

## Human Rights Situation in Uzbekistan

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### **ABSTRACT:**

An in-depth study has been made to find out the reasons responsible for grass violation of human rights in Uzbekistan at the hands of official administration. Given the Islamic temper of the region, an analysis of Islamic perspective of human rights in Uzbekistan has been dealt with and surveyed out methodologically. Although all the Central Asian republics including Uzbekistan have their own constitution, which outlines a parliamentary system with guarantees for basic human rights and political and economic freedom, the respective governments maintained strict control over the country's institutions and population.

**Key words:** Human Rights, Uzbekistan, Political Freedom, Economic freedom, parliamentary system.

### **Introduction:**

Uzbekistan is situated in the middle of Central Asian region, thus occupies a special place in Central Asia. It is bordered by Kazakhstan on the North and West, Turkmenistan on the South-West, Afghanistan on the South, and Tajikistan and Kyrgyzstan in the East. The topography of Uzbekistan is highly diverse. Like other Central Asian Countries, Uzbekistan has a dry climate with little rainfall - hot summers and cool winters. Its mineral resources include oil, natural gas, coal, copper, and gold. Uzbekistan is the most populous country among the Central Asian states. Estimated population was 25.10 million in 2001.<sup>1</sup> Uzbeks are the largest Turkic –speaking group after the Turks themselves; apart from their own republic, they also live in Kyrgyzstan, Tajikistan, Turkmenistan, and Afghanistan, Uzbeks are *Sunni* Muslims. And In Uzbekistan, the ethnic Uzbeks account for 69 percent of the population. Russians represent about 11 percent, and other nationalities include Ukrainians, Koreans, Armenians, Kazakhs, Tajiks and Kara-Kalpak, who have autonomous region.<sup>2</sup> Uzbekistan has a rich and long history, and Uzbeks lived in the Central Asian region for many hundreds of years.

The history of Uzbekistan covers more than 2.5 millennia. During this period, various ancient states rose and fell in Central Asia such as, Bacteria, Khorezm, Sogdiana and Parthia. However, the regions fortunes changed for being the located at the vicinity of great silk route. During the transition Zoroastrianism, Buddhism, and Christianity were the dominant religions of the region, till 7th Century CE. Islam however, became wide spread in the territory of modern Uzbekistan in the 8th century, and since then it has been the dominant religion of both nomadic and settled peoples of Central Asia. In the seventh century CE, Arabs conquered Central Asia under the leadership of Qutaybah ibn Muslim (d.715), and then conquered region became the part of the great Islamic

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Caliphate.<sup>3</sup> Qutaybah gave a new Philip to the comprehension and understanding of Islamic values through the construction of Mosques, establishment of *Madrasas*, libraries, seminaries and reputed Islamic institutions. Islamic heritage as such, reached climax in Uzbekistan as compare to other parts of the Central Asia. Even the area was generally known to Arabs as 'Mawar-un-Nahar', Central Asia and Uzbekistan are the later names given to the region. Since then, the Uzbekistan became a leading centre of scientific and intellectual developments. With the establishment of reputed centres of Islamic heritage at Bukhara, Smarkand, and Khiva which resulted in the development and codification of both Islamic sciences and technology. Scholars like, Al-khorezmi, Al-burani, Ibn Sina, Imam Bukhari, Imam Muslim, Niss'ai, Tabari, became the torch bearers of scientific accomplishments. Coupled with this the above mentioned states were also leading centres of scientific exploration.<sup>4</sup>

Scientific advances of Muslim scholars of Uzbekistan, however did not last long given the annexation of Central Asia to Russia in 18<sup>th</sup> Century. During the Czarist rule, Muslims in Central Asia underwent unprecedented persecution; mosques were destroyed and turned into warehouses and official stores. Scores of *Mullahs* were liquidated and imprisoned. Muslims were subjected to all sorts of discrimination. Islam was considered a mortal enemy because of strong resistance involving several rebellions inspired and led by Muslim religious leaders.<sup>5</sup>

Stalin, the Secretary General of the Soviet Union from 1924 to 1953,<sup>6</sup> strictly controlled Islam and regulated Islamic practice through state laws and regulations which included invalidating Muslim law, abolishing *Sharh* courts, confiscating *waqfs* and closing *maktabs* and *Madrasas* (schools).<sup>7</sup> Many mosques were closed and the Islamic clergy persecuted. Soviet officials confiscated religious property and either placed *mullahs* under strict government control or forced them out of their religious positions. After early concessions to the Muslims to win support for the Soviet Union, the Soviet government viewed Islam as a political and ideological threat and set out to destroy it; *Mullah's* as Islamic teachers were considered a primary threat to the Russian and the Soviet State. Given the harsh treatment meted out to the Muslim population of the region, human rights violations became the order of the day. Muslims were subjected to all sorts of harassments and religious subjugation.<sup>8</sup> However, in 1985, when Gorbachev came to power he set out to transform Soviet society through his policies of *perestroika* (radical economic destructing and reform), and *glasnost* (openness). Though intend to remedy socio-economic and political ills in the country, Gorbachev's *glasnost* became an official vehicle for the expression of ethnic, linguistic, cultural environmental and religious grievances that had not been addressed openly in the recent decades, as a result, independent Islamic observance emerged, and the question of religious freedom in Uzbekistan was boldly flagged.<sup>9</sup>

Subsequently, with the disintegration of the Soviet Union, Uzbekistan announced its independence from USSR in 1991. After the collapse of the USSR, the Central Asian States for the first time in their history faced a challenge and possibility of determining their own independent national policies. The collapse

of communism left many segments of society without any particular direction. This created an opportunity for the old nomenclature system of the communist trained and conformist minded people to remain in power. The understanding of the ruling elite that the implementation of a new system would require new methods of government, made them realize that if such new system would come to exist, the need for their presence in power will disappear. Therefore, the personified regime of President, Islam Karimov and others were quick to link the future of their people and their newly independent states with their personalities. As such, the mythical hopes of free elections and if difficult, but at least a future without repression, soon vanished under the exercise of state repression by the regime of President Karimov. Although all the central Asian republics including Uzbekistan have their own constitution, which outlines a parliamentary system with guarantees for basic Human Rights and political and economic freedom, the respective governments maintained strict control over the country's institutions and population. The governments have continued to justify their crackdown on any opposition as an effort to ensure stability and progress.<sup>10</sup> Because the Central Asian states that emerged from the break-up of the USSR have been ruled in a definitely authoritarian manner from the very beginning. Their leaders reinforced their positions by eliminating political opposition. Beatings, harassment, jailing, torture and persecution have virtually eliminated public protests in Central Asia in general and Uzbekistan in particular.

Despite the end of communist era the Uzbek government has made little progress in moving away from the Soviet Style repression of human rights, especially religious freedom, despite largest and most devote Muslim population in the region.<sup>11</sup> Independent Uzbekistan's President Islam Karimov, upholds Islam as an ideological and political threat and warns that, "Islamic activist or fundamentalists are trying to destabilize his regime. Such people must be shot in the head. If necessary, I will shoot them myself".<sup>12</sup> In the backdrop of this, Karimov ordered a crackdown against un-official, independent Islamic worship and imposed state sponsored, or official Islamic observance. This suppression and subjugation of Independent Islamic adherence to the state violates the Uzbek constitution and International human rights standards, vis-à-vis Islamic norms of protecting religious freedom, including the right to practice one's religion, the right to religious education, and right to teach and lead religious worship without unauthorized state interference or involvement.<sup>13</sup> The Islamic leaders are often harassed by the police. Even, the government has expelled female University students who choose to wear traditional Islamic dress which is not encouraged by the state. Other violations of right to freedom of religion include the restriction on the distribution of Islamic religious materials, controlling the training, appointing, and electing of religious leaders, forcing the religious leaders to pass a political test as a pre-requisition for employment. The Uzbek government has increased its official restrictions against independent Islamic worship since 1996, and enacted laws, amendments and decrees of particular relevance. Under these provisions, the government began closing all mosques and Islamic primary and secondary schools, not registered. Thus failed to provide any legal justification,

for imposing this burden-some and arbitrary restrictions. In the words of Shireen Hunter a renowned Central Asian scholar, 'Secularism in Uzbekistan means subordination of religion to the state, rather than separation'.<sup>14</sup>

The Uzbek government's official distaste for Islam as an 'Ideological Rival' does not qualify as a legal restriction under article 18 (3) of the International Covenant on Civil and Political Rights.<sup>15</sup> And also, does not conform Islamic charter of human rights. Moreover, by arbitrarily closing Islamic religious schools,<sup>16</sup> without legal justification also does not conform to the authorized limitations set forth in article 18(3) and violates 18(4) of ICCPR.<sup>17</sup> The above, mentioned, human rights violations not only confront to the Islamic spectrum of human rights, and the other international standards of religious freedom established by the UDHR,<sup>18</sup> the ICCPR,<sup>19</sup> and the DRID,<sup>20</sup> but also disregard the Uzbek constitutional protections. As Article 31 of Uzbek constitution provisions explicitly guarantees freedom of religion,<sup>21</sup> and protects the right to manifest a religion.<sup>22</sup> The state illegitimately subjugates religion to the state apparatus in order to perceive one political goal of eliminating any potential Islamic political power and one personal goal of retaining power at all costs.

In preview of violation of the freedom of religion, gave birth to other human rights violations as well. Therefore, Uzbek Government had almost failed to protect human rights of its citizens. The government's poor human rights record worsened, particularly, after the events of September, 11th 2001, and when Uzbekistan became strategic partner of the United States in the region, the government continued to commit numerous serious abuses.<sup>23</sup> The violations, in addition to the freedom of religion can be summarized as under.

**i) Freedom of Political Participation:**

Uzbek's do not have the right to change their government as President Karimov was elected in 1991 in a rigged election. He has remained in power by using the police and army to repress all dissent. He has maintained the old repressive system of the former Soviet Union wherein, opposition parties are illegal, and hence there is no real democracy in Uzbekistan.<sup>24</sup> Citizens cannot exercise their right to change their government peacefully. The government has not permitted the existence of an opposition party since 1993. Election law's restricts the possibility of any real opposition parties arising or mounting a campaign. Minor changes enacted in August to the Presidential, parliamentary, and local election laws did not ensure that future elections would be free and fair. There were credible reports that security forces committed killings. Security forces mistreatment resulted in the deaths of several citizen's in custody. Police and NSS forces beat, tortured and harassed persons. The security forces arbitrarily arrested or detained human rights activist, pious Muslims, and other citizens on false charges, frequently planting narcotics, weapons or forbidden literature on them.<sup>25</sup> The country reports realized in 2002-2003 imply some of the toughest language, about any country, describing Uzbekistan as an authoritarian state with limited civil rights, elections that are neither free nor fair and despite constitutional guarantees with no separation of powers. As per the human rights record, the police and national security services in numerous serious human

rights abuses include the use of torture, harassments, and beating leading to several deaths in custody.<sup>26</sup> This is all being done by the Karimov to retain his authoritative regime. Notwithstanding this, Islam, however, recognized the right to protest against tyranny. Regarding this right *Qur'an* says, "God does not like evil talk in public unless it is someone who has been injured thereby".<sup>27</sup>

On the other hand the Prophet (*SAW*) regarded, "protest against a tyrant ruler to be the best form of *Jihad* (Holy War)".<sup>28</sup> Prophet (*SAW*) says,

"Whosoever see's evil with his eyes should stop it with his hands, if this is not possible then with the word of mouth, and if ever this is not possible (at least) hate it heartily; and this is the weakest state of faith".<sup>29</sup>

At the same time, Islam also recognizes the right to freedom of association and formation of organizations or parties. As is quite clear from this verse of Holy *Qur'an*, "Let there arise out of you a band of.... Dreadful penalty".<sup>30</sup>

It means that, populace are free to organize meetings and utilize all other ways of association. But, it should be exercised for propagation of virtue and righteousness and should never be used for spreading evil.

In the history of Islam, during the Caliphate of  $\text{ﷺ}$  *Alī* (RA), Kharijities used to abuse the Caliph openly and threatened him with murder. Whenever they were arrested for these offences  $\text{ﷺ}$  *Alī* would set them free and tell his officers;

"As long as they do not actually perpetrate offences against the state the mere use of abusive language or threat of the use of force are not such offences for which they can be imprisoned. The freedom which  $\text{ﷺ}$  *Alī* gave to the opposition has no parallel in human history. He did not arrest even those who threatened him with murder".<sup>31</sup>

It is evident, from these holy verses and sayings of prophet (*SAW*) mentioned above that, if an individual or a group of people or a party usurps power and after assuming the reins of authority begins to tyrannize individuals or groups of men or the entire population of the country then to raise the voice of protest against it openly is the God-given right of men and no one has the authority to usurp or deny the right.<sup>32</sup>

## **ii) Freedom of Speech:**

The government doesn't protect freedom of speech. Newspapers in Uzbekistan are under state control, and Journalists don't publish articles critical of the government.<sup>33</sup> Although, the constitution provides for "freedom of thought, Speech, and Convictions", the government continues to limit these rights severely. A 1991 law against "offending the honour and dignity of the President" limits the ability to criticize the President. Ordinary citizens remain afraid to express views critical of the President and the government in Public.<sup>34</sup> The country reports released in 2002-2003 also stated that government of Uzbekistan severely restricts freedom of speech and the press, and unsurprisingly, the overall judgment of the reports was that Uzbek governments 'human-rights' record remained very poor.<sup>35</sup> Freedom of the press was controlled by administrative measures. Such as the state control of paper supply and printing facilities, and by legislation like the 1993 law to 'protect state secrets'.<sup>36</sup>

Therefore, the local press, Radio and TV are subjected to Censorship. Russian News Papers are either unavailable or printed with gaps (instead of critical articles there are numerous advertises). Russian and foreign correspondents are refused accreditation.<sup>37</sup> This is all being done by the Karimov to retain his authoritative regime. As can be inferred from the Karimov's statements that local Journalist were 'toothless'<sup>38</sup> and remarked strongly that "the press and television carry no profound analysis or serious political, economic or international review, there is no debate... Many Journalists are still bound up in the old ways of thinking.... We must fundamentally alter our attitude to criticism in the press. The reaction should not take the form of administrative pressure on a journalist or editorial boards, as sometimes happen. On the contrary we must do everything to encourage that help us rid ourselves of our short comings... You should know that if there is criticism in the press and you (officials) come down on it the next day. Then you won't keep your job for long."<sup>39</sup>

On contrary, right to expression has been given an important place in the teachings of Islam. No man can be forbidden from expressing himself unless it is harmful or against the injection of the Islam or it causes corruption to the social or ideological welfare. Thus, Islam gives right of freedom of thought and expression to all human beings. This freedom of expression is not only granted when there is some tyranny against them. But the citizens of the Islamic state are free to have different opinions and express themselves regarding various issues. There are scores of instances which signify the freedom of thought and expression that prevailed in the ideal Islamic society under the leadership of the Prophet (*SAW*). This atmosphere of free expression of opinion without any fear continued after the demise of Prophet (*SAW*) as well. Caliph 'Umar (*R.A*) and *Abul Bakr* (*R.A*) invited people to criticism in their speeches everywhere and the people criticized them without hesitation.<sup>40</sup> The right of expression is not theoretical in Islam; it has practical application, as any other right. The freedom of expression in Islam gained great momentum, that personal opinion (*Ijtihad*) became one of the important sources of the Islamic Jurisprudence.

### **III) Criminal Justice and Rights of Prisoners:**

Along with other human rights abuses, the treatment meted out to prisoners is no less an exception. Prison conditions are bad, detentions prolonged, arrests often arbitrary, and there is no due process.<sup>41</sup> Conditions are worse for male than for female prisoners. Due to limited resources, prison overcrowding is also a problem. Human rights activists reported that the incarceration of 10 to 15 people in cells designed for 4 is common. Tuberculosis and hepatitis are widespread in the prisons, making even short periods of incarceration potentially deadly. Reportedly there is severe shortage of food and medicines during the period between arrest and trial. Defendants are almost kept in pretrial detention which even last as long as two years. Political and religious prisoner's often are not allowed to visitors or any other form of contact with family and friends. The government does not permit prison visits by human rights monitors, such as International Committee of the Red Cross. Police and NSS forces infringed on citizen's privacy, including the use of illegal searches and wiretaps. Those responsible for documented abuses rarely are punished.<sup>42</sup> The process by which law enforcement agents carryout the arrests, detention, and interrogation involve a series of violation of due process and other basic rights. Save for exceptional

cases, criminal suspects are kept in custody. Prior to trial. Uzbekistan's legal system doesn't allow for Habeas Corpus or judicial review of arrests.<sup>43</sup> Police and agents exploited this legal void by carrying out unsanctioned detentions, illegal searches, and planting or fabricating evidence to justify arrests, they also deny detainees the right to legal counsel, fail to notify their families of their detention, and then isolate them from their families.<sup>44</sup> Uzbekistan's government also puts some prisoners into labour campus<sup>45</sup> Police have consistently violated due process in conducting arrests and searches of accused. Therefore, contrary to the spirit of Uzbekistan's domestic law and the stipulations of the international law, police and security forces also harass and intimidate the subjects of searches and detentions. The raids themselves have often been conducted at night. Masked armed officers in dark clothes scale the walls of domestic courtyards and invade family homes, often in the presence of small children.<sup>46</sup> Most arrests are without warrant and searches are always unsanctioned. Many of those arrested particularly on religion related charges have been kept for days and even months in the basements of police station, where conditions were particularly harsh. They were held in comunicado, isolated from family visitors, legal counsel, fellow detainees, and any possible impartial police authorities.<sup>47</sup>

The government of Uzbekistan does not provide for redressal of grievances to independent Muslim's that are subjected to discriminatory arrest and conviction. High courts rarely remedied unjust verdicts against individuals on appeal. They did not conduct any systematic review of cases of independent persons to determine the legitimacy of the trend of convictions on religious grounds. Citizens who pursued justice or relief outside the framework of domestic law proved a dangerous business, as it brought retaliation from government authorities.<sup>48</sup> On contrary, under the Islamic system of judicial procedure, there are no 'secret trials' or proceedings in camera. All trials have to be in the open court, the accused is to be given hearing and chance of defense and no punishment or award can be given except on the basis of the proven facts. *Qur'an* describes, "And when ye judge between persons judge with justice".<sup>49</sup>

It is for the purpose of protecting the right to justice and fair trial to the widest possible extent.

#### **IV) Right to Religion or Consciousness:**

Having crushed all secular opposition to the authoritarian rule of President Karimov by the mid-1990, the state's attitude towards uncontrolled expression of religious beliefs, as a potential vehicle to carry critical social messages and civil discontents grew more hostile. Reacting to perceived political challenge from independent Islamic parties. The state passed a law in 1998 on religion that sharply restricted all forms of religious practice not regulated by the state, and forbade the wearing of "religious dress" in public.<sup>50</sup> Shortly after the passage of this law, dozens of female students who refused to abandon their veils were expelled from institutions of higher learning.<sup>51</sup> Currently, Women who choose to veil are subject to various forms of state harassment, including arrest and fines.<sup>52</sup> Ironically, as a justification for the states campaign against such actions, President Karimov has claimed that the Uzbek Islamic Opposition force outside the country aim to impose a Taliban- like regime on the country and force women to veil. On the other hand, Islam recognizes and ensures right to freedom of consciousness and conviction to all human beings.

Muslims can invite non-Muslims to Islam but they can't compel them to embrace Islam and can't enforce their faith on them. *Qur'an* says,

"Say (O Muhammad (*SAW*) to these Mushrikûn and Kâfirûn): O Al-Kâfirûn disbelievers in Allâh, in His Oneness, to you be your religion, and to me my religion (Islamic Monotheism)".<sup>53</sup>

No force will be applied in order to compel them to accept Islam. Whoever accepts it he does so by his own choice. Muslim ought to welcome such a convert to Islam with open arms and admit him to their community with equal rights and privileges. However, if some one doesn't accept Islam, Muslims will have to recognize and respect his decision, and no moral, social or political pressure will be put on him to change his mind.<sup>54</sup> Moreover, no Islamic government can ban propagation of any other religion on its territory. The followers of other religions are also entitled to construct their places of worship and Muslims cannot interfere with them.<sup>55</sup> Islam is very liberal and extends to them full freedom to observe their respective religions. Although, Islamic state is an ideological state. It classifies its citizens in the light of their adherence to the ideology of the state. The people are divided into two groups: that is Muslims (who believe in the ideology of the state) and non-Muslims (who do not believe in the ideology).<sup>56</sup> As such, along with the freedom of religion and freedom of consciousness Islam has given full protection to the non-Muslim citizens in an Islamic state.

#### **V) Right to Life:**

Right to life is the most important and sacred human right.<sup>57</sup> Though there is a constitutional guarantee in Uzbekistan to protect it,<sup>58</sup> very little is being done in this regard by the administration. The recent episode in Andijan in May, 2005 is the live example of disregard of this right displayed by Uzbek government. Where hundreds of people were killed in indiscriminate firing by government forces. In, June, 2005, the Human Rights Watch released a report, based on eyewitness accounts, which demonstrated that government forces fired indiscriminately on peaceful and unarmed protestors, who had gathered in Andijan's main square and they continued to shoot at those who tried to flee.<sup>59</sup> This brutal act was condemned throughout the globe and Human Rights Watch called on the European Union and the United States to impose an arms embargo on Uzbekistan as well as a visa ban on senior Uzbek government officials<sup>60</sup> to protect the very sacred right of right to life. The government's version of events differ significantly to those testimonies. It maintained that the security forces did not kill any civilians and that all these civilians who lost their lives were killed by armed 'terrorists'. The government has stated that 187 people were killed and that many of them "terrorists", although it has yet to publish the names of those who died. Some people had been unable to find out what happened to their missing relatives. According to unconfirmed reports, the bodies of people killed were removed from the city and secretly buried in unknown locations. President Karimov claimed that his government does not shoot at women and children. But according to the reports, he did not allow an independent international investigation. The ongoing parliamentary investigation is not a substitute for an international investigation-it is "toothless". Amnesty International's report revealed the length to which the government of Uzbekistan has



gone to prevent information that contradicts the official version of events from reaching the outside World. Thousands of people had been arbitrarily detained. Witnesses had been intimidated to prevent them from speaking about their experiences. Relevant records and documents had been destroyed. International organizations, Journalists and human rights defenders had been prevented from accessing the city. Access to websites that provides differing accounts of the event had been blocked within Uzbekistan. Local independent journalists, human rights defenders and members of the political opposition had been harassed and detained.<sup>61</sup> In addition to mass killings, the practices of custodial killings are increasing day today. One such case can be cited when a widow Mushraf Usmanova was detained and killed; she was accused of being a senior figure in the banned Islamic Party *Partiya Islamiyati Markazi*, while according to her lawyer that no incriminating material was found during a search of his house on the day of her arrest.<sup>62</sup>

According to tenets of Islam, Right to life is the most important and sacred human right. Therefore Islam has taken the responsibility to protect it. The human blood is impermissible, and nobody dares shed it. Life is venerated and guarded that no one is allowed to neither cut it short nor threaten it. *Qur'an* says,

... that if anyone killed a person not in retaliation of murder, or (and) to spread mischief in the land - it would be as if he killed all mankind, and if anyone saved a life, it would be as if he saved the life of all mankind...<sup>63</sup>

"Anyone who kills a believer deliberately will receive as his reward (a sentence) to live in Hell for ever. God will be angry with him and curse him, and prepare dreadful torment for him".<sup>64</sup>

Thus in any case, the destruction of human life has been regarded as a great sin and is considered endangering to the all mankind. The Prophet (*SAW*) declared "homicide only next to the polytheism", "the greatest sins are to associate something with God (Allah) and to kill human beings".<sup>65</sup>

#### **VI) Right to Peaceful Assembly and Association:**<sup>66</sup>

The Uzbek constitution grants to its citizens the right to peaceful assembly,<sup>67</sup> with a restriction the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. In practice the government, to a greater extent restricted the right to peaceful assembly.<sup>68</sup> In this regard, the first sign of Karimov's harsher policy appeared during January 16, 1992, in retaliation to the student's demonstration in Tashkent, organized with a view to express economic grievances. When the demonstrating students refused militia orders to disperse, shots were fired into the crowd, killing at least one student and seriously wounding others. The next day students gathered from early morning to protest militia actions. Eventually, the militia shot in to the air and used truncheons to force the students to disperse.<sup>69</sup> Another recent glaring example of this nature is the recent episode put forth by International human rights organizations, Amnesty International and Human Rights Watch exposed the human rights abuses perpetrated in Andizhan city of Uzbekistan on 12-13 May 2005. According to eyewitness testimony, security forces fired indiscriminately into crowds of thousands of peaceful demonstrators including

women and children gathered in the centre of Andizhan.<sup>70</sup> Obviously, incidents of such a nature are blatant violation of right to peaceful assembly. Although, Uzbek constitution provides for the right of freedom of association, but the government limits the exercise of this right by refusing to register opposition political parties and movements. A 1996 analysis by foreign legal observer concluded that, while the law on 'Political Parties' provides theoretical protection for minority parties and permits a wide range of fund raising, it also give the Ministry of Justice broad powers to interfere with parties and to withhold financial and legal support to those opposed to the government. There are no registered opposition parties. In the early 1990, the government repeatedly denied the attempt by the *Birlik* Movement and Erik Party (Freedom Party) to register. But harassment by security forces drove the leaders of these organizations into voluntary exile. These organizations repeatedly made no attempts to get registered during the year, because, their remaining adherents were afraid of government reprisals. The constitution and a 1991 amendment to the law on political parties ban parties of religious nature. Authorities cited these measures while denying registration to the Islamic Renaissance Party (IRP) in 1992. In the early 1990's, opposition activists announced formation of *Adolet-True Path Party*, but never perused formal registration claiming, that their members were afraid of government reprisals, The Law on Public Association as well as the Law on Political Parties prohibits registration of organizations whose purpose includes subverting or overthrowing the constitutional order, The process for government registration of NGO's and other public associations is also difficult and time consuming, with many opportunities for obstruction.<sup>71</sup> It is as such, obvious, that the government does not protect the right to assembly freely, and unauthorized demonstrations are prohibited. Those who protest publicly are likely to face police brutality and imprisonment.<sup>72</sup> Islam, however, recognizes the right to freedom of association and formation of organizations or parties. As is quite clear from this verse of Holly Qur'an, "Let there arise out of you a band of.... dreadful penalty".<sup>73</sup>

It means that, populace are free to organize meetings and utilize all other ways of association. But, it should be exercised for propagation of virtue and righteousness and should never be used for spreading evil.

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**Conclusion:**

To sum up, Uzbekistan is the key to Central Asian stability. It has the region's largest population and strong military, with a population that is nearly 90 percent Muslim.<sup>75</sup> Economically, the country has little to show for over a decade of independence; foreign direct investment is low, corruption is high, with nearly one-third of its population unemployed. On the top of it, the government led by former Communist Party Boss and now President Islam Karimov, has not lived up to its promises of reforms and in order to maintain his despotic rule, press freedom is almost non-existent. Torture is widespread. Freedom of religion is severely circumscribed. In spite of Uzbekistan being a nation of great promise and resources the government has taken only a few small steps forward towards respect for human rights.<sup>76</sup> Ironically, Uzbekistan's violation of the right to freedom of religion represents one of the most serious escalations of human rights abuses since the dissolution of the Soviet Union and threatens Uzbekistan's future as a stable nation ruled by law. The Uzbek government, however, justifies the crackdown against independent Islamic adherents as a necessary step on the pretext to stabilize the country which is moving ahead, as claimed by Uzbek leadership, towards its stated goals of a democratic state and a free market economy.

In preview of violation of the freedom of religion, gave birth to other human rights violations as well. Therefore, Uzbek Government had almost failed to protect human rights of its citizens. Despite the end of communist era, the Uzbek government has made little progress in moving away from the Soviet Style repression of human rights, especially religious freedom, despite largest and most devote Muslim population in the region. This suppression and subjugation of religious freedom along with other rights violates the Uzbek constitution and international human rights standards, vis-à-vis Islamic norms. The government's poor human rights record worsened, particularly, after the events of September, 11th 2001, and when Uzbekistan became strategic partner of the United States in the region, the government continued to commit numerous serious abuses.<sup>77</sup> In the words of Robert Cutler, a Central Asian Specialist, "There is hardly a family in Uzbekistan, in which a member has not been detained, questioned, arbitrarily imprisoned or beaten by internal security forces".<sup>78</sup> Since, it is believed that, regional elites are apparently convinced that pressure from western governments, particularly the United States, to respect human rights and to democratize is essentially rhetorical. They remain unimpressed by western and eastern academics, humanitarian organizations and government official who argue that greater political repression in the long run forces opposition into the Islamist camp and encourages Islamic radicalization.

Therefore, it is suggested that, in order to avoid future instability; Central Asian states need to re-examine their policies towards Islam and all repressive majors that are deter mental to the very existence of Islam. As Islam survived in Uzbekistan and elsewhere in Central Asia despite 150 years of Russian and Soviet efforts to eliminate it, governments that today hope to somehow contain Islam, should take a page from those earlier efforts.

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- <sup>5</sup> Ross, Masood Hussian, "Cultural Evolution of Islam in Central Asia, Impact on Society and politics", in N.N Vohra, (Ed.), *Culture, Society and Politics in Central Asia and India*, India International Centre, Delhi, 1999, pp.264-65.
- <sup>6</sup> Thompson, John M. *A Vision Unfulfilled: Russia and the Soviet Union in the Twentieth Century*, D. C. Heath, 1996, p.78.
- <sup>7</sup> Mott, Christopher S. *Understanding Uzbekistan: Your Guide to Effectiveness in Uzbekistan*, 44 ABA, Ltd. Spring 1994, p. 45.
- <sup>8</sup> Macload, Calum and Bradeley Mayhew. *Uzbekistan: The Golden Road to Samarkand*, Passport books, 1997, p. 25.
- <sup>9</sup> Hunter, Shireen, T. *Central Asia Since Independence*, Praeger, Westport, London, 1996, pp 22-23.
- <sup>10</sup> *Central Asia since Independence*, p. 35.
- <sup>11</sup> Olcott, Martha Brill. *Central Asia's New States: Independence, Foreign Policy, and Regional Security*. United States Institute of Peace Press, 1996, p. 117.
- <sup>12</sup> Republic of Uzbekistan Crackdown in the Ferghona Valley: Arbitrary Arrests and Religious Discrimination, *10 Human Rights Watch* 4, 3 (May 1998).
- <sup>13</sup> *Human Rights Watch*, p 3.
- <sup>14</sup> *Central Asia Since Independence*, p 60.
- <sup>15</sup> United States Department of State, Uzbekistan Country Report on Human Rights Practices for 1997, *Bureau of Democracy, Human Rights, and Labour*, 30 Jan. 1998. According to the Holy Qur'an, the human being is the most exalted of all creatures, and is therefore especially valuable irrespective of his or her religion. Endowed with reason and the desire for freedom, the human being is the vicegerent of Allah on earth which is human's natural right moment of birth. Ahmad Arsalan, "Islam and Human Rights", *Journal of Liberal Dusanca*, Volume. 37, 1997, p 42.
- <sup>16</sup> Republic of Uzbekistan Crackdown in the Farghana valley ; Arbitrary arrest and Religious Discrimination, *10.Human Rights Watch*, 4 May, 1998, p 22 ; *International Helsinki Federation for Human Rights (IHFHR)*, Annual Report 1998, 3 October 1998.
- <sup>17</sup> *International Covenant on Civil and Political Rights (ICCPR)*. 16 December.1966, Article 18(3).
- <sup>18</sup> *Universal Declaration of Human Rights (UDHR)*, was adopted by the United Nations General Assembly on December 10, 1948.
- <sup>19</sup> *International Covenant on Civil and Political Rights (ICCPR)*, 16 December, 1966.
- <sup>20</sup> *Declaration on the Elimination of All Forms of Intolerance and of Discrimination (DRID)*, UN General Assembly Resolution No. 36/55, 1981.
- <sup>21</sup> "Freedom of conscience is guaranteed for all. Each person has the right to practice any, or no, religion. Forced imposition of religious views is not permitted". *Constitution of the Republic of Uzbekistan*: adopted on December 8, 1992. Chapter.VII, Article 31.
- <sup>22</sup> *Constitution of the Republic of Uzbekistan*, Chapter. VII, Article 31.
- <sup>23</sup> Roy, Meena Singh. "Terrorism in Central Asia: an overview, Terrorism in Central Asia: Imperatives for the Regional Cooperations". in Mahavir Singh, (Ed.), *International Terrorism and Religious Extremism*, Maulana Abul Kalam Azad Institute of Asian Studies, Kolkata & Shipra Publications, Delhi, 2004, p. 256.
- <sup>24</sup> *The Human Rights Encyclopedia*, Volume 02, p 566.
- <sup>25</sup> Uzbekistan Basic Facts. <http://www.nationbynation.com/Uzbekistan/Human.html>
- <sup>26</sup> *Human Rights and Counter Terrorism in America's Asia Policy*, Rosemary Foot Adelphi, Paper No 363, 2004, p 37.

- <sup>27</sup> Al-Qur'an, *An-Nisa*: 148.
- <sup>28</sup> Al-Hadith, *Nisa'ai*, Vol. 7, Darul-Kitab, Beirut, p.161.
- <sup>29</sup> C.F. A.A.Mawdudi, *Human Rights in Islam*, P.42.
- <sup>30</sup> Al-Qur'an, *Al-Imran*: 103-104.
- <sup>31</sup> Hussain, S. Showkat. *Islam and Human Rights*, P.35.
- <sup>32</sup> Nayar Shamasi, *Human Rights in Islam*, p. 198.
- <sup>33</sup> The Human Rights Encyclopedia, Volume 02, p.567.
- <sup>34</sup> Uzbekistan Basic Facts: <http://www.nationbynation.com/Uzbekistan/Human.html>.
- <sup>35</sup> *Human Rights and Counter Terrorism in America's Asia Policy*, p. 37.
- <sup>36</sup> Fierman, William. "Political Development in Uzbekistan; Democratization?" in *Conflict, Cleavage and Change in Central Asia and the Caucasus*, Karen Dawisha and Bruce Parrott Eds.), Cambridge University Press, London. 1997, p. 363.
- <sup>37</sup> Bohr, Annette. "Uzbekistan-Politics: Foreign Policy, Internal Affairs", *Russia and the Muslim World*, Institute of Oriental Studies, Moscow, 2000, P. 41.
- <sup>38</sup> *Izvestia (News)*, Moscow, 28 February, 1996.
- <sup>39</sup> Uzbekistan Television, 30 August, 1996. ; Jim Lobe, "US allies with Uzbekistan at a cost to 'human rights'", *Central Asia / Russia. Asia times*, Oct 5, 2001: <http://www.atimes.com/c-asia/CJ05Ag02.html>.
- <sup>40</sup> Tahir Mahmood, (Ed.), *Human Rights in Islam*, p.61.
- <sup>41</sup> *Human Rights and Counter Terrorism in America's Asia Policy*, p.37.
- <sup>42</sup> Uzbekistan Basic Facts, <http://www.nationbynation.com/Uzbekistan/Human.html>.
- <sup>43</sup> Creating Enemies of the State; Religious Persecution in Uzbekistan, *Human Rights Watch*, February 2004, p.01.
- <sup>44</sup> *Torture in Uzbekistan*, *Human Rights Watch*, Volume 12, No.12 (D), December, 2000.
- <sup>45</sup> *The Human Rights Encyclopedia*, volume 02, p.567.
- <sup>46</sup> Creating Enemies of the State; Religious Persecution in Uzbekistan, *Human Rights Watch*, February 2004, p 02.
- <sup>47</sup> Abdurashid Isakhojaev told his mother that police kept him in the basement of the Ministry of Internal Affairs for the first 24 days of his detention. He alleged that officers tortured him while he was confined to the basement, causing serious injury. *Human Rights Watch*, interview with Sharifa Isakhojaeva, Tashkent, June 1, 2000.
- <sup>48</sup> Lobe, Jim. "US allies with Uzbekistan at a cost to 'human rights'", *Central Asia / Russia. Asia times* Oct 5, 2001: <http://www.atimes.com/c-asia/CJ05Ag02.html>.
- <sup>49</sup> Al-Qur'an, *An-Nisa* : 58.
- <sup>50</sup> *Law on Freedom of Conscience*, Article 14.
- <sup>51</sup> This witness matriculated at a newly formed Islamic school, for girls after having been expelled from secular University. She has been repeatedly fined and beaten by police for her persistence in covering her face in public. *Human Rights Watch Interview*, Name Withheld, Tashkent, May 26, 2000.
- <sup>52</sup> Kyrgyz Radio First Programme, as cited in *BBC Monitoring*, August 20, 2000.
- <sup>53</sup> Al-Qur'an, *Al-Kafirun*: 109.
- <sup>54</sup> Maudūdī, *Human Rights in Islam*, pp.44-45.
- <sup>55</sup> Tahir Mahmood, (Ed.), *Human Rights in Islam*, p.97.
- <sup>56</sup> Since Islamic state is an ideological state; therefore, it is to be run primarily by those who believe in its ideology. The services of non-Muslims living with territory can be utilized for this purpose. But only to the extent that they do not influence the policies of the state. Islam declares that non-Muslims living with in the territory of an Islamic state can not hold the posts of the state where from they can influence the ideological structure of the state. Their specific rights are mentioned in the Qur'an and Hadith and an Islamic state is bound to confer all these rights on them. The state can not affect even the slightest curtailment of these rights. S .Showkat Hussain, *Islam and Human Rights*, p.54.

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- <sup>57</sup> “Everyone has the right to life, liberty and security of person”. *Universal Declaration of Human Rights adopted on December 10, 1948*, Article 3.
- <sup>58</sup> “The right to exist is the inalienable right of every human being. Attempts on any one’s life shall be regarded as the gravest crime”, *Constitution of the Republic of Uzbekistan*, Article 24.
- <sup>59</sup> Uzbekistan: Massive Crackdown Documented, *Human Rights Watch*, 20 September, 2005.
- <sup>60</sup> Uzbekistan: Massive Crackdown Documented, *Human Rights Watch*, 20 September, 2005.
- <sup>61</sup> *Amnesty International*, Press Release, London, 20 September, 2005; <http://www.news.amnesty.org>.
- <sup>62</sup> Concern in Europe, *Amnesty International Report*, January –June 2002.
- <sup>63</sup> Al-Qur’an, *Al-Maida* : 32.
- <sup>64</sup> Al-Qur’an, *Al-Maida*
- <sup>65</sup> *Maudūdī*, Human Rights in Islam, Markazi Maktaba Islamic, Delhi, 1982, p. 22.
- <sup>66</sup> “Everyone has the right to freedom of peaceful assembly and association”. *Universal Declaration of Human Rights* adopted on 10 December, 1948, Article 20: Also “Right of Peaceful assembly”, “Freedom of association”, *International Covenant on Civil and Political Rights*, 16 December, 1966, Article 21 and 22: According to Holy Qur’an, “Let there arise out of you a band of... Dreadful penalty”. *Al-Qur’an*, (III: 103-104).
- <sup>67</sup> “All citizens of the Republic of Uzbekistan shall have the right to form trade unions, political parties and any other public associations, and to participate in mass movements. No one may infringe on the rights, freedoms and dignity of the Individuals, constituting the minority opposition in political parties, public associations and mass movements, as well as in representative bodies of authority”. *Constitution of the Republic of Uzbekistan*, Article 34.
- <sup>68</sup> United States Department of State, Uzbekistan Country Report on Human Rights Practices for 1999, *Bureau of Democracy, Human Rights and Labour*, 25 February 2000.
- <sup>69</sup> Despite rapidly escalating food costs, students had failed to receive ration coupons allowing them to purchase food at reducing prices. William Fierman, “Political development in Uzbekistan: democratization?” in *Conflict, Cleavage and Change in Central Asia and the Caucasus*, p 383.
- <sup>70</sup> *Amnesty International*, Press Release, London, 20 September, 2005; Uzbekistan: Massive Crackdown Documented, *Human Rights Watch*, 20 September, 2005.
- <sup>71</sup> United States Department of State, Uzbekistan Country Report on Human Rights Practices for 1999, *Bureau of Democracy, Human Rights and Labour*, 25 February 2000.
- <sup>72</sup> *The Human Rights Encyclopedia*, Volume 02, P.567.
- <sup>73</sup> Al-Qur’an, *Al-Imran*: 103-104.
- <sup>74</sup> S. Shaukat Hussain, *Islam and Human Rights*, P.35.
- <sup>75</sup> “Central Asian differ on Islam”, Political Role, But agree on a Secular State”, *Opinion Analysis*, Washington DC, Office of Research, US Department of State, 6 July, 2000.
- <sup>76</sup> *Religion and Security; The New Nexus in International Relations*, p .48.
- <sup>77</sup> Roy, Meena Singh. *Terrorism in Central Asia: an overview*, "Terrorism in Central Asia: Imperatives for the Regional Cooperations," Mahavir Singh, ed., International Terrorism and Religious Extremism (Maulana Abul Kalam Azad Institute of Asian Studies, Kolkata & Shipra Publications, Delhi, 2004), p. 256.
- <sup>78</sup> Cited from Jim Lobe, “U S allies with Uzbekistan at a cost to human rights”, *Central Asia / Russia, Asia times*, Oct 5, 2001:<http://www.atimes.com/c-asia/CJ05Ag02.html>.