricated, and he fled Uzbekistan to Kazakhstan. During that time, Kazakh and Uzbek security police reportedly made two attempts to kidnap Nazarov. The United Nations High Commissioner for Refugees (UNHCR) granted him political refugee status and in 2006 Sweden granted him political asylum. Nazarov’s son Khusnuddin disappeared in 2004, shortly after police questioning in Tashkent. On February 22, 2012 Nazarov was shot in Stromsund, Sweden, and remains in critical condition. Nazarov’s followers, both in Uzbekistan and elsewhere, believe that the Uzbek government is responsible for the attempt on the imam’s life, and some who have expressed these views have been threatened. The Swedish police, from whom Nazarov had requested protection a few days before the attack, are investigating the crime.

In January 2010, a young Muslim journalist, Hairulla Khamidov, was arrested in Tashkent and charged with membership in an alleged extremist group. A police search of his home found

recordings of sermons by the independent Muslim clerics mentioned above. Many believe that Khamidov was targeted because of his popular religious program on a private radio station. In May 2010, Khamidov received a six-year prison camp sentence, and five others were sentenced to terms ranging from four to six years.

In June 2011, Bakhtiyar Makhamatov and Nematilla Sakhibov were convicted of HT membership and sentenced to seven years in prison, while six other detainees received six-year prison sentences, RFE/RL's Uzbek Service reported. Alleged HT members are believed to comprise the vast majority of the political prisoners in Uzbek prisons, although arrests of alleged HT members appear to have decreased since 2008. According to the State Department, "authorities made little distinction between actual members [of HT] and those with marginal affiliation with the group, such as persons who had attended its Qur'anic study sessions." Often, there was reportedly no evidence of violence and many of those arrested claim they are falsely accused of HT membership. Some arrests follow alleged, or planted, possession of HT literature.

HT is an international, secretive, radical Sunni Muslim political movement. While HT is active in 40 countries, its political emphasis varies somewhat in individual countries. HT seeks to establish a trans-national Islamic state by educating Muslims to spread HT views in their countries and thereby cause the eventual collapse of secular governments. At that point, according to HT, a supreme Islamic leader, a Caliph, would rule all Muslims with political and religious authority.

Individual HT members may have committed violent acts, and its literature suggests that it might resort to armed action. While HT is banned in most Muslim countries, it has not been officially designated a terrorist group by the United States due to a lack of proof that HT as an organization has engaged in violent acts. While HT literature expresses virulently anti-Semitic and anti-Western views, it has also denounced the 9/11 terrorist attacks and the London bombings as un-Islamic.

Observers have noted that the Uzbek government's prosecution of HT members is mainly motivated by the group's political activity and there was no evidence presented that individual defendants were involved in or advocated violence. These actions by the Uzbek government also lack due process guarantees and involve credible allegations of torture.

The Uzbek government has also repressed and prosecuted members of *Akromiya* (or *Akromiylar*) since 1997, although there were no known convictions for alleged *Akromiya* membership during the current reporting period. Uzbek authorities claim that *Akromiya* is a branch of HT and that it, along with the terrorist Islamic Movement of Uzbekistan (IMU), attempted to overthrow the Uzbek government in Andijon in May 2005. According to religious experts, however, *Akromiya* is an informal association not known to use or advocate violence that promotes Islamic business principles as espoused by the 1992 writings of imprisoned Uzbek mathematics teacher, Akram Yuldashev. The charges against the 23 businessmen on trial in Andijon included alleged membership in *Akromiya*. (See *The Andijon Protest and its Aftermath*, below.)

Another group prohibited in Uzbekistan, *Tabligh Jamaat*, is an Islamic missionary group with origins in South Asia; its 12 to 80 million followers in 150 countries emphasize non-violence, piety, prayer, preaching and respect for others, according to the State Department, the

International Crisis Group, and Stratfor. Nevertheless, some former members, who reportedly left the movement in frustration with its apolitical stance, have attempted acts of violence. In 2011, a group of 17 alleged *Tabligh Jamaat* members were convicted in one trial, the first time such a large number of alleged members of this group were convicted.

After 1999, but particularly since 2008, the Uzbek government has imprisoned numerous alleged members of what it labels the *Nur* group: followers of Said Nursi, a Turkish mullah. Many observers do not consider Nursi's followers as a formal movement, but rather informal groups of individuals who read his books, which were in wide public circulation in the 1990's. Although Nursi followers are not known to have advocated or engaged in violence, the Uzbek Religious Affairs Committee (RAC) listed *Nur* as a banned religious organization in 2000. Uzbek state television has aired a documentary that described *Nur* as an extremist sect with a goal of establishing a pan-Turkic state; the program claimed that Nur's activities "undermine our centuries-old values."

An estimated 141 members of *Nur* were convicted in recent years and sentenced to periods of imprisonment ranging from six to 12 years. For example, in May 2010, ten *Nur* followers were sentenced by the Fergana Regional Criminal Court: Suhrob Zokirov was imprisoned for eight years; Islom Alikulov for seven years; Islom Manopov, Alisher Karimov, Farhod Sarymsokov, Botyr Sheraliyev and Kudrat Sulonov for six years; and Nosyr Mamazhanov, Muhammad Yarmatov and Ramzhon Abdukodyrov for five years and two months. All were charged with the "preparation or distribution of materials threatening public security and public order," and the "creation, leadership or participation in religious extremist, separatist or fundamentalist or other banned organizations," according to the Initiative Group of Independent Human Rights Defenders of Uzbekistan.

In December 2010, 18 Muslims received prison sentences ranging from three to nine years for "membership in an extremist group." Reportedly, they belonged to Shohidiya, an Islamic religious movement which follows the Qur'an but not the hadith. The prisoners included Nasibullo Karimov, the movement's leader, who received a nine-year sentence.

Eleven Muslims were arrested in Tashkent in September 2011 on suspicion of "extremism," including Akhror Saidvaliev, 23, and Adkham Siddiqov, 47. Siddiqov is charged with the leadership of an extremist religious group; the identity of the other nine men and women is not known, RFE/RL reported. In November 2011, 20 young men were taken into custody for alleged "Wahhabism" in the Andijon region, including Ammoridin Bahromov and Abdullo Turgunov, relatives of imam Abdvali Qori who disappeared in prison. Reportedly, two weeks previously, a follower of the same imam was arrested in the Ferghana region.

A group of 16 men were charged with extremism in Yangibozor in the Tashkent region for their alleged discussions during a 2008 religious rite celebrating the birth of a child. In November 2011, they were sentenced to terms of up to six years. Uzbek human rights activists say that the defendants' guilt for their alleged comments made three years previously was not proven in court. In another incident, in January 2012, police in the town of Kosonsoy in the Namangan region of the Ferghana valley arrested five men and the imam of a registered mosque, Sharifjon

Boltaboev, on charges of alleged terrorism and extremism. The detained men have been denied access to lawyers or relatives, making it difficult to determine the veracity of the charges.

The Uzbek authorities also have adopted repressive measures against entire families on charges of alleged religious extremism. One such case is Akhmadjan Madmarov, a human rights activist from Margilan in the Ferghana valley, with whom USCIRF met during its 2004 visit to Uzbekistan. In 2007, Uzbek authorities extended by 16 and one-half years the prison term of Madmarov's son, Habibullah, for his alleged role in a supposed extremist conspiracy. One of Madmarov's sons was released on parole in 2008 after his seven-year term ended, but another son and two nephews remain in prison.

In reportedly the largest extradition case in post-Soviet history, the Kazakh authorities returned 28 Uzbek asylum seekers to Uzbekistan in June 2011; they had been in Kazakhstan between one and three years. Reportedly, some were arrested in the Almaty UNHCR office where they had sought protection. The refugees denied the official charges of extremism and terrorism and said they were persecuted for their Muslim beliefs. They already have been sentenced to prison terms ranging from five to 15 years; Amnesty International says that they face "real risk of torture." The families of the returnees also face possible extradition from Kazakhstan.

#### *The Andijon Protest and its Aftermath*

After 23 businessmen in the city of Andijon were charged for alleged ties to Islamic extremism in 2004, their supporters held peaceful protests before and during their trial. In May 2005, however, a group of armed men freed the businessmen from prison, and then held 20 officials hostage in the Andijon regional administration building and tried to seize the city's National Security Service headquarters. The next day, several thousand mostly-unarmed civilians gathered on the Andijon central square to protest the trial and Uzbek armed forces fired without warning into the crowd. Estimated fatalities range from an official Uzbek total of 187 to over 700, according to the Organization for Security and Cooperation in Europe (OSCE); some non-governmental organizations (NGOs) report a higher death toll of as many as 1,000 men, women, and children. The Uzbek government continues to reject calls from the United States, the European Union (EU), the OSCE, and the UN High Commissioner for Human Rights for an independent international investigation into these events.

After the May 2005 Andijon events, the number of court cases in Uzbekistan against independent Muslims increased markedly. The Uzbek authorities also jailed hundreds of local residents, human rights activists, and journalists on suspicion of involvement in these events. They also reportedly imposed forcible drug treatments, as in the case of Jamshid Karimov, who was released in November 2011 after five years in psychiatric hospital. The Uzbek government continues to seek out and persecute persons that it deems to have a connection to, or information about, the Andijon events. Even the relatives of human rights activists have been threatened, dismissed from their jobs, beaten, and sometimes imprisoned on fabricated criminal charges. The government also closed down most domestic and foreign-based NGOs, particularly those that focus on human rights.

Particularly since the 2005 Andijon events, it is difficult to get independent verification of Uzbek government claims that it is combating torture in prison. According to the Uzbek human rights group Andijon-Justice and Revival, since 2010, 10 prisoners have died out of 241 individuals imprisoned in connection with the Andijon events. One such case is that of Abdumannon Ortikov, 34, who died in prison in July 2011; allegedly his body was covered with slashes. Sentenced to a five-year term in 2005 for alleged terrorism, Ortikov died shortly before his scheduled release.

In addition, the Uzbek government has pressured other countries to return Uzbek refugees who fled after the Andijon events, including those who were under UNHCR protection. In December 2010, for the first time, two Russian courts outside Moscow ruled that extradition requests for Uzbek refugees should not be granted because they face the likelihood of torture. Nevertheless, Mamirzhan Yusupov, Akhmadzhon Bekpulatov and Russian citizen Sanzharbek Satvaldiev were extradited from Moscow. In January 2012 they stood trial in the Andijon region and received terms ranging from five to eight years reportedly on unproven charges of extremism.

### *Conditions in Detention*

Human rights organizations report that many detainees in Uzbekistan were arrested for, among other things, possessing the 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 on religion-related charges are treated particularly harshly. Reportedly, prisoners who pray or observe Muslim religious festivals are beaten, tortured to force them to renounce their religious or political views as well as to reveal the names of other possible suspects. In May 2011 hundreds of prisoners protested their cruel treatment due to their religious beliefs in a labor colony in Kashkadar region, after which four men were sent to punishment isolation cells and visits by relatives were banned. Some prisoners charged with Islamic extremism were not permitted to pray or to observe Ramadan since such observances were violations of “internal prison regulations.” Convictions are almost entirely based on confessions, which are often gained through the use of torture.

In 2011, the Ezgulik human rights group documented the alleged torture of female detainees, including many imprisoned due to their religious beliefs. Not only is sexual violence common, but the “standard” torture methods increasingly also are being applied to female detainees. Despite the Uzbek government’s promises to halt the practice, torture remains endemic in prisons, pretrial facilities, and local police and security service precincts, and reportedly includes the threat or use of physical violence, rape, and the use of gas masks to block victims’ air supply. According to an October 2011 appeal by their parents, Rustam and Dilshodbek Amanturdiev, sentenced respectively to 15 and 17-year sentences on allegedly false charges of HT membership, have been subjected to frequent torture and terms in punishment isolation cells. Torture also allegedly is used to force adults and children to renounce their beliefs or to implicate themselves or others.

In 2008, the UN Committee against Torture (CAT) confirmed numerous, ongoing, and consistent allegations of the use of torture, often before formal charges are brought and often to extract

confessions to be used in criminal proceedings. The CAT acknowledged that the Uzbek government had taken some limited steps to end torture in detention, but noted numerous reports that ill-treatment remained routine and that those who engaged in torture were rarely punished. The Uzbek government has not responded to repeated requests from the UN Special Rapporteur on Torture for permission to revisit the country.

The CAT also called for the closure of the “special regimen” prison in Jaslyk where well-known poet, Yusuf Jumaev, was serving a 12-year term after he wrote a poem about the 2005 Andijon events. In May 2011, Jumaev was pardoned by President Karimov and allowed to leave Uzbekistan to join his family in the United States. After his release, he told RFE/RL that in Jaslyk he had often been beaten and that he had spent time in solitary confinement.

In September 2011, President Karimov signed a new law that prohibits torture, discrimination, and harassment in pretrial detention centers and jails. However, the Uzbek human rights group Ezgulik reports that the new law will not improve the appalling conditions of pretrial detention, and that it has information about the existence of special, extremely cold cells used for punishment amounting to torture.

In addition, Uzbek authorities seem to have stepped up their practice of refusing to release prisoners, especially those convicted of religious extremism, at the end of their terms. Instead, prison authorities often extend inmates’ terms by accusing them, without judicial review, of new crimes or even minor infractions of prison regulations, and claiming that the prisoners still represent a danger to society. Zarbotzhon Akbarov, imprisoned in 2003 for a nine-year term in connection with unofficial religious literature, was resentenced in 2011 for alleged violations of camp regimen and was denied an October family visit. Alim Boymatov was sentenced to a 5-and-a-half-year term in August 2006 for alleged participation in a religious-extremist group, and re-sentenced in November 2011 to a three-year term; his mother reported that the bottom of his feet are calloused as a result of beatings.

### *Restrictions on Muslims*

Despite the constitutional separation of religion and state, the Uzbek government controls Islamic institutions and practice through the officially-sanctioned Sunni Muslim Spiritual Board, the *Muftiate*. The *Muftiate* controls the training, appointments, and dismissals of Muslim leaders, the content of imams’ sermons, and the amount and substance of published Islamic materials. The government does not permit the separate training of Shi’a imams inside the country, and does not recognize such education received abroad.

In the Ferghana Valley, the country’s most actively religious region, the government has confiscated a number of mosques in recent years and uses them as warehouses or for other state purposes. Several years ago, the government introduced various administrative and other obstacles to religious practice in this region. Since 2007 the *Muftiate* has not allowed imams in the Namangan area to preach or children to pray during Ramadan night prayers and limited public calls to prayer.

The central government has instructed regional officials that children should not attend mosque.

Nevertheless, despite efforts to limit young people's interest in Islam, the country's registered mosques reportedly are very full. People are attracted to Islam because they view religion as an alternative to the unjust Uzbek government, according to the Ezgulik human rights group.

Reports continued in 2011 from Uzbek human rights groups about the official Uzbek campaign against Muslims alleged to have violated religion laws: nine Muslim adherents were held in Tashkent prison punishment isolation cells; 40 religious adherents in the Yangiyulsky region were arrested. Three women were convicted in April 2010 on criminal charges of threatening the constitutional order, public security, and public order because they had conducted the private religious instruction of girls. Mehriniso Hamdamova, a teacher at an officially-approved women's religion course at Karshi's Kuk Gumbaz Mosque, was sentenced to seven years in a prison camp; her sister Zulkhumor Hamdamova and their relative Shahlo Rakhmonova each received six and a half year terms. According to Uzbek human rights defender Surat Ikramov, the court hearings did not prove the defendants' guilt under the official charges. These women prisoners could be released, particularly since they are eligible under a December 2011 constitution day prisoner amnesty.

The Uzbek government also exercises strict control over information and restricts the media and civil society. Surat Ikramov, leader of the Initiative Group of Independent Human Rights Defenders of Uzbekistan, whose group issues frequent reports on official Uzbek persecution of Muslims and others, was fined for slander and defamation in September 2010. The Commission met with him during its 2004 visit to Uzbekistan.

#### *Charges against Non-Muslims*

The Uzbek government frequently brands Protestants and Jehovah's Witnesses "extremists" for their practice of religion outside state-sanctioned structures, and they face ongoing harassment, detention, and arrest for "illegal religious activity," such as holding private prayer meetings or possessing "illegal" religious literature.

Pentecostal pastor Dmitri Shestakov from the city of Andijon was sentenced to a four-year term in a closed labor colony in 2007. He was released in January 2011 after serving his full sentence, but is still under police surveillance. He must visit the police on a weekly basis and is subject to a curfew. Reportedly, Shestakov had been involved in the conversion of some ethnic Uzbeks to Christianity, but the official charges against him consisted of organizing an illegal religious group, inciting religious hatred, and distributing extremist religious literature.

Three Jehovah's Witnesses have been imprisoned for "illegal" religious activity. In April 2008, Olim Turaev was sentenced to four years in a labor camp. In July 2008 Abdubannob Ahmedov was sentenced to a four-year prison term and Sergey Ivanov to three and a half years. As of late January 2012, however, Turaev and Ivanov will likely undergo new trials, resulting in possible additional five year terms, because they allegedly disobeyed orders in prison. Although their imprisonment began in open labor camps, after they requested amnesty they were transferred to a stricter prison. In the summer of 2011, the three Jehovah's Witnesses prisoners were told by a prison official that if they did not renounce their faith, they would not be released when their terms ended.

Baptist Tohar Haydarov received a 10-year term on drugs charges in the city of Guliston in March 2010; his appeal was rejected one month later. Church members insist that the charges were fabricated.

#### *Police Raids against Non-Muslims*

In 2011, Uzbek authorities raided several meetings of registered and unregistered Christian and Baha'i groups. Officials justified the raids of registered groups by citing supposed restrictions on meetings outside of the group's geographic area of registration. During an alleged anti-terror operation in March 2011, police stopped a Baptist Sunday service in an old peoples' home in the Tashkent region, alleging that the meeting had not been officially authorized. Six Baptists who were leading the service were briefly detained in the local police station. In the Syrdarya region, unidentified district police broke into an unregistered Baptist Church in March 2011. They confiscated three Bibles, which were sent for review by the state Religious Affairs Committee in Tashkent, and the police opened an administrative case against the church's leader.

In February 2011, a Tashkent court sentenced three members of Tashkent's Full Gospel Pentecostal Church to 15 days of administrative detention for holding an "illegal" religious meeting, and fined 10 other members 50 times the minimum monthly wage. The Second Baptist Church of Tashkent was raided by police in April 2011 for allegedly operating an illegal Bible school and printing and distributing Christian literature. Reportedly, 53,000 items of religious literature were confiscated along with computers and printing equipment; a court ordered fines of a total of US \$7,000 against four church members and the church was fined US \$3,000.

In some regions of Uzbekistan, such as Karakalpakstan and Khorezm, almost all churches have been closed and Hare Krishna and evangelical Protestant students have been expelled from university. In Karakalpakstan, no non-Muslim and non-Orthodox religious communities have official registration status and more than 20 Protestant and Jehovah's Witnesses congregations in that region are denied registration, making their activity illegal.

The state-controlled media also has encouraged intolerant views of certain minority religious groups, particularly Protestants, Baha'is, and Jehovah's Witnesses. Furthermore, journalists have accused missionaries of posing a danger to society and equated them with religious extremists. Government officials have held meetings at universities and schools around the country warning students about the "negative consequences of missionaries and religious extremism." In November 2011, the Deputy Head of the Angren City Administration warned representatives of registered Catholic, Russian Orthodox, Presbyterian, Seventh-day Adventist and Baptist churches not to be involved in "missionary activity" and not to allow children or youth to take part in worship meetings.

#### *Restrictions on Religious Materials*

The official Council on Religious Affairs (CRA) must approve all religious literature. Under the religion law, importing, storing, producing, or distributing unapproved religious materials is prohibited. Administrative violations are subject to fines of 20 to 100 times the minimum monthly wage for individuals, or 50 to 100 times the minimum monthly wage for officials of organizations. The materials and the means of producing and distributing them also can be



confiscated and destroyed. Individuals already convicted of administrative offenses are liable under the criminal code to pay court-ordered fines of 100 to 200 times the minimum monthly wage or to serve a term of corrective labor of up to three years. The Uzbek criminal and administrative codes also punish the production and distribution of “literature promoting racial and religious hatred.”

Only eight registered religious organizations (an inter-denominational Bible Society, the Muslim Board of Uzbekistan, two Islamic centers, and Russian Orthodox, Full Gospel, Baptist, and Roman Catholic offices) have the legal right to publish, import, and distribute religious literature. Moreover, a 2006 instruction issued by the Uzbek government reportedly limits the press run of any religious book to fewer than 1,000 copies. In 2011, authorities in Karakalpakstan reportedly ordered the destruction of Christian books, including the Bible, and the registration of each Bible with the CRA.

It remains difficult to secure permission from the CRA and the *Muftiate* to publish Muslim literature, and almost no foreign Islamic literature is allowed to be imported. In March 2011, Uzbek National Security Service (NSS) agents, police and tax officers, and CRA representatives raided and closed twenty bookstores in the World of Books trading center, the only place where officially approved books on Islam can be sold. Imam Obidkhon Nazarov, the exiled imam of Tashkent’s Tukhtaboi mosque, noted that even books by renowned Muslim scholars were no longer published in Uzbekistan. In addition to materials printed by the state-controlled Muslim Board, the independent former Chief Mufti, Muhamad Sadyk Muhamad Yusuf, whom USCIRF met in 2004, has official permission to publish religious materials and to host a radio program.

After a January 2012 police raid on a Protestant church in Jarkurgan, officers confiscated Christian books and DVDs from the Uzbek Bible Society. Three church members will face administrative charges for alleged distribution of religious materials and missionary activity. One of the three was beaten, threatened by local police and told to stop his religious activity. In November and December 2011, courts in Tashkent and in the Syrdarya region upheld administrative fines against nine Baptists, including a massive fine of the equivalent of U.S. \$2,220 against a member of a registered Baptist Church. In another incident, two members of an unregistered Baptist Church in Ferghana were fined and had books, a laptop computer, and DVDs confiscated. In February 2011, after police ordered a Jehovah’s Witness to open a package that contained officially-approved religious literature, a Navoi region court fined him 70 times the minimum monthly wage for possessing the literature.

The Uzbek government also monitors and restricts access to the Internet. Over 250 websites viewed as hostile by the Uzbek government are blocked inside the country. As of March 2011, the Uzbek authorities required operators of Internet sites to inform the government of mass distributions of text messages with undefined “suspicious content” and to monitor activity on social networks and the Internet.

Fazliddin Zainuddinov, a Tashkent Islamic University student, visited an Internet café where he thought he was exchanging emails with imam Mukhammadsolikh Abutov, who has political asylum in Sweden. He was actually communicating with an Uzbek national security service website and, after Zainuddinov agreed to put up leaflets calling for a protest rally, he was

arrested in December 2011. He is being held in an isolation cell and his parents have been threatened by the Uzbek security services, according to Uzbek human rights activists.

### *Restrictions on Education*

Only six registered religious communities have the necessary eight regional branches to qualify as a central administrative body, and thereby be permitted to engage in religious education. Moreover, Uzbek law limits religious instruction to officially-sanctioned religious schools and state-approved instructors. The law permits no private instruction and provides for fines for violations. The state has also closed or confiscated privately-funded religious schools.

There are 11 state-controlled *madrassas* (including two for women) that also provide secular secondary education, and an official Islamic Institute and Islamic University in Tashkent that provides higher education. The official *Muftiate* conducts regulated Sunni Muslim religious education for adults. According to a 2012 report issued by the Uzbek Initiative Group of Independent Human Rights Activists, however, the official Muslim educational establishment is riddled with bribery, corruption, and favoritism.

Despite the presence of a Shi'a minority in the country, there is no training for Shi'a religious leaders, nor does the government recognize foreign Shi'a religious education. Reportedly, however, some Sunni *madrassas* offer some courses in Shi'a jurisprudence.

The government allows religious minorities only extremely limited educational opportunities. The Russian Orthodox Church operates two monasteries (one for women, one for men) and a seminary, and many of its churches offer Sunday school education. The Jewish community lacks a rabbinate or yeshiva because it does not have synagogues in eight different Uzbek provinces and therefore cannot meet the legal requirements for a registered central office. A Jewish school in Tashkent provides instruction on Jewish culture. In 2008, the Uzbek government did not renew the visa of Uzbekistan's chief rabbi, effectively expelling him from the country. Registered Christian groups and other religious communities may establish Sunday schools subject to numerous government restrictions, but registered religious communities that offer religious education have also been persecuted. The director of the registered Baptist Union was banned for three years from official work for alleged tax evasion and for involving children in religious activity. Pentecostal preachers have been detained and received massive fines allegedly for violating the legal ban on teaching children religion. There were several reports that children faced increasing difficulties in practicing their faith. Some schools sent questionnaires asking parents if their children attend church or mosque and were told not to allow it. Some school officials have questioned students about their religion and why they attend worship services.

In recent years, school principals and teachers in secular schools have enforced the official ban on the *hijab*. Moreover, in December 2011, the Uzbek Ministry of Education began requiring students at all institutions of higher education to sign a 23-page pledge agreeing not to wear religious or "immodest" Western-style clothing, not to "allow foreign religious or extremist influences," and not to criticize professors or problems in higher education on the Internet. Reportedly, students are angry about the new rules, which they view as unconstitutional and contradicting official efforts to encourage Internet use in Uzbekistan.

### *Restrictions on Foreign Travel for Religious Purposes*

As in previous years, the Uzbek government restricted international travel for religious purposes. The Uzbek authorities continued to place strict limits and controls on pilgrims for the October 2011 *Hajj* and restricted the total to 5,078, or about one fifth of the available quota. Would-be pilgrims under the age of 45 are not allowed to take part. Pilgrims also are required by the government to obtain permission from local and police authorities, for which they reportedly have paid high fees and alleged bribes.

As of the end of the reporting period, Russian Orthodox Church Patriarch Kirill's announced visit to mark the 140th anniversary of the church in Uzbekistan had still not occurred. Allegedly, the Uzbek government has blocked the patriarch's visit because the Moscow Patriarchate had appointed a new bishop to Tashkent in July 2011 without first obtaining official Uzbek approval.

The Uzbek government continues to restrict international travel for religious purposes, including denying exit visas to members of religious minorities. Muslims, Protestants, and Jehovah's Witnesses reportedly have been denied exit visas in recent years. Several expatriate staff members of NGOs were deported for suspected "missionary" activity.

### **U.S. Policy**

In response to terrorist activity in the 1990's, Uzbek President Islam Karimov launched an on-going campaign that has resulted in the incarceration of thousands of Muslims, mainly on unproven charges of religious extremism. Uzbekistan's drive against Islam in the name of security could have serious practical consequences for Central Asia. Not only is this mass repression an ineffective response to real security threats, it also has fueled popular anger and reportedly aids recruitment efforts by genuine terrorist groups.

U.S. policy in Uzbekistan focuses on that country's key position as a supply route for U.S. and NATO forces in Afghanistan via the Northern Distribution Network (NDN). In 2010, the United States expanded its security cooperation with Uzbekistan and several other Central Asian states to allow it to ship supplies overland through Central Asia into Afghanistan, rather than through areas in Pakistan that are subject to constant Taliban attack. According to the U.S. Transportation Command, 40 percent of supplies for U.S. and NATO troops in Afghanistan are now shipped via the NDN. Reportedly, as early as 2009, U.S. Special Operations Forces were given permission to enter Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan on a "case-by-case" basis to conduct counter-terrorism operations, with permission from the host nation. Uzbekistan also has allowed U.S. soldiers to be transferred to Afghanistan via its military base in Termez, where German troops are based.

While the Department of Defense will not disclose how much Uzbekistan is paid for its NDN role, the governments of Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan receive an annual total of US \$500 million in transit fees. Uzbekistan, with Central Asia's most developed railway network, is the NDN hub, but the country is also known as one of the world's most corrupt and repressive states. In addition, it often has been uncooperative in its NDN role, which will become

more important as the withdrawal of American forces from Afghanistan accelerates. In the summer of 2011, Eurasianet reported that the Pentagon is considering alternative routes to the NDN.

The State Department has designated Uzbekistan as a “country of particular concern,” or CPC, for its systematic, egregious, ongoing violations of religious freedom since 2006. The CPC designation was most recently renewed in September 2011. At that time, the State Department again waived any action under the International Religious Freedom Act (IRFA) to “further the purposes of the Act.” However, it ended its previous approach of issuing a 180 day waiver and replaced it with an indefinite waiver.

The U.S. reliance on Uzbekistan for the NDN has led human rights groups to express concerns that the U.S. government may temper its criticisms of the Uzbek government and reduce its efforts to promote human rights in Uzbekistan. The United States instituted Annual Bilateral Consultations (ABCs) with each of the Central Asian countries in December 2009. According to Assistant Secretary of State for South and Central Asia Robert Blake, the ABCs constitute “a face-to-face structured dialogue, based on a jointly developed agenda that facilitates candid discussions on the full spectrum of bilateral priorities, including human rights, religious freedom, science and technology collaboration, economic development, defense cooperation, and any other issue that either side would like to bring to the table.” Reportedly, however, the U.S. government agreed with Uzbek officials to defer discussion of religious freedom during its initial ABC talks with Uzbekistan.

Since 2003, under the FREEDOM Support Act, Congress has prohibited U.S. assistance to the Uzbek central government unless the Secretary of State determines and reports that Uzbekistan is making substantial progress in meeting human rights commitments, establishing a multi-party system, and ensuring free and fair elections. Since 2004, some U.S. aid to Uzbekistan has been withheld due to a lack of progress on democratic reforms. In 2008, Congress blocked Uzbek government officials from entering the United States if they are deemed to have been responsible for the events in Andijon or other human rights violations. In 2010, Congress permitted expanded International Military Education and Training (IMET) programs for Uzbekistan, consisting of courses stressing civil-military relations and military justice. The U.S. defense bill signed into law on December 31, 2011 included a provision under which the U.S. could renew its military aid to Uzbekistan, if the Secretary of State certified to national security grounds and the State Department provided an assessment of the human rights progress. In January 2012, the State Department used that provision, allowing the ban on military aid to Uzbekistan to be lifted temporarily. The State Department’s human rights assessment included numerous human rights concerns, such as severe limitations on religious freedom, persistent torture in prisons, and the lack of an independent probe into the 2005 Andijon tragedy. The assessment also stated that the State Department is in negotiations with the Uzbek government to arrange a visit by Ambassador-at-Large for International Religious Freedom Suzan Johnson Cook in early 2012. The aid in question reportedly includes training border troops and possibly providing military supplies.

For FY 2012, the State Department has requested \$1.7 million in Peace and Security assistance for Uzbekistan, including \$300,000 for IMET programs and \$380,000 for programs relating to

security sector reforms. The total amount of the U.S. assistance requested by the Department of State for Uzbekistan for FY 2012 is \$11.8 million.

## **Recommendations**

USCIRF recommends that the U.S. government continue to designate Uzbekistan as a CPC and immediately engage in intensive negotiations to see concrete progress to address religious freedom abuses. If those talks fail after 180 days, it should lift the waiver and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials. As described more fully below, USCIRF also recommends that the U.S. government should prioritize freedom of religion or belief as an issue in U.S.-Uzbek bilateral relations, encourage greater international scrutiny of Uzbekistan's human rights record, and support Uzbek human rights defenders and religious freedom initiatives.

### **I. Prioritizing Freedom of Religion or Belief as an Issue in Bilateral Relations**

In addition to continuing to designate Uzbekistan as a CPC, the U.S. government should:

- press for concrete progress to address religious freedom abuses, and if those efforts fail after 180 days, lift the waiver that has been in place since January 2009 and impose sanctions, including a ban on visits to the United States by high-level and mid-level Uzbek officials, as a consequence of Uzbekistan's CPC designation;
- reduce aid and arms sales to Uzbekistan and ban visits by high-level and mid-level Uzbek officials in response to the Uzbek government's refusal to allow an independent investigation into the violence in 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 specific measures to improve conditions of freedom of religion or belief and observe international human rights standards, including:
  - 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;
  - revising the 1998 Law on Freedom of Conscience and Religious Organizations to bring it into compliance with international standards, including making changes consistent with recommendations made by the Organization for Security and Cooperation in Europe (OSCE) Panel of Experts on Freedom of Religion or Belief, and registering religious groups that have sought to comply with the legal requirements;

--ending reliance on convictions based solely on confessions and implementing the recommendations of the UN Committee Against Torture and the UN Special Rapporteur on Torture; and

--adopting policies to ensure that every prisoner has greater 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; and

- for any assistance provided, make certain that it does not go to Uzbek government agencies, such as branches of the Interior and Justice Ministries and certain judges and prosecutors, responsible for particularly severe violations of religious freedom.

## **II. Encouraging Greater International Scrutiny of Uzbekistan's Human Rights Record**

The U.S. government should:

- encourage public scrutiny of Uzbek religious freedom and related human rights in appropriate international fora, such as the UN, 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 visits by UN Special Rapporteurs on Freedom of Religion or Belief, the Independence of the Judiciary, and Torture, set specific visit dates, and provide the full and necessary conditions for such a visit.

## **III. Supporting Uzbek Human Rights Defenders and Religious Freedom Initiatives**

The U.S. government should:

- continue to monitor closely 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 religious communities and human rights groups to be allowed to register or to operate freely without registration;
- 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 explaining why religious freedom is an important element of U.S. foreign policy and what specific concerns about violations of religious freedom exist in Uzbekistan, and continue funding for the Voice of America Uzbek Language Service;
- ensure that the U.S. Embassy in Uzbekistan maintains active contacts with Uzbek human rights activists and publicly recognizes their contributions;

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- increase foreign travel opportunities for civil society activists, religious leaders, and others in Uzbekistan concerned with religious freedom so as to permit them to take part in relevant international conferences and exchange programs, and ensure that the U.S. Embassy vigorously protests if Uzbek authorities harass participants in such programs after their return to Uzbekistan, and if such harassment continues, implement penalties in other areas of U.S.-Uzbek bilateral relations, including a ban on high-level meetings;
- encourage the creation of civil society institutions to protect religious freedom and related human rights by funding training in human rights, the rule of law, and crime investigation for law enforcement officials, by expanding legal assistance programs for Uzbek relatives of detainees, by expanding “train-the-trainer” legal assistance programs for religious communities; and
- specify 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.

## **COUNTRY CHAPTERS: USCIRF'S WATCH LIST**

### **Belarus**

The government of Belarus, through intrusive laws and policies, continues to violate the freedom of thought, conscience, and religion or belief throughout the country. Religious communities and individuals found to have violated these restrictive laws have been harassed, raided, fined, and detained. Vandalism of religious properties has occurred with impunity. In light of these concerns, Belarus remains on the USCIRF Watch List in 2012, as it has been since 2003.

#### **Background**

Political power in Belarus is concentrated in the hands of President Aleksandr Lukashenko, whose regime continues to perpetrate human rights abuses. The government views any independent groups, including religious communities, as a potential challenge to its rule. After the December 2010 presidential elections, widely viewed as rigged, security forces dispersed 30,000 peaceful protesters, arrested 600, and beat hundreds. Seven of nine presidential candidates were imprisoned. There are numerous reports that political prisoners are denied access to clergy, particularly in pre-trial detention.

The 2002 religion law bans unregistered religious activity. Article 193-1 of the Criminal Code punishes unregistered religious activity with penalties ranging from a fine to imprisonment of up to two years. However, in recent years individuals engaged in unregistered activity have been fined under the administrative code, not the criminal code. The government often denies registration, typically without stating reasons, to some religious groups, particularly Protestants and Jehovah's Witnesses. Reportedly, a secret 2008 government ruling denied registration to 12 groups officially deemed "destructive sects," including Ahmadis.

The 2002 religion law gave privileged status to the Belarusian Orthodox Church (BOC) by recognizing its "definitive role" in Belarusian traditions. It also identifies Catholicism, Judaism, Islam, and Evangelical Lutheranism as "traditional faiths," without mentioning the Old Believer and Calvinist churches, both of which have been in Belarus for hundreds of years. In June 2003, the government and the BOC signed a concordat setting out cooperation on education, development, cultural preservation, security, and a joint struggle against the public danger of "pseudo-religious structures." The government often denies registration to other Orthodox churches.

Even the activities of registered religious groups are restricted, with violations subject to penalties under administrative laws. Religious groups are not allowed to function outside of their geographic area of registration, and official permission is required for private worship services, which is usually denied. The government severely restricts and censors religious literature. Registered groups are limited in their rights to own or use property for religious purposes, and requests from Protestant churches and other "new" religious communities for property registration are often rejected. Religious organizations do not have legal priority in reclaiming property confiscated during Soviet rule if their buildings are now used for cultural or sports activities. Only nine of 92 synagogues have been returned to Jewish communities since



1991, and few historic Lutheran and Calvinist churches have been returned. Foreign religious workers must state in their visa application that they plan to participate in religious activities in Belarus or face reprimands or expulsion, and Belarusian authorities often unduly question foreign religious workers, humanitarian workers, and citizens on their funding sources.

### **Religious Freedom Conditions**

***Abuses against Unregistered Religious Groups:*** Authorities raid, harass, and interfere with unregistered religious communities, including through court-ordered fines. In late 2011, police raided the worship meetings of three Jehovah’s Witness communities that have been denied state registration due to disputes over their legal addresses. Council of Churches Baptist congregations, which refuse to register for doctrinal reasons, have long been targeted; in September 2011, Pastor Aleksei Abramovich, of a Minsk region congregation, was fined several weeks’ average local wages.

***Abuses against Registered Religious Groups:*** Police raided a Protestant discussion group in Minsk on February 8, 2012 and for several hours detained 34 members of registered Protestant churches who were at the meeting. In January 2012, the pastor of a registered Pentecostal church in a Brest region village was threatened with court action and loss of registration for holding a service outside its legal address without prior official permission. Three Pentecostal pastors faced problems in January 2012 for leading religious worship regarded by officials as illegal; at least two of them received verbal official warnings. The Minsk-based New Life Pentecostal Church continues to refuse to pay a fine of the equivalent of US \$ 81,745 for alleged “environmental damage” imposed in July 2010.

***Restrictions on Religious Literature:*** Religious materials may be published only by religious organizations with 10 registered communities, including at least one community dating back to the Soviet period in 1982, when policies on religion were even more restrictive. The government has sweeping powers to regulate on-line content and usage, requires registration of internationally-hosted Web sites, and maintains an official list of local and international sites it deems offensive.

***Anti-Semitism:*** Government officials, including President Lukashenko and the state media have made anti-Semitic remarks. Further, the government has not investigated, identified, or punished those responsible for vandalism against Jewish memorials, cemeteries, or other property.

***Challenges to the Religion Law:*** In 2008, human rights defenders were harassed after organizing the largest non-party political petition in Belarusian history calling for reform of the religion law. The petition garnered 50,000 signatures and was sent to Parliament, the Presidential Administration and the Constitutional Court, but was rejected. In early 2012, activists seeking religion law reform and an end to the ban on unregistered religious, political and social activity stepped up their campaign, writing to 10 state agencies, including both chambers of Parliament, the Presidential Administration and the Justice Ministry, and launching an Internet petition.

### **Recommendations for U.S. Policy**

In October 2004, President Bush signed into law the Belarus Democracy Act (BDA) which was reauthorized in 2007 and 2011. The United States imposed sanctions on Belarus in 2006, and expanded them in 2007 and 2008, targeting government entities and officials responsible for human rights abuses. In response, Belarus asked that the U.S. ambassador be withdrawn in March 2008; currently, neither country maintains an ambassador in the other country. U.S.-Belarusian relations were further strained by repressions after the December 2010 presidential elections. In light of the religious freedom concerns in the country, the U.S. government should:

- urge Belarus to repeal the restrictive 2002 religious law; end the practice of denying registration to non-violent religious groups; grant the right to conduct religious education and distribute religious materials; and ensure that no religious community is given a privileged status that results in discrimination against others;
- use public and private diplomacy to advance the protection of religious freedom in Belarus, including enhanced monitoring and public reporting by the U.S. Department of State, the Special Envoy on Anti-Semitism, and Ambassador-at-Large for International Religious Freedom;
- coordinate with the EU on the imposition of financial sanctions and visa bans on high-ranking Belarusian officials, particularly those responsible for human rights abuses, and work with international partners to reinstate the position of UN Special Rapporteur on the Situation of Human Rights in Belarus; and
- ensure that activities to promote democracy authorized by the Belarus Democracy Reauthorization Act, and Belarus civil society programs of the National Endowment for Democracy, include the right to freedom of religion or belief and promotion of religious tolerance.

## The Russian Federation

Religious freedom conditions in Russia continue to deteriorate. The government increasingly used its anti-extremism law against peaceful religious groups and individuals, particularly Jehovah's Witnesses and Muslim readers of the works of Turkish theologian Said Nursi. National and local officials also apply other laws to harass Muslims and groups they view as non-traditional or alien. These actions, along with rising xenophobia and intolerance, including anti-Semitism, are linked to violent or lethal hate crimes. Despite increased prosecutions in Moscow, the Russian government has not addressed these issues consistently or effectively, leading to significant problems of impunity in many regions. Based on these concerns, USCIRF again places Russia on its Watch List in 2012. The Commission has reported on Russia every year since 1999, and first placed Russia on its Watch List in 2009.

### Background

The Russian government uses the country's extremism law to sanction religious individuals and groups and other activists who are viewed, often unjustifiably, as security threats. Russia's 2002 Extremism Law defines extremist activity in a religious context as "propaganda of the exclusivity, superiority or inferiority of citizens according to their attitude toward religion," and after 2007 amendments, no longer requires the threat or the use of violence.

If a Russian court ruling of a text as extremist is upheld, it is banned throughout Russia. Individuals who prepare, store, or distribute banned texts may be criminally prosecuted for "incitement of ethnic, racial or religious hatred," with penalties ranging from a fine to five years in prison. In December 2011, the criminal code was amended to add prison terms starting in 2013 of up to three years for organizing or participating in a banned group. As of February 2012, 1081 titles were banned as extremist. Islamic materials constitute most of the banned religious texts, including Russian translations of 15 texts by Muslim theologian Said Nursi. As of 2012, 68 Jehovah's Witnesses texts were deemed extremist. A positive decision on a Scientology religious text is on appeal; two bans were overturned, as was a ban on the *Bhagavad Gita-As It Is*.

Other laws place onerous requirements on religious communities. Russia's 1997 Law on Freedom of Conscience defines three categories of religious communities with varying legal status and privileges. Ministry of Justice officials reportedly require more registration data from Protestant churches and new religious organizations. Officials can bring court cases which may result in banning religious communities found to have violated Russian law. Russia's 2006 NGO law, which also applies to religious groups, empowers the Ministry of Justice to examine documents on foreign donations and data on executive boards and other internal matters of religious bodies.

Despite Russian constitutional provisions for a secular state with equal legal status for all religions, the preface to the 1997 religion law refers to Islam, Judaism, Buddhism, and especially Orthodox Christianity as "traditional" faiths. As of the start of the 2012 school year, public school children must choose between courses on Orthodox Christianity, Islam, Judaism, or Buddhism; world religion; or secular ethics. Atheists and agnostics have objected to these compulsory courses, other groups view them as divisive, and some minority communities have

expressed concern about biased teachers and textbooks. Russian officials and police make negative references to Protestants, Hare Krishnas, and Jehovah's Witnesses, adding to an intolerant climate that has led to discrimination, vandalism, and violent hate crimes against religious and other minorities.

The human rights crisis reflects the Russian government's increasingly authoritarian tilt and the growing influence of violent extremist groups. Russian journalists, lawyers, and human rights defenders have been killed and attacked, with the perpetrators usually acting with impunity. Human rights violations, including in regard to religious freedom, persist in Chechnya and other areas of the north Caucasus. Widespread popular protests starting in late 2011 over contested results of parliamentary elections may lead to human rights reforms, but it is too soon to predict the eventual outcome.

### **Religious Freedom Conditions**

***Application of the Extremism Law:*** In the past several years, extremism charges frequently have been brought against Jehovah's Witnesses and Nursi readers. According to Forum 18, internal Russian government documents indicate high-level coordination and close police surveillance against Jehovah's Witnesses and Nursi readers.

In 2007, a Russian court banned Nursi's work as extremist, allegedly for advocating the exclusivity of the Islamic religious faith. In 2008, the Russian Supreme Court deemed Nursi's followers an extremist group, although experts doubt that they are a formal group. Suspected Nursi groups have been raided and those suspected of reading Nursi's works have been charged and sentenced for extremism. In October 2011, three of six Nursi readers convicted on extremism charges in Nizhny Novgorod received prison terms, including one year for Elshan Gasanov. Nursi reader Asylzhan Kelmukhambetov was freed in January 2012 after being jailed for seven months in Orenburg, but still faces extremism charges.

In 2008, the Russian Supreme Court liquidated the Jehovah's Witness congregation in Taganrog, partly due to a court designation of its texts as extremist. As of early 2012, raids, detentions, and literature seizures continued against Jehovah's Witnesses. In addition, charges of "incitement of hatred or enmity" for distributing Jehovah's Witnesses literature have been brought against Maksim Kalinin in the Republic of Mari-El, Andrei and Lyutsiya Raitin in Chita, and Elena Grigoreva in Akhtubinsk.

Russian officials have equated the practice of Islam outside of government-approved structures with extremism and even terrorism. In the North Caucasus and other areas of Russia, Muslims viewed as "overly observant" reportedly have been arrested, disappeared, or even killed for alleged religious extremism. Some suspects allegedly linked to Muslim extremist groups were jailed reportedly due to planted evidence and later tortured in detention, prisons, and camps.

***Legal Status Issues:*** Local authorities continue to delay or refuse to register some religious groups. The Salvation Army was re-registered in Moscow in 2009 in the first Russian remedial action in response to a European Court of Human Rights (ECtHR) ruling, but the Jehovah's Witnesses were not re-registered in 2010 after a similar ruling. Despite a 2009 ECtHR finding

that the 15-year existence rule for registration violated the European Convention on Human Rights, the Church of Scientology is still denied registration, and the rule was cited in a 2010 refusal to register an Armenian Catholic parish in Moscow.

**Status of Places of Worship:** By 2012, federal, regional, and municipal authorities must return property claimed by a religious community with a supporting court decision, either for rent-free use or full ownership of worship buildings, hospitals, or schools. Russian officials turned over Catholic and Protestant churches to the Russian Orthodox Church in Kaliningrad. Building or renting worship space is difficult for Jehovah's Witnesses, Mormons, Pentecostals, non-Moscow Patriarchate Orthodox, Molokans, and Old Believers. Muslims also face hurdles in gaining permits to open mosques, particularly in Moscow. The 2014 Olympic Games site, Sochi, has 20,000 Muslims, but its mayor refuses to allow an official mosque. The ECtHR is considering an Astrakhan mosque case on a Russian court order to demolish its building.

**Violent Hate Crimes against Persons and Property:** Chauvinist groups have stepped up their campaign, including death threats, against individuals, groups, and officials that defend the rights of religious and ethnic minorities and migrants. While the Russian police, particularly in Moscow, have offered some assistance to victims, these efforts are inconsistent and often ineffective. Local authorities often fail to investigate hate crimes against members of ethnic and religious minorities, leading to the problem of impunity for "skinhead" racist groups' attacks on mainly Muslim Central Asians and Jews.

**Chechnya:** The Kremlin-appointed president, Ramzan Kadyrov, condones or oversees mass violations of human rights, including religious freedom. Kadyrov is accused of involvement in murders, torture and disappearances of political opponents and human rights activists in Russia and abroad. He has distorted Chechen Sufi traditions to justify his rule, instituted a repressive state based on his religious views, and ordered the wearing of the *hijab*. Nine women were killed for "immodest behavior" since 2008; Kadyrov has appeared on television to praise these murders and the killers have not stood trial.

### **Recommendations for U.S. Policy**

In response to continuing violations of religious freedom in Russia, the U.S. government should:

- pass into law the Sergei Magnitsky Rule of Law Accountability Act of 2011 (S. 1039, hereafter referred to as the Magnitsky bill) to impose U.S. visa bans and bank asset freezes against specified Russian officials, including Chechen President Ramzan Kadyrov, for alleged human rights and religious freedom violations;
- after the Magnitsky bill becomes law, lift the trade sanctions against Russia included in the 1974 Jackson-Vanik Amendment linking trade relations with restrictions on freedom of emigration, as has been done for seven of the 15 non-market economies initially cited in the Jackson-Vanik Amendment;
- recommend Chechen President Ramzan Kadyrov and other relevant Russian officials named in the Magnitsky bill for inclusion in the Politically Exposed Persons list of government

officials whose bank assets should be frozen due to their corrupt practices and gross human rights violations;

- make freedom of religion or belief a key human rights and security concern in the U.S.-Russia relationship and press Russia to reform its extremism law to add criteria related to advocacy or use of violence and ensure the law is not used against peaceful religious communities;
- implement the Smith Amendment included in the FY 2010 Consolidated Appropriations Act to prohibit U.S. financial assistance to the Russian Federation government due to its official policies on non-violent religious groups, especially the Extremism Law;
- include in U.S.-funded exchange programs participants from Russian regions with sizeable Muslim and other religious minority populations and initiate an International Visitor's Program for Russian officials on the prevention and prosecution of hate crimes; and
- institute a visa ban and freeze the bank assets of Chechen President Ramzan Kadyrov due to his continued gross human rights violations and alleged links to politically-motivated killings, and urge European partners to do the same.

## OTHER COUNTRIES AND ISSUES

### Countries Closely Monitored

In recent years, USCIRF has closely monitored countries not on either the CPC list or Watch List, such as Kazakhstan and Bangladesh.

#### *Kazakhstan*

Conditions for religious freedom declined sharply in Kazakhstan during the reporting period. In October 2011, President Nazarbaev signed two new laws regarding freedom of religion or belief. The laws garnered strong criticism from the Organization for Security and Cooperation in Europe (OSCE), which Kazakhstan chaired in 2010, as well as from domestic civil society and religious communities. The restrictive new religion law establishes a complex four-tiered registration system, bans unregistered religious activity, imposes compulsory religious censorship, and requires both central and local government approval to build or open new places of worship. All registered religious organizations must re-register under strict new criteria or face liquidation by the courts. While registered religious organizations may teach their faith to their own members, only regional and national registered religious organizations can train clergy in officially-approved institutions. Despite official pressure on religious groups to stop activity immediately until they re-register by October 25, 2011, which was four months ago, re-registration regulations have not been adopted. In early 2012, 579 small religious groups (with less than 50 adult citizen members) were stripped of registration. In February 2012, in the first known use of expanded penalties, a leader of an unregistered Baptist community in eastern Kazakhstan was fined a year and a half's average local wages (equivalent to U.S. \$ 3,273).

Even before the new Kazakh religion law came into effect, police acted against disfavored religious groups. In October 2011, police raided a worship meeting of a registered Protestant church in Atyrau, due to a new legal requirement restricting activity to its legal address. Also in October, authorities detained Jehovah's Witnesses in Almaty because the new religion law bans public missionary activity. In November 2011, Kazakh officials closed mosques, churches, and Muslim and Russian Orthodox prayer rooms in prisons and social care institutions, due to a new ban on religious activity in state institutions. Registered religious community branches affiliated with Central Grace Presbyterian Church in Karaganda and the Seventh-day Adventist Church in Astana were officially warned to halt activity and return registration certificates. The head of Kazakhstan's registered Baptist Union told Forum 18 that their small communities across the country had received similar warnings. The Church of Scientology reported two members were found guilty for unregistered religious activity and police raided church properties. Kazakhstan's Agency of Religious Affairs actively supports "anti-sect centers," which promote intolerance against disfavored religious communities.

The regional Agency for Religious Affairs instructed the independent but registered Abai District Mosque in the Karaganda region to re-register by February 14 or it would close the mosque, but it is unknown if any action has been taken. The government-sponsored Muslim Board issued a *fatwa* declaring Almaty's small Ahmadi community "infidels," which state-controlled media

promoted. The Ahmadi mosque in Almaty and the Grace Presbyterian Church near Turkestan are both facing challenges from local prosecutor's offices as to whether they can be used as places of worship. Kazakhstan's leading human rights activist, Evgeny Zhovtis, was released from a labor colony on February 17, 2012 after serving more than half of his four-year sentence for involuntary vehicular manslaughter. His case was widely viewed by human rights advocates as having been manipulated to prevent him from vocal human rights activity during Kazakhstan's OSCE chairmanship in 2010.



## **Other National and Regional Issues**

### *Western Europe*

USCIRF has also observed a growing trend of increasing limitations on certain forms of Muslim religious dress in Western Europe. In 2011, laws banning full-face veils in public came into force in France and Belgium, and in late September the first two fines were imposed under the French law. The French law follows legislation enacted in 2004 that bans the wearing of “conspicuous” religious symbols in French public schools, which includes the *hijab*. In August 2011, an Italian parliamentary commission approved a draft law that would ban such veils anywhere in public, and in September the Swiss parliament’s lower house passed a bill that would ban face-covering veils on public transport and in public buildings. In January 2012, the Cabinet of the Netherlands affirmed an earlier decision that would ban such veils later in the year on public transport, in public buildings, and on the streets.

International standards guarantee every individual the freedom to manifest peacefully his or her religious beliefs in public as well as in private, which includes the freedom to wear clothing that the individual believes is mandated by his or her religion. International standards state that freedom of religion and expression must be respected, which also ensures a lack of coercion for those choosing not to wear headscarves or other religious dress. Despite real challenges of integration, it is regrettable that governments that otherwise value and protect human rights and women’s rights are limiting access to education and individual religious expression through dress.

### **Freedom of Religion in U.S. Policy**

It is the policy of the United States to encourage respect for human rights and freedom of thought, conscience, and religion or belief around the world. While carrying out this policy, the United States is also engaging in conflicts against actors motivated by violent religious extremism. In this context, IRFA provides the United States with unique capabilities to address pressing foreign policy challenges. Promoting religious freedom is crucial, given that many egregious limitations on freedom of religious practice not only constitute human rights abuses but also can impact national security.

The national security implications of religious freedom violations are clear. In many regions of the world, including South and Central Asia, the Caucasus, the Middle East, and Africa, issues of freedom of religion or belief are explicit or implicit factors in civil strife and violent extremism. The U.S. commitment in Afghanistan until at least 2014 is forcing the United States to partner with countries with poor human rights records to ensure the Northern Distribution Network (NDN) supply route for U.S. and international forces. For instance, Uzbekistan and Tajikistan both play vital roles in NDN and have very poor religious freedom records, including applying overbroad “extremism laws” against religious individuals and groups that have been accused but not been proven to be connected to violent acts (see Tajikistan and Uzbekistan chapters). Human rights organizations have expressed concern that the U.S. government will downplay these governments’ chronic and severe human rights and religious freedom abuses as U.S. reliance on NDN countries increases. Moreover, the scale and scope of human rights abuses could

destabilize those countries in the NDN network, as well as in South and Central Asia more broadly, and thereby jeopardize U.S. foreign policy goals beyond the short-term need for alternative supply routes.

The human rights and religious freedom records of other key NDN participants, including Russia, Kazakhstan, Azerbaijan, and Kyrgyzstan, are also of concern. (Regarding Russia, see the 2012 Watch List chapter; regarding Kazakhstan, see the discussion under Countries Closely Monitored, above.) In Azerbaijan, the non-violent practice of religion is now illegal, and producing or distributing religious literature can result in up to five years in prison. Registration applications for hundreds of religious communities have not been processed, leaving them vulnerable to police action. Since 2008, the government of Azerbaijan has closed several Sunni and Shia mosques, deemed it a crime for individuals who have studied abroad to lead Islamic prayers, and banned the wearing of headscarves in public elementary and secondary schools. Recent legal changes in Kyrgyzstan also threaten religious freedoms: the 2009 Kyrgyz religion law requires that the state examine all imported religious materials, bans distribution of religious materials outside officially-sanctioned locations, and bans children from activity in religious organizations. Hundreds of mosques, Protestant churches, and Jehovah's Witness, Ahmadi, and Hare Krishna communities have not been registered, making them also vulnerable to police raids.

Away from South and Central Asia, the United States is supporting the African Union to defeat the U.S.-designated terrorist organization al-Shabaab in Somalia. Al-Shabaab is known for brutally enforcing its extremist interpretation of Islamic law, applying hudood punishments, executing those it deems "enemies of Islam," killing Christian converts, attacking Sufis and their shrines, and indiscriminately bombing Somali citizens. Regionally, al-Shabaab is responsible for attacks in Kenya and Uganda, and in February 2012, it formally merged with al-Qaeda. To defeat al-Shabaab and stop the spread of violent religious extremism in the Horn and East Africa, the conditions which allowed for al-Shabaab to gain control of central and southern Somalia must be addressed, including poor governance and rule of law, inequality, and violations of human rights and religious freedom.

Within the complex context in these and other nations, American policymakers, and U.S. policy itself, would benefit from better information about the concept and conditions of religious freedom, as well as the role of the various religions in these and other countries.

## **International Organizations**

### *United Nations*

Continued strong U.S. support for religious freedom, and the related right of freedom of expression, in multilateral institutions is also critical. Internationally, over the past decade, the Organization of Islamic Cooperation (OIC) sponsored annual resolutions focused on "combating defamation of religions" in the UN General Assembly and UN Human Rights Council. These sought – in violation of the individual rights to freedom of religion and expression – to establish a global blasphemy law. Years of effort by USCIRF, the State Department, members of Congress, and NGOs helped bring about a marked decrease in the support for these flawed

resolutions between 2008 and 2010. As a result, in 2011 both UN bodies instead adopted consensus resolutions on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief.” The new resolutions properly focus on protecting individuals from discrimination or violence, instead of protecting religions from criticism; protect the adherents of all religions or beliefs, instead of privileging one religion; and do not call for legal restrictions on peaceful expression, but rather for positive measures, such as education and outreach. In fact, the new resolutions call for criminalization only in the case of incitement to imminent violence, which is the U.S. First Amendment standard.

USCIRF welcomes this new approach, and commends the efforts that led to these new formulations. Nonetheless, USCIRF remains concerned that the OIC has not abandoned its global anti-blasphemy efforts. OIC member states continue to have and enforce repressive domestic blasphemy laws that result in gross human rights abuses, and the OIC continues to refer publicly to the defamation concept, including in statements regarding the “Istanbul Process,” a series of international meetings launched in 2011 to discuss the implementation of the new resolutions. As part of this effort, in mid-December, the State Department convened in Washington, DC, the first Istanbul Process meeting, bringing together law enforcement experts and practitioners from approximately 30 countries and international organizations, to focus on implementation of two areas of the resolution: 1) promoting effective government strategies to engage members of religious minorities and training government officials on religious and cultural awareness; and 2) enforcing laws that prevent discrimination on the basis of religion or belief. Commissioners were invited to the open sessions and staff observed the entire meeting.

The United States and other UN member states that support universal human rights must remain vigilant, including in the Istanbul Process, lest certain countries that led the initial “defamation” initiative continue their efforts to erode the new resolutions’ language or to expand existing international incitement norms – which comprise only narrow exceptions to the freedom of expression – to include speech “defaming” religions. Not only would such efforts undermine universal rights, they would exacerbate religious intolerance, discrimination, and violence, the very problems that the OIC claims that it is trying to address.

#### *Organization for Security and Cooperation in Europe*

The Organization for Security and Cooperation in Europe (OSCE), comprised of 56 participating States from Europe, the former Soviet Union, the United States, and Canada, continues to be an important forum for holding its member countries to extensive international standards on freedom of religion or belief and to combat discrimination, xenophobia, intolerance, and anti-Semitism. In recent years, however, some participating States, led by Russia, have sought to curtail or derail the organization’s focus on human rights activities. In light of this, USCIRF continues to urge the United States to protect and revitalize the OSCE’s human rights and religious freedom activities.

The OSCE recently announced efforts to reform its Advisory Panel of Experts on Freedom of Religion or Belief, a consultative resource for OSCE governments that can provide expert opinions on proposed or enacted legislation. This Panel is composed of 60 persons nominated by

OSCE countries, including a 15-member Advisory Council appointed by the Director of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR). Under the proposed reforms, the Panel will become similar to other ODIHR advisory bodies, with 12 experts selected on the basis of expertise and representing an equitable geographical distribution of the OSCE region and gender balance. USCIRF recommends the U.S. government closely monitor this restructuring plan (formally announced after the end of the reporting period), and encourage the OSCE to utilize the Advisory Panel more effectively, for example by enhancing the transparency of its activities and funding it to provide training seminars for OSCE missions and Mediterranean partner states about OSCE commitments on freedom of religion or belief.