

UZBEKISTAN

FROM HOUSE TO HOUSE: Abuses by Mahalla Committees

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SUMMARY

Uzbek President Islam Karimov has declared 2003 the “Year of the Mahalla.” The Uzbek media welcomed the declaration with warm words of praise for this traditional neighborhood institution, calling it “life’s mooring” and “the stronghold of calm.”¹ Under President Karimov, the Uzbek government has converted the *mahalla* committees from an autonomous expression of self-government to a national system for surveillance and control.

Uzbekistan is ruled by a repressive government with a poor human rights record. It censors the media, bans opposition political parties, and denies independence to social and religious movements. Now operating in every corner of Uzbek territory, mahalla committees are the government’s eyes and ears, and a key institution for implementing repressive policies and practices. This report documents the role mahalla committees have played in three critical areas of government abuse—the government’s six-year campaign against those who practice Islam beyond government-regulated institutions, its response to domestic violence, and a program in which people were forcibly displaced from their homes (the “forced resettlement program”) in 2000-2001.

The mahalla is a centuries-old autonomous institution organized around Islamic rituals and social events. After the Soviet period, mahallas began to be regulated by law. Additionally, they were given the authority to administer a range of activities within the mahalla territory. They are now organized as committees, with a chair who runs the day-to-day business with administrative support. Although under the law the mahalla committee’s activities are controlled through general neighborhood meetings, in practice administrative government authorities control their activities. They are now key government actors participating in repressing individuals and families whom the state deems suspect. They cooperate with law enforcement and other authorities to gather personal information on the population. In breach of the right to privacy, family, and home, they keep files on those considered suspicious by the government, including “scandalous families” with disobedient children, and pass this information onto the police and executive authorities.

Since late 1997, the Uzbek government has engaged in a broad crackdown on peaceful “independent” Muslims who practice Islam outside of the government channels. Legal Islam is strictly controlled in Uzbekistan. Islamic leaders are state appointed and controlled.² Any form of religious practice not registered and approved by the state is considered illegal. The crackdown has effected those who pray at home, study the Koran in small groups, belong to Islamic organizations not registered with or approved by the state, and disseminate literature not sanctioned by the state. In violation of the right to freedom of conscience and religion, the government branded them “extremists,” and has sentenced thousands of independent Muslims to long prison terms without connecting them to violent crime or armed groups. The mahalla committees support state-sanctioned Islam, choosing candidates to go on Hajj—the Muslim pilgrimage to Mecca. At the same time, the mahalla committees assist in the government-run crackdown, keeping files on those considered overly pious in their religious expression and carrying out other surveillance and reporting. They also organize and participate in public denunciations at which pious Muslims are abused, threatened, and demonized. These rallies inflict an insidious form of extrajudicial punishment on those who exercise their freedom of conscience outside of government-sanctioned institutions.

Although it is hard to estimate the scale of domestic violence in Uzbekistan because the government does not compile statistics and because women do not report violence by family members, it is clear that it is a serious problem. As a matter of state policy the government prioritizes keeping families together at all costs. Mahalla committees are key enforcers of this policy. Acting as de facto family courts, mahalla committees deny battered wives permission to divorce, sending them back to their husbands and the violence they face in their homes. Mahalla staff often judge battered women as being responsible for bringing on their husband’s abuse. After counseling them on spousal duties, reinforcing stereotyped concepts of the roles of men and women, mahalla committees return battered women to their homes. These policies fail to address the real harm—both physical and

¹ *Narodnoe Slovo* [People’s Word] newspaper, December 10, 2002, and December 19, 2002.

² The authorities even write or vet the content of imam’s sermons. See, for example, “Uzbekistan: Total State Control Over Islamic Faith,” May 20, 2003, Forum 18 News Service, Oslo, Norway, <http://www.forum18.org>

emotional—suffered by victims of domestic violence and knowingly place women in dangerous situations. They also violate international standards, which guarantee a woman's equal treatment in the institution of marriage and in the dissolution of marriage. Policies designed to strengthen the family unit are not justified in breaching these norms and must take into account the state's duty to protect women and children from violence.

Between August 2000 and March 2001, mahalla committees also perpetrated human rights abuses while implementing the Uzbek government's forced resettlement programs in southern Uzbekistan that followed incursions by Islamic militants seeking to overthrow the government. Official reasons for the displacement were the security threat posed by the insurgents and the risk of natural disaster including landslides and floods. People were forced from their homes and relocated to resettlement villages where they were cut off from interaction with the general community and deprived of any means of livelihood. Mahalla committees joined the military and other authorities in coercive and violent tactics to force the displacement.

At the same time, some members of mahalla committees genuinely endeavor to support their population and refuse to discriminate against pious Muslims and others out of favor with the government. These people, however, find themselves under increasing pressure from government and law enforcement authorities to enforce government policies that violate human rights norms.

The Uzbek government and some international donor organizations argue that mahalla committees are independent and operate either as non-governmental organizations (NGOs) or as decentralized self-government entities. Indeed, mahalla committees fulfill a wide variety of functions, some of which provide services and strengthen community and cultural life. However, they serve a critical function in enforcing the government's policies of discrimination and persecution of disfavored groups within Uzbek society. However independent its members seek to be, the mahalla committee is an integral part of the repressive state structure. International development organizations, by unconditionally funding programs to support mahalla committees, run the danger of supporting a government system of control and abuse at the local level.

RECOMMENDATIONS

To the Government of Uzbekistan

- Remove law enforcement tasks from the work of mahalla committees. In particular, relieve mahalla committees of responsibility for:
 - imposing reporting conditions on citizens under investigation by law enforcement authorities or released from the custody of law enforcement authorities;
 - carrying out surveillance of individuals for law enforcement purposes;
- Ensure that mahalla committees stop discrimination against pious Muslims. Specifically, ensure that mahalla committees do not discriminate against pious Muslim families when assessing the latter's need for social services and benefits, and ensure that such services and benefits are delivered without discrimination and through a transparent process.
- Ensure that mahalla committees stop surveillance of pious Muslims that breaches the right to respect for privacy, family, and home and freedom of conscience. Surveillance required for legitimate law enforcement purposes should be carried out by law enforcement officials with appropriate authorization.
- Cease requiring religious prisoners to obtain guarantee letters from mahalla committees in order to be eligible for release under an amnesty. An appropriate government parole body should be charged with supervising released prisoners.
- Stop the practice of extrajudicial punishment through intimidation and humiliation at public meetings organized by government authorities and mahalla committees.

- Remove the requirement, outlined in article 12 of the Mahalla Law, that mahalla committees take measures to stop the activities of non-registered religious organizations and other activities to ensure the observance of the 1998 Law on Freedom of Conscience and Religious Organizations.
- Until mahalla committees are no longer involved in law enforcement activities, ensure that mahalla committee members are not called upon to act as witnesses to police searches or other police activity. Such witnesses should be impartial. If mahalla committee members are present as a witness, they should ensure that law enforcement officers have the appropriate warrants and respect citizen's due process rights.
- Provide in-depth training to mahalla officials on the provision of protection to complainants in domestic violence cases.
- Ensure the equitable distribution of funds for the provision of social services to victims of domestic violence and their children.
- Instruct mahalla committees to end the imposition of waiting periods before filing for a divorce. End the practice of courts requiring mahalla committee permission before the court will accept a divorce application. Instruct mahalla committees to facilitate access to courts for victims of domestic violence who want to divorce.
- Ensure that pre-family and family education programs run by mahalla committees include components on women's rights including the right to be free from violence, coercion, and discrimination. Address the problem of domestic violence and educate both men and women on the remedies for domestic violence. These programs should avoid reinforcing discriminatory attitudes towards women.
- Instruct mahalla committees in resettlement villages for people displaced from their homes to facilitate, rather than block, access to representatives of international organizations, the media or others.

To Multi-lateral and Bilateral Donors

- Require reform of mahalla committees as a condition for forthcoming funding for civil society, democracy building, or other similar projects involving mahalla committees. In particular, insist that law enforcement functions be removed from the mandate of mahalla committees, along with the other recommendations above.
- Set up a monitoring system for any projects involving mahalla committees to ensure that the project is not supporting abuses at the local level. In particular, monitor any projects involving domestic violence, both before and after financial support has been given. Ensure that any program addressing domestic violence incorporates a human rights perspective and focuses on women's rights to be free from violence, coercion, and discrimination.

To the International Community

- Raise with the Uzbek government the need for mahalla committee reform, including separating them from the law enforcement agencies. Urge the government to implement the recommendations in this report.
- Engage specific government bodies, such as the religious affairs committees, women's committees, and the Ministry of Internal Affairs, on issues of concern in relation to the role of mahalla committees and on a program of reform.

BACKGROUND

The term “mahalla” broadly translates from Uzbek as “neighborhood” or “local community.” However, in so far as the mahalla forms a part of the traditions of Uzbekistan, it has a rich layering of meanings. Among these, it can be seen as a physical location, a network of social relations, or a state administrative unit.³

The mahalla tradition can be traced to before the arrival of the Mongols, around the 11th or 12th centuries. Although the mahalla structure is often touted as something unique to Uzbekistan, it is a tradition found in other parts of the Muslim world.⁴

Before the Soviet period, the mahalla was usually a community of several hundred people, organized around Islamic rituals and social events. Most mahallas had their own mosque, teahouse, bazaar, and other facilities. The elders of the mahalla provided advice and direction for the local community. Some mahallas formed along ethnic, religious, or professional lines.⁵ Even now many mahallas are named after the profession that used to be practiced in that area.⁶

During the Soviet period a range of approaches was taken toward the mahalla. In the early period attempts were made to get rid of the mahalla as an institution altogether. Later, when it became obvious that this policy would produce enormous resistance, the Soviet government tried, with only limited success, to pull the mahalla into state and party structures, and use it as a means to ensure that all levels of society absorbed Soviet communist ideology.⁷ But this experiment failed, and in the years before Uzbekistan gained independence from the Soviet Union, the mahalla ceased playing a role in the transmission of state ideology. It existed informally, running in parallel with government structures. Often the retired party leader would become the local *aksakal* or head of the mahalla. The mahalla served to protect and pass on Uzbek culture, including Muslim practices. It was tolerated but not sanctioned by the Soviet state.⁸

With Uzbekistan’s independence in 1991, the mahalla committees began to be integrated into the structure of an increasingly authoritarian government. Soon after independence, civil and political movements that arose in the late perestroika period were crushed by President Karimov, with the banning of opposition political parties, censorship of the media, and later the crackdown against peaceful independent Muslims.

At the same time, the new Uzbek government began a campaign to restore the mahalla as the fundamental unit of Uzbek society. This campaign was a part of a larger movement to recreate a uniquely Uzbek history and set of symbols. The cult of Amir Timur as a historical figure, whose ideals and characteristics are represented as being reflected in the person of President Karimov, is an example of the overall reconstruction of Uzbek history that has taken place.⁹

The mahalla was promoted as a traditional institution with an emphasis on the rights and obligations of local communities within a nation-state. Slogans such as “Your homeland begins from your mahalla,” or “If your

³ David Mackenzie Abramson, *From Soviet Mahalla: Community and Transition in Post-Soviet Uzbekistan* (Ann Arbor: UMI Dissertation Services, 1998) p.30.

⁴ Human Rights Watch interview with Dr. Aziz Tatibaev, World History specialist, History Department, National University of Uzbekistan, Tashkent, June 5, 2002; and Human Rights Watch interview with Iskandar Ismailov, Open Society Institute, Tashkent, June 18, 2002.

⁵ Abramson, p. 27.

⁶ Human Rights Watch interview with Dr. Aziz Tatibaev, June 5, 2002.

⁷ Abramson, p. 29.

⁸ Human Rights Watch interview with Dr. Aziz Tatibaev, June 5, 2002.

⁹ Neil J. Melvin, *Uzbekistan: Transition to Authoritarianism on the Silk Road*, (the Netherlands: Harwood Academic Publishers, 2000) p.46. Timur, a fifteenth century Turkic conqueror and empire builder, is known in the west as Tamerlane.

neighbor is tranquil, you are tranquil, if your mahalla is tranquil, your country is tranquil,” were displayed on the streets and quoted in the press.¹⁰

During this period, the government began to confer more authority upon the mahalla committees and to ensure that all areas of the country had mahalla units.¹¹ Borders were redrawn and the entire country was divided up into administrative mahalla units. There are now approximately 12,000 mahallas in Uzbekistan, each containing between 150 and 1,500 households.¹²

In February 1999, five bombs exploded outside government buildings in Tashkent. The government immediately blamed the bombing on Islamic “extremists” and began a wave of arrests and persecution of independent Muslims. As part of this campaign, the government enacted a new law giving mahalla committees many more responsibilities, including repression of unregistered religious organizations.¹³ Another law commissioned civilian police assistants to work within the mahalla.¹⁴ By this stage the mahalla had been transformed into an arm of a repressive state.

In promoting the mahalla as a traditional institution, the government also promoted the mahalla committee as a form of decentralized governance, providing grass roots and community participation in local decision-making. By the late 1990s, some international donor organizations, wanting to promote democracy at the local level, began funding programs for mahalla committees, but in so doing, ended up supporting a government institution used to enforce repressive state policies.

On December 5, 2002, President Karimov declared 2003 the “Year of the Mahalla.” The government adopted a program of action, and announced its intent to adopt yet more regulations covering the activities of mahalla committees and to expand their powers.¹⁵ The local press began to print articles about mahallas, once again using promotional slogans such as “Mahalla—the stronghold of calm,” “Native mahalla... leading us peacefully to life’s mooring,” “Mahalla—the hearth of spirituality and up-bringing, and a place where everyone comes for help, and receives kind advice and real support.”¹⁶

MAHALLA STRUCTURE

In April 1999, the Uzbek government, seeking to control mahallas and bring them into the state structure, adopted a law governing the operation and activities of mahalla committees.

Pursuant to the Law on Institutions of Self-Government of Citizens (hereinafter, the Mahalla Law),¹⁷ the general meeting of citizens within the mahalla is the “supreme body of self-government of citizens,” with the

¹⁰ Abramson, p. 191.

¹¹ By the mid 1990s there were still areas of the country that were not broken down into mahallas and so did not have mahalla committees.

¹² John Micklewright, Aline Coudouel, and Sheila Marnie, “Targeting and Self-Targeting in a Transition Economy: the Mahalla Social Assistance Scheme in Uzbekistan,” January 2001, http://www-cpr.maxwell.syr.edu/seminar/Spring01/micklewright_paper.pdf, p. 6.

¹³ Law on Institutions of Self-Government of Citizens, adopted April 14, 1999.

¹⁴ Second Addition to the Cabinet of Ministers’ decision number 180 of April 19, 1999, “About the ‘Neighborhood Guardians’ Public Organizations Statute.”

¹⁵ *Narodnoe Slovo*, February 8, 2003.

¹⁶ *Narodnoe Slovo*, December 19, 2002, December 10, 2002, and January 17, 2003.

¹⁷ The basis for regulation of mahalla committees or “self-governing bodies” is enshrined in the Uzbek constitution (article 105), which states that the procedure for elections, organization of the work, and the powers of self-governing bodies shall be specified by law. The territorial units of self-government defined in the Mahalla Law include three categories (settlements, kishlaks, and auls) found only in rural areas, whereas mahallas are found both in rural and urban settings. The law does not distinguish in any large degree between these categories, and often people will refer to them all as mahallas. For these reasons and the sake of simplicity, the report will refer to mahallas when discussing these territorial units of self-government.

power to make decisions on behalf of the mahalla.¹⁸ A general meeting must be held not less than once every three months.¹⁹ The committee, which carries out the daily activities of the mahalla, must meet at least once a month and is headed by the chairman (*aksakal*).²⁰ Subcommittees can be set up on such areas of work as weddings and funerals. The deputy chair is always a woman who heads a subcommittee on women and families within the mahalla.

Although the mahalla general meeting is given supreme power by law, information gathered by Human Rights Watch, including interviews with members of three different mahalla committees, indicates that the activities of the mahalla committees are actually directed by the district and city *hokimiat*—administrative government authorities. Hokimiats, in turn, are directly accountable to the central government, as the president directly appoints and dismisses regional hokimiat leaders (*hokims*). Although the chair and members of the mahalla committee are elected by mahalla residents, their election must meet the approval of the respective hokim, giving the president a direct line of control over mahallas.²¹ In practice, the hokimiat regularly appoints the mahalla committee chair, the elections being merely formal in nature.²² Mahalla committees are also financially dependent on the hokimiat, though they are also funded through voluntary donations.²³ *Hokims*, “serve as heads of both representative and executive authorities of their respective territories.”²⁴ In practice, they are the executive branch of government at the various regional levels. Citizens are required by law to comply with decisions of their mahalla committee.²⁵

In April 1999, several days after the Mahalla Law was passed, the Cabinet of Ministers issued a statute, known as the Posbon Law, creating the position of “neighborhood guardian” (*posbon*).²⁶ The *posbon* is paid by the state to work with the mahalla committee and the local police to prevent crime, maintain public order, and to strengthen the social and moral environment as defined by the government. The number of posbons assigned to each mahalla depends on the size of the population and the perceived need. For example, one Tashkent mahalla with a population of 3,400 has nine posbons;²⁷ another, with a population of 3,000, has only four.²⁸

ROLE AND FUNCTIONS OF MAHALLA COMMITTEES

*[W]e all see that with each day the role and significance of the mahalla is increasing in the life of anyone, every family, in government and social institutions, in the unity of people, in the strengthening of legal order in residential areas, and in the introduction of the system of self-government.*²⁹

President Islam Karimov

Ed Harris, “Rural mahallas, links to the health system, and recommendations for further action—A report for Abt Associates Inc.,” An unpublished report of Abt Associates (an international health NGO) Uzbekistan, 1999.

¹⁸ Article 9, Mahalla Law. Translation provided by the United States Agency for International Development, Tashkent Office.

¹⁹ Article 18, *ibid*.

²⁰ Article 19, *ibid*. *Aksakal* means white beard or elder in Uzbek.

²¹ Article 20, *ibid*.

²² Human Rights Watch interview with mahalla committee chairman, Tashkent, January 3, 2002, and Human Rights Watch interview with a member of the international aid community who did not want to be identified, Tashkent, December 19, 2001. The names of mahalla officials interviewed for this report have been withheld for fear of repercussions.

²³ Article 24, Mahalla Law. The hokimiat and its functions are defined by Chapter 21 of the constitution. There is a hierarchy of hokimiats from the local to the regional levels, each directed by the larger administrative body above.

²⁴ Article 102, Chapter 21 of the Constitution of Uzbekistan, official translation.

²⁵ Article 16, Mahalla Law.

²⁶ Second Addition to the Cabinet of Ministers’ decision number 180 of April 19, 1999, “About the “Neighborhood Guardians” Public Organizations Statute,” (hereinafter the Posbon Law).

²⁷ Human Rights Watch interview with mahalla committee chairman, Tashkent, January 3, 2002.

²⁸ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, January 11, 2002.

²⁹ *Narodnoe Slovo*, December 19, 2002.

The role of mahalla committees has increased significantly as they have been absorbed into the government, expanding from a traditional social structure to an administrative unit, tasked with control and surveillance of the population to assist in the implementation of current government policies.³⁰

The first major responsibility the government conferred on the mahalla committees after 1991 was the distribution of small amounts of state funds for financial assistance to the needy.³¹

In 1999, the Mahalla Law assigned mahalla committees a broad range of responsibilities, including taking “measures aimed at the protection of women’s interests, enhancing their role in social life, molding the moral and spiritual atmosphere in the family, and the upbringing of the young generation.”³² Thus mahallas intervene in family conflicts, seek to prevent divorce, provide advice on parenting and proper behavior for women and children, and run education programs on AIDS, drugs, women’s health, family, and society.³³ As the deputy chair of one mahalla committee told Human Rights Watch:

We teach girls to sew... We show them a good example of a girl who can behave well, sew, and cook. This is so that people will learn their culture... We help to teach young girls how to get ready for marriage and having children. We tell pregnant women to go to the doctor. If she doesn’t go, we tell her off and then she goes. A woman has to make the family happy. A man has to feed his family. He needs to know how to behave towards his wife and mother, so that there is no jealousy. This makes a happy family. We teach families these things... We teach women how to present themselves, not to shout and fight but to be cultured.³⁴

³⁰ Some argue that the government wanted to control the mahalla for two reasons—to be able to use the mahalla to control the population at the local level, but also to guard against the mahalla being used as an alternative power structure that could be used to coordinate dissent against the government. Human Rights Watch interview with unnamed member of the international community in Tashkent, June 28, 2002.

³¹ Mahalla committees are responsible for the distribution of benefits to low-income families with children under sixteen, to mothers who are not working and have children under two years old, and to poor families in need. August 23, 1994, Presidential Decree on “Measures to strengthen the social protection of poor families”; December 12, 1996, Presidential Decree on “Further increases in state support for families with children”; and January 13, 1999, Presidential Decree on “Increasing the role of self-governing organs in providing social assistance for the population.”

³² Mahalla committee members, when describing the role of the committee, highlighted its charitable and community strengthening role, such as organizing festivities for public holidays and giving food, money, and presents to the elderly or people in need. The following functions of mahalla committees are also included in Article 12 of the Law on Self-Government:

- interacting with educational institutions on issues of upbringing;
- promoting employment of its citizens;
- setting up, reorganizing or liquidating small business ventures which render everyday service to the population;
- organizing volunteers for work on the local environment, maintenance of buildings, parks, roads, bridges, pavements, sewage systems, monuments, cemeteries;
- taking measures aimed at cost-effective use and decrease in use of fuel, electricity, heat and water wastes;
- promoting the development of animal husbandry;
- controlling use of land;
- controlling of sanitary and environmental conditions;
- controlling of fire security rules and rules for keeping animals;
- helping citizens maintain dwellings;
- organizing citizens to help in times of natural disasters.

³³ Human Rights Watch interview with “A.A.” (not her true initials), a mahalla committee deputy chair, Tashkent, December 26, 2001. Article 10 (c) of the Convention on the Elimination of all Forms of Discrimination against Women, ratified by Uzbekistan in 1996, requires the elimination of any stereotyped concepts of the roles of men and women at all levels and in all forms of education.

³⁴ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, December 26, 2001. Each year the government issues booklets with a thematic program for mahalla committees to follow.

Particularly after the 1999 adoption of the Posbon Law, mahalla committees have been increasingly called upon to play a role in crime prevention. President Karimov, in his January 22, 2000 address to parliament, stressed the importance of strengthening this law enforcement role of the committees. “To ensure public order in the localities the role of self-governing bodies, first of all, that of the mahalla must be increased. It is important to encourage the efforts by the mahalla committees to detect reasons and circumstances conducive to committing crimes and other offenses in the environment where people live and to eliminate these.”³⁵

At the time of the incursions into Uzbekistan by the Islamic Movement of Uzbekistan in 2000, President Karimov gave further instructions as to how mahalla committees were to work. “Local neighborhood committees should step up their activity to ensure public order, enhance people’s vigilance and their intelligent attitude towards events taking place around them. Their task and main duty should be to increase the vigilance of the population, the public, severalfold and to make the call ‘Let’s protect our home ourselves’ implemented in practice.”³⁶

Article 12 of the Mahalla Law tasks mahalla committees to “take measures to stop the activity of non-registered religious organizations, to ensure observance of the rights of citizens for religious liberty, non-admission of forced spreading of religious views, to consider other issues related to the observance of the legislation on freedom of conscience and religious organizations.”³⁷ Despite the use of rights language in this article, this provision violates the guarantee of freedom of conscience and religion recognized in article 31 of the Uzbek Constitution and the International Covenant on Civil and Political Rights, to which Uzbekistan has been a party since 1995. In fulfillment of this requirement, mahalla committees are expected to participate in surveillance, arrests, and programs to ostracize pious Muslims, as detailed below.³⁸

Mahalla committees are also responsible for preparing a list of candidates to be allowed to perform Hajj, the holy pilgrimage that Muslims believe is an obligation to be performed once in their life by those who are physically and financially able. The list from the mahalla committee is sent to the hokimiat and the responsibility for the final decision on eligibility rests with the government-run Muslim Board of Uzbekistan.³⁹

Mahalla committees, on instruction from the hokimiat, try to control the religious activities of their populations through “prevention.” They run meetings with local police on religious extremism and other topics, warning attendees to not to practice their religion outside of state-sanctioned institutions. One mahalla committee representative recounted:

We work with young people so that they don’t become terrorists. If a stranger comes [into our mahalla], we ask who they are. We don’t want unknown strangers coming... We run meetings

³⁵ President Islam Karimov, Uzbek Television first channel, January 22, 2000, Tashkent, in Uzbek 0500 GMT, BBC Worldwide Monitoring (a service run by the British Broadcasting Corporation that monitors local media around the world and translates it into English).

³⁶ President Islam Karimov, August 30, 2000, Uzbek radio first program, Tashkent, in Uzbek 0500 GMT, BBC Worldwide Monitoring.

³⁷ The legislation referred to in article 12 of the Mahalla Law is the 1998 Law on Freedom of Conscience and Religious Organizations, together with the criminal and administrative codes, which ban all religious activity and organizations not registered with the state, including private religious education and the distribution of literature deemed extremist, and sets out criminal penalties for leaders who fail to register their groups (Articles 9, 19, and 11). The law also forbids proselytizing and religious dress in public for non-clerics (Articles 5 and 14). The law is implemented to restrict the free manifestation of religion in worship, observance, practice and teaching, and as such contravenes article 18 of the International Covenant on Civil and Political Rights.

³⁸ See below, *Religious Persecution*.

³⁹ The government uses the Muslim Board to control the type of Islam that is legally available to the population. Under article 223 of the Criminal Code, illegally leaving the country, the government prosecutes people for going on Hajj without getting permission from the authorities. Human Rights Watch has documented several such cases. Human Rights Watch interview with “M.M.,” Namangan, July 11, 2002. Human Rights Watch interview with “T.T.,” Namangan, July 11, 2002. M.M. and T.T. are not the individuals’ true initials.

for young people. Procurators and police come and tell them that they mustn't have weapons, guns, explosives... and [we try] to stop young people having friends who are strangers.”⁴⁰

Mahalla committees now exercise governmental supervision over many fundamental aspects of Uzbek life. They are responsible for rehabilitating those discharged from penal institutions, as well as “to render educational influence on formerly convicted persons, and those who are inclined to commit transgressions of the law.”⁴¹

Mahalla committees are also required to assist various state bodies in carrying out their functions, including the parliament, all levels of hokimiat, law enforcement bodies, tax collection bodies, and the Ministry of Defense.⁴² They are also responsible for implementing control over trade and service enterprises.

Mahalla committees keep exhaustive statistics of dubious accuracy on their population, including the numbers of men, women, children, unemployed, single parents, disabled people, poor people, people with convictions, and those awaiting trial. They also track such categories as “gossips,” “drug users,” “scandalous families,” “alcoholics,” and “children who do not listen to their parents.” The mahalla committee passes these statistics to the hokimiat. As one mahalla committee deputy chair told Human Rights Watch, “[w]e know everyone in the mahalla. We see with our own eyes or neighbors tell us.”⁴³

In the cities, Housing and Street Committee representatives, informally appointed for each block of flats or street of houses, provide information to the mahallas. They supply lists of people in their block of flats or street to the mahalla committee, including detailed information about residents' personal and family lives. Mahalla committee representatives explained that they use this information to decide whom to invite to their seminars and holiday festivities, or who should receive food aid or small welfare presents.⁴⁴ However, they also use this information to decide about taking intervention in family conflicts or reporting matters to the police.⁴⁵

The Posbon

The adoption of the Posbon Law enhanced the role of the mahalla in surveillance and law enforcement. The posbon plays a key role in the collection of information to be passed to both the mahalla committee and the local police, both of which are responsible for overseeing its work.⁴⁶ Posbons are also recruited to support police action.⁴⁷

⁴⁰ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, December 26, 2001.

⁴¹ Article 12, Mahalla Law.

⁴² Mahalla committees organized civil defense militias, which were known to still be operating in 2001. “Local security teams set up southern Uzbek militant-hit region,” *Narodnoye slovo*, January 10, 2001, BBC Worldwide Monitoring. In preparation for the January 27, 2002 referendum to extend President Karimov's term by two years and to introduce a bicameral parliament, mahalla committees made lists of people eligible to vote. Human Rights Watch interview with mahalla committee chairman, Tashkent, January 3, 2002. The referendum did not provide a genuine opportunity for political participation, as the Karimov government allowed no opposition parties or independent media to function. See Human Rights Watch press release, New York, January 25, 2002.

⁴³ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, December 26, 2001.

⁴⁴ Human Rights Watch interview, with mahalla committee deputy chair, Tashkent, December 26, 2001. Human Rights Watch interview with mahalla committee chair, Tashkent, January 3, 2002. Human Rights Watch interview with mahalla committee deputy chair, Tashkent, January 11, 2002.

⁴⁵ Human Rights Watch interview, with mahalla committee deputy chair, Tashkent, December 26, 2001. Human Rights Watch interview with mahalla committee chair, Tashkent, January 3, 2002. Human Rights Watch interview with mahalla committee deputy chair, Tashkent, January 11, 2002. In some instances, this breaches the right to privacy, family and home and to freedom of conscience. See below, *Means of Control: Surveillance*.

⁴⁶ Articles 24, 33, and 35 of the Posbon Law. Translation by Human Rights Watch.

⁴⁷ This was the case in Namangan in 1999, when some 400 posbons reportedly joined police in arresting at least 400 people—ten of them alleged religious extremists. “Uzbek eastern region police catch ‘religious extremist sympathizers’”, Uzbek Radio first program, Tashkent, in Uzbek, 0500gmt, December 6, 1999, BBC Worldwide Monitoring.

By law, a posbon must be someone whose “spiritual thought is pure and healthy” and who is “physically and morally healthy, pure, and pious...”⁴⁸ The general meeting of the mahalla decides who is to be a posbon, however, they must take into account the opinion of the head of the local police.⁴⁹ People within the mahalla area are obliged to aid the posbons in carrying out their duties.⁵⁰ The posbon, therefore, provides a clear and legally formalized link between the law enforcement authorities and mahalla committees. Like the mahalla committees, the posbon’s role is broader than that of crime prevention, and includes maintaining the “social and moral environment” of the neighborhood.⁵¹ The actions of the posbon, in fulfilling this role, can in some cases breach the right to privacy. Among other things, the posbon must regularly inform the police about people who reside in the neighborhood without a residence permit, people who do not come home for long periods of time, and people not living in their houses.⁵² The posbon may interview people in relation to conflicts between citizens or criminal trials, or warn residents against undertaking illegal acts.⁵³ The information collected by the posbon is recorded in a special book kept at the local police station.⁵⁴

After the declaration of the “Year of the Mahalla,” the head of the Chief Authority for the Prevention of Infringements of the Law under the Ministry of Interior, Akhmadjon Usmanov, stated the government’s intention to create closer working relations between mahalla committee officials and law enforcement agencies. In particular, he announced a reform under way to house mahalla committees in the same buildings as “operational police centers,” staffed by police, including from the criminal investigation service and from the passport control service.⁵⁵

FORMAL AND INFORMAL LINKS TO THE HOKIMIAT

As described above, the hokimiat is the government administrative body that exists at regional, district, city, and town levels. Officially, the hokim serves both the representative and executive branches of government at their territorial level. The hokims of the provinces and of Tashkent are appointed and dismissed by the president. Hokims at lower levels are appointed by the hokim one level above. In practice, it is the executive branch of government that oversees the work of the hokim.

Although a mahalla committee can act independently in such matters as organizing wedding celebrations and funerals or building maintenance, in areas of key government policy they are obliged to carry out government instructions passed down from the hokimiat. Representatives of mahalla committees speak frankly about their role implementing government instructions at the local level. The positions of chair (aksakal), secretary, and posbon, as well as mahalla committee staff, are all state-funded, through the budget of the hokimiat.⁵⁶ Hokimiats have the power to abolish, found, merge, split, or change the borders of a mahalla.⁵⁷ In addition, elections of mahalla committee members, including the aksakal, must be approved by the hokim.⁵⁸

⁴⁸ Articles 3 and 6 of the Posbon Law.

⁴⁹ Articles 6 and 8 of the Posbon Law.

⁵⁰ Article 15 of the Posbon Law.

⁵¹ Article 11 of the Posbon Law.

⁵² Article 20 of the Posbon Law. In Uzbekistan, a residence permit system remains in place since Soviet times, making those without a permit for their current address liable to detention and other penalties. The permit system breaches the fundamental right to freedom of movement.

⁵³ Article 22 of the Posbon Law.

⁵⁴ Article 14 of the Posbon Law.

⁵⁵ *Narodnoe Slovo*, December 19, 2002.

⁵⁶ Article 22 of the Mahalla Law and Article 4 of the Posbon Law.

⁵⁷ Article 5 of the Mahalla Law.

⁵⁸ Articles 7 and 20 of the Mahalla Law. In 1998, the hokim responsible for mahalla Abai, of Tashkent, reportedly refused to allow one candidate to become the committee chairman, choosing his own person for the supposedly elective role. Human Rights Watch interview with resident of mahalla Abai who did not want to be identified, Tashkent, January 3, 2002.

According to article 6 of the Mahalla Law, state bodies must not interfere in the activities of mahalla committees, but should render them assistance. It is clear, however, that this is not observed in practice. Mahalla committees are subject to interference from the highest to the lowest levels of government.

In Tashkent, the city is divided into administrative districts, and the mahalla chair acts under instructions of the district hokimiat to direct the mahalla committee activities. Each year the hokimiat issues a booklet to the mahalla committees outlining the program it must fulfill. Mahalla officials must prepare an annual plan of their work for hokimiat approval. Likewise a report on the previous year's work must be submitted to the hokimiat. One mahalla committee chairman explained to Human Rights Watch his relations with the local hokimiat:

Every Monday at 9:00 a.m., all the chairmen from the mahallas meet at the hokimiat. At the meeting the hokim gives us our orders. If we haven't done what he ordered he shouts at us.⁵⁹

Others confirmed this pattern. The deputy chair, who heads the women's section of a different mahalla committee explained:

On a Wednesday once a month the women go to the hokimiat. There they tell us what to do, what measures to take against terrorism and drug use and what preventative measures to use.⁶⁰

The deputy chair of a Tashkent mahalla told Human Rights Watch, "[w]e meet with the hokimiat. They control our work. We give them all our records so that they can check them. The hokimiat calls us and we come. We go two or three times a week."⁶¹

The hokimiat can direct mahalla officials to carry out other tasks as they arise. After the September 11, 2001 attacks in the United States, mahalla committees were directed to carry out more anti-terrorist meetings and seminars. The hokimiat also requires the mahalla committees to collect and pass on statistics covering their area.⁶²

Sometimes other government authorities, including the police, procurators and courts, also direct the work of mahalla committees.⁶³

INSTRUMENTS OF ABUSE

Religious Persecution

Background

From 1992 to 1997, the Uzbek government sought to establish strict state control over religious activity. During this period, there were sporadic arrests and "disappearances" of prominent independent Muslim leaders. In December 1997, the murders of several police officers and government officials in the province of Namangan provided the pretext for the Karimov government to crack down more heavily on independent Islam, portraying it as a threat to the country's stability. The authorities closed independent mosques, and began arresting Muslim believers for having attended religious services of imams who had run afoul of the government or for manifesting their faith in other ways, such as by taking private religious instruction or by wearing beards. Hundreds were arrested and sentenced to long jail terms.

⁵⁹ Human Rights Watch interview with mahalla committee chairman, Tashkent, January 3, 2002.

⁶⁰ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, January 11, 2002.

⁶¹ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, December 26, 2001.

⁶² Ibid.

⁶³ For example, on June 7, 2000, the Margilan City Court ordered the chairman of the Tashkesar mahalla committee to take precautionary measures to stop religious "extremist" activities in his mahalla, and gave him twenty days to report back to the court about what measures he had taken. Translation of court document on file in Human Rights Watch.

The crackdown developed into a systematic, widescale campaign that intensified following the first significant incident of political violence in Uzbekistan—a series of bombings near government buildings in Tashkent in February 1999 that killed sixteen people and wounded more than one hundred. Police undertook mass sweeps of entire neighborhoods throughout the country, expanding the targets of the religious repression to include relatives of suspected independent Muslims. In 1999 and 2000, Uzbek militants based abroad—known as the Islamic Movement of Uzbekistan (IMU)—launched armed incursions into Uzbekistan and neighboring Kyrgyzstan.⁶⁴ The government further justified the crackdown as necessary to counter the IMU threat.

There are currently thousands of Muslims in prison for the peaceful expression of their faith,⁶⁵ some are charged with membership in Hizb ut-Tahrir (Party of Liberation), an organization that advocates the reestablishment of the Islamic Caliphate by peaceful means, and some are accused of “wahhabism,” a derogatory term used to denote an Islamic “fundamentalism” or “extremism.” Some are imprisoned merely on the basis of being family members of suspected independent Muslims.⁶⁶

Mahalla committees play many roles in the government campaign against independent Muslims. They carry out surveillance and information collection for the authorities and assist law enforcement agencies in the arrest of residents suspected of “religious extremism.” They help to organize meetings to publicly denounce and humiliate independent Muslims and their relatives. They also discriminate against the families of independent Muslims in the distribution of social assistance and arbitrarily refuse to issue them civil certificates or other documentation.

A 2001 case involving a suspected Islamic “fundamentalist” in the Fergana Valley illustrates several of the roles the mahalla committee plays in the campaign against independent Islam. The mahalla committee chair facilitated the arrest of “Alisher A.” (not the man’s true name), who died in custody about a month later after being beaten. Alisher A’s relatives told Human Rights Watch, “[One and a half years later] the mahalla committee, hokimiat and police still disturb us all the time. The mahalla committee demanded that we, as a family, should apologize before them. About six months ago there was a meeting with several mahallas. They told us to ask for forgiveness, to admit that our son really had studied... the wrong path, that it was a mistake... We refused to apologize.”⁶⁷

Means of Control: Surveillance

“The mahalla listens to everything and passes it on...”⁶⁸

Since the intensification of the campaign against independent Muslims in 1997, the surveillance role of mahalla committees has increased. President Karimov and other high officials have stressed the need for local communities, and mahalla committees in particular, to be vigilant in watching and passing information on to law enforcement bodies.⁶⁹ Both the Mahalla Law and practice make it clear that mahalla committees work closely with law enforcement agencies. As one Uzbek human rights activist put it, mahalla committees “don’t put people in jail, but they point to who should be put in jail.”⁷⁰

⁶⁴ In 1999 the IMU launched incursions only into Kyrgyzstan. In 2000, they entered both Kyrgyzstan and Uzbekistan.

⁶⁵ See for example, U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *Country Reports on Human Rights Practices*, March 31, 2003, available <http://www.state.gov/g/drl/rls/hrrpt/2002/>. Human Rights Watch has documented over 1,175 such cases.

⁶⁶ See *Memorandum to the U.S. government regarding religious persecution in Uzbekistan*, August 10, 2001, Human Rights Watch, available <http://www.hrw.org/background/eca/uzbek-aug/uzbek-bck-full.htm>.

⁶⁷ Human Rights Watch interview with relatives, Fergana Valley region, March 5, 2003.

⁶⁸ Human Rights Watch interview with the mother of a religious prisoner who did not want to be identified, Tashkent, December 12, 2002.

⁶⁹ “Uzbek president addresses the parliament: part 1-4 complete,” Uzbek Television first channel, Tashkent, in Uzbek 0500 GMT January 22, 2000, BBC Worldwide Monitoring; “Uzbek president tells parliament greater vigilance needed,” Uzbek Radio first program, Tashkent, in Uzbek 0500 GMT August 30, 2000, BBC Worldwide Monitoring. “Uzbek minister urges vigilance against ‘terrorist activities,’” Uzbek Television first channel, Tashkent, in Uzbek 0300 GMT October 26, 2002.

⁷⁰ Human Rights Watch interview with rights activist who did not want to be identified, Namangan, October 26, 2001.

In breach of the right to respect of privacy, family, and home, and freedom of religion, mahalla committees help law enforcement agencies throughout the country to collect information about people's religious beliefs and practices.⁷¹ This information is then collated into lists of people considered potential Muslim extremists.

Through door-to-door visits or by summoning residents to their office, mahalla committees have collected information about who prays, has a beard, and teaches children about Islam. Law enforcement agencies reportedly have given mahalla committee chairmen a list of questions about mahalla residents that the committee should provide answers to. These have included:

- A list of names and addresses of those who encourage women and children to pray *namaz* (the five daily prayers of Islam);
- A list of those who observe *namaz* in unauthorized places in the city;
- Information about "Wahhabists" who have served a prison sentence and their families;
- A list of those who have a beard or previously had a beard;
- Information about family members of "Wahhabists" who are over eighteen years old, but have not served in the army;
- A list of those considered "authoritative," "leaders," or "unruly;"⁷²

The government also expects mahalla committees to watch mosque activities. Speaking immediately after the February 16, 1999 bombings in Tashkent, President Karimov decreed:

...[E]very neighborhood committee should supervise the work of its local mosque. What are those mosques there for? ...Mosques are designed to improve the life of the neighborhood, to improve people's lives and to inculcate the belief in life after death in the minds of people. They should also explain to people what it's like to have a guilty conscience, and to arouse their conscience. I repeat that if there is a mosque in the neighborhood then the local council should keep their eyes open."⁷³

According to a local rights defender in Fergana City, the mahalla committees there have been tasked with intense surveillance of residents, including physically following their movements.⁷⁴

During criminal trials, judges and mahalla committee members have spoken openly about the surveillance role of mahallas in the government campaign against independent Islam. In one trial of thirteen men accused of membership of Hizb ut-Tahrir, a mahalla committee chairman called as a witness acknowledged that he had been

⁷¹ The right to respect of privacy, family, home, and correspondence, and protection of honor and reputation is contained in Article 17 of the International Covenant on Civil and Political Rights. The United Nations Human Rights Committee in General Comment 16 (Thirty-second session, 1988), states that under article 17, it is the duty of a state to ensure that information concerning a person's private life is never used for purposes incompatible with the Covenant. In this case, the collection of information is used for the purpose of restricting the right to freedom of religion (article 18 of the Covenant).

⁷² Appendix to press release, "Nachalo massovikh repressii protiv musulman v Uzbekistane," [The Start of Widescale Repression of Muslims in Uzbekistan], Memorial Human Rights Center (Moscow), February 26, 1999.

⁷³ "Uzbek president speaks on bomb attacks, promises amnesty for prisoners," Uzbek television first channel, 14:53 February 16, 1999, BBC Worldwide Monitoring.

⁷⁴ Human Rights Watch interview with "Bakhrom B.," a local rights defender, Tashkent, February 27, 2001. Bakhrom B. is a pseudonym.

instructed to inform higher authorities of illegal activities in his area. Asked what he would do if he discovered a member of Hizb ut-Tahrir in his neighborhood, the chairman responded that he would inform the police.⁷⁵

In another trial of four men and two women accused of being members of Hizb ut-Tahrir, mahalla committee member Tohir Sharipov was called as a witness and reproached when he could not say whether the husband of the accused was a member of Hizb ut-Tahrir. “Why don’t you know?” the judge asked, “the mahalla should know everything about its inhabitants.” Later the judge asked, “[d]id you think she was guilty of something?” to which Sharipov replied, “No, and if she had been attending Hizb ut-Tahrir meetings, I would have found out about it. If she had been doing something wrong, we would have heard about it.”⁷⁶

Together with police, mahalla members also conduct passport checks to ascertain compliance with residence permit requirements and serve as witnesses to police searches. They also register “suspicious” pious Muslims who are required to report to the committee on their activities.

In the case mentioned above, Sharipov, a member of a mahalla committee in the Shaihantaur district of Tashkent, testified in court that he was asked to witness the search of the house of Nozira Rakhmatullaeva, one of the defendants. “On January 24, 2002, I was invited by police to observe the search of [the defendant’s] house. They found three bags and a computer.”⁷⁷ Rakhmatullaeva was given a two-year suspended sentence for attempting to overthrow the constitutional system and spreading “extremist” literature.

In September 1999, the assistant chairman of the Suzuk Ota mahalla committee testified in court about the July 10 search of the house of human rights activist Ismail Adylov. The assistant chairman reportedly told the court that he was present as five or six police officers searched the house and found a bundle of leaflets. The leaflets, which Adylov says were planted in his house, were said to contain extremist religious materials. Adylov was sentenced to six years in prison, but was released in July 2001 after intense international pressure.⁷⁸

As part of the implementation of the government’s policy to involve mahalla committees in the state campaign against independent Muslims, some individuals were forced to report their activities not only to the police, but also to their local mahalla committee.

“Malika M.,” who had been a religious prisoner, told Human Rights Watch in February 2001 that every month since her release from prison in September 1999 her mahalla committee had summoned her to write a statement. In the statement she had to swear that she had not proselytized and was not a member of any unofficial organization and state that she understood she would be punished if she were a member of such a group. Explaining the mahalla committee’s interest in her, the elderly grandmother said “I’m on the list of dangerous people.”⁷⁹

A representative of the Bektimir district mahalla committee visited the mother of Shukhrat Abdurahimov, a religious prisoner, in October 1999, prior to parliamentary and presidential elections. The representative presented her with a document to sign indicating support for President Karimov. Abdurahimov’s mother told Human Rights Watch, “They only came to me, not to other neighbors.”⁸⁰

Authorities continued to monitor the Abdurahimov family after the presidential elections, as well. A representative from the mahalla visited Abdurahimov’s mother every month and compelled her to write a description of her activities, noting where she had been and with whom she had spoken, and attesting that she had not attended any illegal meetings or continued the activities of her son.⁸¹

⁷⁵ Human Rights Watch unofficial transcript, Chilanzar District Court hearing, July 5, 1999.

⁷⁶ Human Rights Watch unofficial transcript, Akmal Ikramov District Court, May 17, 2002.

⁷⁷ Ibid.

⁷⁸ Human Rights Watch interview with Ismail Adylov, Tashkent, June 18, 2002.

⁷⁹ Human Rights Watch interview with “Malika M.,” Tashkent, February 2001. Malika M. is a pseudonym.

⁸⁰ Human Rights Watch interview with mother of Shukhrat Abdurahimov, Tashkent, November 1999.

⁸¹ Human Rights Watch interview with mother of Shukhrat Abdurahimov, Tashkent, May 9, 2000.

“Nargisa N.,” a woman from Namangan, whose husband was sentenced to three and half years in prison for his religious expression, told Human Watch that after being the subject of a “hate rally” organized by her mahalla committee, the committee members came regularly to her house. “The mahalla come to me and check whether I have been anywhere.”⁸²

On May 26, 2003, about thirty women family members of religious prisoners participated in a protest against the prison conditions under which their relatives were held. The police beat and then detained the women at the Khamza district police station in Tashkent. After some hours the police took each woman to her local mahalla committee, where each sat with representatives of the committee who demanded a written statement, including a promise not to participate in any more protests.⁸³

The head of a mahalla committee in Margilan, in the Fergana Valley, visited Akhmadjon Madmarov, a human rights activist and father of three sons in prison for the expression of their Muslim faith, on June 5, 2003, and requested that Madmarov meet with a procurator at the office of the mahalla committee. When Madmarov arrived, he found himself facing a “commission” made up of police, procurators, and mahalla committee members. The “commission” showed him an official warning letter, stating that if he participated in further protests, he would be charged with a crime. A procurator at the meeting demanded that he sign the letter. He refused, stating that he had not participated in any protests, but that he had acted as an observer to a protest against the treatment of religious prisoners several days earlier in his capacity as a human rights defender. “The procurator told me to sign the warning letter. I refused and said that I haven’t breached anything. He said, ‘okay, the commission will write in the minutes that you refused to sign.’ I asked for a copy of the letter. They refused to give it to me.”⁸⁴

2002 Prison Amnesty

In December 2002, President Karimov declared an amnesty for certain categories of prisoners which included some people convicted of non-violent “extremist” activities.⁸⁵ The regulations under the amnesty set out requirements for the release of religious prisoners, including a letter of sincere repentance from the prisoner, the conclusions of the prison administration as to the active repentance of the prisoner, a guarantee letter from close relatives and from the mahalla committee in which the prisoner previously lived.⁸⁶ Relatives of religious prisoners were usually informed by the prison authorities, the police or local authorities, or sometimes by the prisoners themselves, that they must obtain a guarantee letter from their mahalla committee.⁸⁷ The letters were a guarantee signed by the chair and members of the mahalla committee to take responsibility for released prisoners. Although some religious prisoners were released under the amnesty, the abuse of their freedom of conscience and religion was set to continue. The amnesty process shifted the burden of controlling the religious practices of the prisoners from the jails to the mahalla committees. The requirement of a guarantee from a mahalla committee foretells on-going restrictions on ex-prisoners’ freedom of conscience and religion, since the mahalla committee undertakes to ensure that the released prisoners will not continue to manifest their beliefs as in the past.

⁸² Human Rights Watch interview with “Nargisa N.,” Namangan, October 26, 2001. Nargisa N. is a pseudonym.

⁸³ Human Rights Watch telephone interview with the husband of one of the women, Tashkent, May 27, 2003. Human Rights Watch interview with a local human rights activist, Tashkent, May 27, 2003.

⁸⁴ Human Rights Watch interview with Akhmadjon Madmarov, Tashkent, June 7, 2003.

⁸⁵ Most years an amnesty is declared to begin on a public holiday under which certain categories of prisoners are released. The 2002 amnesty began on December 8, 2002, Constitution Day, and continued for a three-month period.

⁸⁶ Regulations on fulfilling the Decree of the President of the Republic of Uzbekistan “On the amnesty of the tenth anniversary of the Constitution of the Republic of Uzbekistan,” December 3, 2002.

⁸⁷ Written apologies from prisoners stated that the prisoner was correctly convicted, will support the president, and will report any information about others involved in extremist or anti-constitutional activities, otherwise the prisoner would be guilty of a crime. Human Rights Watch interview with “A.A.” (not the person’s true initials) the father of religious prisoners who did not want to be identified, Tashkent, January 27, 2003. Human Rights Watch interview with “B.B.” (not the person’s true initials) a human rights activist who did not want to be identified, Tashkent, February 5, 2003.

In one letter obtained by Human Rights Watch, the mahalla committee agreed to “take responsibility for [the prisoner’s] rehabilitation in the future.”⁸⁸ In other letters, the committees agree to act as a “guardian” to the prisoner upon release, or to keep “him under observation.”⁸⁹ Some letters were then also signed by the head of the regional police station, confirming that the guarantee letter was genuine.

The authorities, in requiring such letters, expect the mahalla committee to keep released religious prisoners under close observation and control, or otherwise possibly face consequences themselves.⁹⁰ Human Rights Watch encountered several cases where the mahalla committee refused to sign such letters, thereby practically blocking the possibility of releasing prisoners.⁹¹

Human Rights Watch received reports of prison authorities who refused to accept the mahalla guarantee letters from the relatives and refused to release the prisoners under the amnesty.⁹²

Extrajudicial Punishment

During the Soviet era, in particular in the 1920s and 1930s, communist officials organized public meetings to condemn those deemed to be acting contrary to the goals and dictates of the party. Similar public denunciations are held in present-day Uzbekistan, now organized by mahalla committees, hokimiats, the police and procurator’s office, as well as members of the official state clergy.⁹³ These events portray the role of mahalla committees and other government agencies in the state’s policy of violating freedom of religion and conscience through the government’s campaign against independent Muslims. They are carefully staged spectacles that function as a form of extrajudicial punishment, shaming and humiliating independent Muslims and their immediate relations. Speeches made by officials at the meetings serve as warnings, frightening people into abandoning religious practices the state finds objectionable or disavowing relatives or friends who have been branded “enemies.” Officials discredit the meetings’ subjects as worthless to society, and as bad mothers, fathers, and neighbors, thereby further isolating such people from the support networks that their community would otherwise provide. Such “hate rallies,” targeted at individuals because of religious belief and practice, are a form of intimidation intended to limit the free expression of religion, in particular, of Islam in Uzbekistan. In this respect, they violate Uzbekistan’s obligations under the International Covenant on Civil and Political Rights to respect the rights of freedom of expression and conscience.⁹⁴

The public denunciation in Namangan against Omina Muidinova, her three sons, and other male relatives provided a live warning of the dangers of following religious trends not sanctioned by the state. On April 5, 2000, a group of public officials and representatives from the Namangan city mahalla committee convened a public meeting to denounce Islamic beliefs and activities deemed threatening to the constitutional system of Uzbekistan.

⁸⁸ Human Rights Watch translation, letter on file in Human Rights Watch, dated January 4, 2003.

⁸⁹ Human Rights Watch translation, letters on file, dated January 21, 2003, January 26, 2003, January 27, 2003.

⁹⁰ At the time of writing the amnesty process was still under way and it was still unclear how the authorities would react to breaches of guarantees.

⁹¹ Human Rights Watch interview with the mother of a religious prisoner, “D.D.,” who did not want to be identified, Tashkent, January 30, 2003. Human Rights Watch interview with A.A., Tashkent, January 27, 2003.

⁹² Human Rights Watch interview with a friend of a religious prisoner who did not want to be identified, Tashkent, January 27, 2003. Human Rights Watch interview with the father of another religious prisoner who did not want to be identified, January 27, 2003, and January 30, 2003. Human Rights Watch interview with human rights activist who did not want to be identified, February 5, 2003. Human Rights Watch interview with mother of yet another religious prisoner who did not want to be identified, January 30, 2003.

⁹³ The procurator has powers of a state prosecutor, combined with oversight powers, such as ensuring the legality of arrest and detention and of the investigative process.

⁹⁴ Articles 18 and 19 of the International Covenant on Civil and Political Rights, respectively, protect the rights to freedom of conscience and of expression. International Covenant on Civil and Political Rights, G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976. Uzbekistan ratified the ICCPR in 1995.

Numerous residents were called to attend the public meeting, which was held in the Namangan hokim's office and presided over by Deputy Hokim A. Lukmanov.⁹⁵

The meeting began with a broad warning to area residents to shun religious trends deemed harmful to the state. Speakers called for the defense of citizens from "religious extremism" and particularly from the influence of Hizb ut-Tahrir. Officials hailed fidelity to the motherland, condemned her traitors, and warned citizens about encroachment on the existing order.

In the second stage of the "hate rally," the officials brought Omina Muidinova, a forty-seven-year-old mother of six, to the hall in handcuffs along with her three sons, brother, and son-in-law. The family was forced to stand before the crowd, surrounded by guards, to hear the officials' accusations against them. The presiding officials charged that Muidinova had conspired, "under the mask of Islam," with "ferocious religious extremists," to establish an Islamic state in Uzbekistan.

The meeting leaders then called on citizens to give their opinion of Muidinova and her family. Several men stood up to condemn Muidinova and called for punishment of her parents. People shouted out, demanding that the family be executed.

When officials instructed Muidinova to address the crowd, she said only that her relative, Akmal Ergashev, had persuaded her to become an observant Muslim and that she had subsequently urged others to become observant Muslims, to "embark on the true path of Islam." Omina Muidinova, her three sons, and other relatives were convicted and sentenced to lengthy prison terms on charges of "Wahhabism" and attempted overthrow of the state.⁹⁶

In another case, the mother of one religious prisoner told Human Rights Watch, "[w]hen I didn't go to the mahalla meeting they held it anyway and spread all these lies that my son was a terrorist and that we were 'enemies of the people.'" She said that authorities did not invite her closest neighbors, who are supportive of her, to the meeting, but peopled the event with members of the mahalla committee and employees of the procurator's office and hokimiat.⁹⁷

The wife of a well-known imam in Tashkent told Human Rights Watch that in a hate rally targeting her, those poised to speak in her defense were silenced:

The local head of the mahalla organized a meeting... in February 2000. The procurator, hokimiat, and mahalla representatives were there. They spoke badly about [my husband] saying that he had a bad effect on youth... They told our neighbors not to visit us or have anything to do with us... In the meeting in our mahalla, one person asked "What is the reason for this meeting?" When the organizers understood that he would say something good about [my husband], they stopped him speaking. They wouldn't let me or [my husband's] mother say anything in our

⁹⁵ The information on this case comes from a written report to Human Rights Watch from Akhmat Abdullaev, Namangan representative of the Human Rights Society of Uzbekistan, undated.

⁹⁶ Undated written report to Human Rights Watch from Akhmat Abdullaev. Muidinova and her relatives were handed prison sentences ranging from eleven to seventeen years of imprisonment. Verdict of the Namangan Province Court, June 29, 2000, on file with Human Rights Watch. According to the verdict, the state accused Muidinov of maintaining contact with her relative, Akmal Ergashev, who had been on a police wanted list. She was also accused of recruiting people for terrorist training camps in Tajikistan. The main evidence supporting the charges was a videotape of the training camp, which Akmal Ergashev allegedly gave her. Police also claimed to have found religious literature in her home, which state officials examined and found to contain "opinions contrary to the constitutional order and relating to political organizations and religious trends," as well as "calls for the overthrow of the existing government order and creation of a Caliphate."

⁹⁷ Human Rights Watch interview with mother of "G.G." (not the person's true initials), a religious prisoner who did not want to be identified, Tashkent, February 27, 2001.

defense. [My husband's] mother began to speak in her defense. The head of the mahalla shut her up and said that she could talk at the end, but at the end they didn't let her speak."⁹⁸

In January 2000, according to his lawyer, police detained Ibrahim Obidov, on the basis of his religious beliefs and would not release him until he asked for forgiveness in a series of meetings organized by mahalla committees. After complying, he was released. However, he was subsequently arrested, and on August 21, 2000, he was sentenced to ten years in prison for participating in private lessons in Islam.⁹⁹

In late 1999, Omina Yuldasheva, the wife of Imam Yuldashev, who had just been released from prison on fabricated charges of drug possession, was reportedly compelled to attend a public denunciation of "Wahhabis" in the meeting hall of the local mahalla committee.¹⁰⁰ Members of the committee, police officer Jamal Suliev, the Sobir Rahimov district procurator, and other government officials were present. About ten other pious Muslims were also called in.

The religious men and women, whom authorities referred to as "Wahhabis," were directed to one side of the room while authorities explained that they had been brought there to receive a warning for participating in religious sects and being "people who cover their faces." Authorities screamed at the gathered Muslims, ordering them not to cover their faces and not to be involved in any religious "sects." A man introduced as an imam reportedly told participants that it was necessary to wear *hijab* (Islamic head covering) only in Arab countries with desert sand and that Uzbekistan's climate did not require one to cover one's face. Moreover, he said, the directive to cover one's face is not written in the Koran.

The fiercest warning reportedly came from Officer Suliev. One participant at the meeting recalled:

Suliev scared us all. He said, "We have helped the local police officers and they have guns and nightsticks and handcuffs for you, and they can do anything, if you step out of line. They have cars to take you wherever." He said law enforcement officials had civilian assistants in the community [the posbon] to inform the local police officer. He said, "This meeting is a warning and if you take another step out of line, the next place you'll be going is Jaslyk."¹⁰¹

Suliev allegedly threatened, "You better listen to me, if just once you don't respond to calls from the district police station or the neighborhood police station, you will be on a flight to Jaslyk."¹⁰²

Three days after the first "hate rally," the local police officer ordered those on the police list of "Wahhabis," including Yuldashev's wife, to attend another public denunciation at the local school. Also in attendance were representatives of the mahalla committee, the chair of the local government's women's committee, Muhayo Saidova, and the district hokim. The district procurator presided over the meeting, which was attended by local residents. One of the estimated twenty religious Muslims compelled to attend the meeting reported to Human Rights Watch, "[o]ne by one, we were called up to say that we were against sects. They made one man take the Koran and swear he was not part of a sect." Others were reportedly directed to ask forgiveness from the 100-

⁹⁸ Human Rights Watch interview, Tashkent, December 11, 2001. [The imam's wife asked not to be identified by name.]

⁹⁹ Human Rights Watch unofficial transcript, Tashkent City Court hearing presided over by Judge V. N. Sharipov, August 4, 2000.

¹⁰⁰ Imam Yuldashev was again arrested in July 2000 and was held incommunicado for five months. In April 2001, Judge Najimov of the Akmal Ikramov District Court found Yuldashev guilty of conspiracy to overthrow the state, and leadership of a criminal, religious extremist organization, and sentenced him to nineteen years in prison. Yuldashev testified in court that police had tortured him after his arrest. Human Rights Watch unofficial transcript, Akmal Ikramov district court hearing, April 9, 2001.

¹⁰¹ Jaslyk prison, in a desert in the far west of Uzbekistan, is infamous for torture and ill-treatment of the inmates. Human Rights Watch interview with a participant at the meeting who did not want to be identified, Tashkent, August 1, 2000.

¹⁰² Ibid.

person assembly. Imam Yuldashev's wife was reportedly allowed to leave without being forced to stand before the group and ask for forgiveness.¹⁰³

"Mukhtabar M." was released from prison in September 1999 after serving a ten-day misdemeanor sentence for membership in Hizb ut-Tahrir and meeting with other women to discuss Islam. After her release, she became the target of invasive and intimidating scrutiny by her local mahalla committee and other state authorities. In conjunction with local police, the mahalla committee called a public meeting to denounce the elderly woman and Hizb ut-Tahrir members in general. According to Mukhtabar M., all the women in her mahalla who wore headscarves were summoned to the meeting. There, Anvar Qori, imam of Tashkent, announced that all those wearing hijab were not required to wear this type of dress. The meeting organizers called on those present to locate and report others who wore hijab. They warned the women that members of Hizb ut-Tahrir were "dangerous" and said, "you should fear them and shun relatives who are members of Hizb ut-Tahrir."¹⁰⁴

One woman compelled to attend a public denunciation in her mahalla said that the chairman and the local imam denounced the mother of Murad Otometov, a young man arrested on June 14, 1999, for distributing Hizb ut-Tahrir literature. The imam reportedly dismissed the ideas of Hizb ut-Tahrir as "wrong" and blamed the parents of young people for not keeping them from this group. The neighborhood police officer also addressed the crowd, announcing that Hizb ut-Tahrir was opposed to the government and would ruin the country, she recalled. When questioned about the motives behind inviting women in hijab to the meeting, he stated, "We invited those women whom we suspect of Hizb ut-Tahrir membership."¹⁰⁵

Mahalla committees regularly called on residents to halt religious practices deemed to be outside of acceptable parameters. For instance, mahalla committee representatives summoned men to tell them to shave their beards and instructed women to remove their head scarves. In at least one case, a mahalla committee held a fake trial of a woman for wearing a head scarf and released her with a warning.

In Tashkent in 1999, while Imam Abdurahid Yuldashev was in police custody, his wife was called to the local mahalla committee and told she would be tried that day by a "mahalla court" for wearing hijab.¹⁰⁶ The so-called judges presiding were mahalla committee members, other community members, and the neighborhood police officer. At the end of the "trial," they allowed Yuldasheva her "last word," a defendant's final speech in his or her own defense in a criminal trial in Uzbekistan. She reportedly said that she would continue to wear hijab. The "judges" reportedly screamed at her for wearing hijab and not actively participating in mahalla events, such as holiday celebrations. They wrote a report of the proceedings but refused to show it to Yuldasheva. They allegedly told her simply, "Now you have been warned."¹⁰⁷

One of the earliest cases of a public denunciation documented by Human Rights Watch dates to 1998, when the wife of a man imprisoned for his religious beliefs was forced to attend a meeting organized by the local mahalla committee in Namangan. Members of the committee, police, hokimiat, and regional women's committee, along with neighbors attended. The victim told Human Rights Watch:

A car came and took me along with other women. They said we were religious extremists. It was like a court. Some people spoke well about us and some spoke badly. All of us women said that we don't do anything wrong. We just pray. The chairman of the mahalla told us not to wear hijab, to take it off and that we mustn't wear it. The police forced us all to take it off... Now I don't wear a scarf covering my face. I would wear it if I could. I like it."¹⁰⁸

¹⁰³ Human Rights Watch interview with a witness to the meeting who did not want to be identified, Tashkent, August 1, 2000.

¹⁰⁴ Human Rights Watch interview with "Mutkhabar M.," Tashkent, February 2001. Mutkhabar M. is a pseudonym.

¹⁰⁵ Human Rights Watch interview with participant at the meeting who did not want to be identified, Tashkent, July 12, 1999.

¹⁰⁶ The Mahalla Law does not give committees any judicial authority.

¹⁰⁷ Human Rights Watch interview with a person close to the case who did not want to be identified, Tashkent, August 1, 2000.

¹⁰⁸ Human Rights Watch interview with "Gulchara G.," Namangan, October 26, 2001. Gulchara G. is a pseudonym.

Following a series of protests staged by female relatives of independent Muslim prisoners in Andijan in March and April 2001, local mahalla committees allegedly began to intensify the frequency of public denunciations. An Andijan rights activist told Human Rights Watch that in each neighborhood mahalla committees had targeted half a dozen relatives of religious prisoners for routine harassment and public humiliation.¹⁰⁹

Mahallas continued to organize public denunciation, at least through June 1, 2003.¹¹⁰ A rights activist from the Fergana Valley told Human Rights Watch that officers from the Ministry of Internal Affairs and the procurator's office, as well as members of the Komolot youth group regularly attend meetings organized by mahalla committees to denounce independent Muslims. He said that the meetings usually include announcements of arrests of independent Muslims and warnings to other residents not to follow their example.¹¹¹

Discrimination

Social Assistance

The mahalla committee has wide discretionary powers over whom to grant assistance, there being few objective criteria and little external control.¹¹² The authority to allocate funds for social assistance gives mahalla committees significant leverage over families within their neighborhood. Mahalla committees sometimes use this to pressure families, usually women and children, to change their behavior to comply with government-directed norms. Such practices, when used, discriminate against both independent Muslims and women, forcing them to either change their behavior or give up social assistance.¹¹³

Human Rights Watch has documented several cases in which mahalla committees refused to pay social assistance on the grounds that the family applying was related to independent Muslims usually described as "enemies of the people," a Soviet-era term for dissidents or those who belonged to groups deemed to be class enemies, such as private farmers or "bourgeois nationalists."¹¹⁴

Although such clear cases of discrimination in social assistance exist, they do not rise to the level of a systematic practice. Some families of imprisoned independent Muslims receive social assistance from their respective mahalla committee. However, when mahallas do engage in such discrimination, its impact can be devastating, particularly in those families that have lost several wage-earners to the arrest campaign and imprisonment.

One woman who was left without financial support in October 2001 after her husband, two brothers, and brother-in-law were imprisoned as "Wahhabis," applied to her mahalla committee in Tashkent for social

¹⁰⁹ Human Rights Watch interview with a rights activist from Andijan, Tashkent, April 20, 2001.

¹¹⁰ Human Rights Watch interview with "Sabina S.," a relative of a religious prisoner, Tashkent, June 11, 2003. Sabina S. is a pseudonym.

¹¹¹ Komolot was formerly the Young Communist League. Human Rights Watch interview with Bakhrom B., a rights defender, Tashkent, February 27, 2001.

¹¹² See Richard Pomfret, "Uzbekistan, Income Distribution and Social Structure during the Transition," paper prepared for United Nations University World Institute for Development Economics Research, June 1999, <http://www.wider.unu.edu/publications/1998-1999-1-2/1998-1999-1-2-13.pdf> and John Micklewright, Aline Coudouel, Sheila Marnie, "Targetting and Self-Targetting in a Transition Economy: The Mahalla Social Assistance Scheme in Uzbekistan," January 2001, http://www.cpr.maxwell.syr.edu/seminar/Spring01/micklewright_paper.pdf.

¹¹³ See domestic violence section below for other examples.

¹¹⁴ Because the government severely underfunds the mahalla social assistance program, mahallas cannot help all families that apply for assistance. Human Rights Watch received data about four mahallas in which the committees received a modest 50,000 som (approximately U.S.\$35.00 at the time of research) per month for the provision of material aid to poor families. With this amount the committees could help approximately ten families per month, at 5,000 som per family. These mahalla committees estimated that they had between forty and 123 poor families in their mahalla territory.

assistance to help support her four children. “The head of the mahalla said to me himself, ‘you are a family of terrorists, of “Wahhabis,” enemies of the people and we won’t give you any help.’”¹¹⁵

Another woman whose two sons and husband were arrested in 1999, leaving her at home alone with a sick daughter, told Human Rights Watch that she approached her mahalla committee in Khorezm several times in 2000, 2001, and 2002. Each time the committee refused to give her social assistance, and on one occasion a committee member reportedly told her, “[y]our family is ‘Wahhabist.’ It is forbidden to help you.”¹¹⁶

The wife of an imam wanted by police since 1998 told Human Rights Watch that her mahalla committee in Tashkent would not grant her social assistance. She was supporting six children and had no paid employment. “I went and said to them, ‘okay don’t help us, but don’t say bad words about us.’ The chairman of the mahalla said ‘You have to understand that there is pressure from above. We are forced to say such things.’”¹¹⁷

Issuing Documentation

Uzbekistan has maintained much of the bureaucracy of Soviet times, which means that the ordinary citizen is often required to produce documentation, from passports to reference letters, when approaching government officials. One of the roles of a mahalla committee is to provide some of this documentation to its residents. Human Rights Watch has encountered cases where the chairman, usually the individual authorized to issue documentation, has refused to provide such documentation or has made it difficult to obtain on the basis of religion. Sometimes the chairman will impose conditions on the provision of documentation, such as requiring a woman to remove her headscarf.

Feruz Kurbanova told Human Rights Watch that after receiving a suspended sentence on March 7, 2001, for belonging to Hizb ut-Tahrir, the police from the department that oversees those on suspended sentences instructed her to provide them with a photograph and a character reference from her mahalla committee. When Kurbanova went to the mahalla committee for the reference, the committee chair reportedly shouted at her, “you should not have been released.” They refused to provide her with the necessary document and threatened that they would organize a public meeting and force her to ask for forgiveness. The mahalla committee did not organize the meeting, however, but did continue to monitor and attempt to control Kurbanova’s activities.¹¹⁸

Keeping Mahallas in Line

Some mahalla committee representatives have refused to cooperate in the crackdown against independent Muslims. Sometimes, however, this has led to pressure and threats from the hokimiat or other authorities, thus reinforcing the control exerted on mahalla committees from central government authorities.

In some cases the mahalla committee has provided moral support to families allegedly connected to “extremists.” A mother of two sons who are in prison, accused of being members of Hizb ut-Tahrir recounted, “[t]he mahalla knows my family and that my sons are honest and have higher education. They came to me and were supportive.”¹¹⁹

Another woman, whose husband, two brothers, and brother-in-law were all imprisoned after the February 1999 bombings in Tashkent on charges related to their nonviolent expression of religion, told Human Rights Watch about the treatment of her father after these events in his mahalla in Surkhandaria. “My father is a very

¹¹⁵ Human Rights Watch interview with Dilfuza D., Tashkent, December 11, 2001. Dilfuza D. is a pseudonym.

¹¹⁶ Human Rights Watch interview with Mariam M., Tashkent, May 30, 2002. Mariam M. is a pseudonym.

¹¹⁷ Human Rights Watch interview with the imam’s wife, Tashkent, December 11, 2001. The imam’s wife asked not to be identified.

¹¹⁸ Human Rights Watch interview with Feruz Kurbanova, Tashkent, March 14, 2001 and October 24, 2002. Days prior to the Independence Day celebrations on September 1, 2002, the deputy head of the mahalla committee came to Kurbanova at home and warned her not to leave her house until the celebrations had finished.

¹¹⁹ Human Rights Watch interview with “Rano R.,” December 12, 2001, Tashkent. Rano R. is a pseudonym.

respected person. The hokim said that he must be destroyed. He said bad things about him, but the mahalla is respectful. The people also respect him. The hokimiat organizes meetings where they speak badly about my father, but it doesn't affect him."¹²⁰

However, the position of a mahalla chairman who is not inclined to carry out the repressive policies of the government is a precarious one. Committee chairmen are often called before the hokimiat to answer for themselves and can be threatened with dismissal. Mahbuba Kasymova, a human rights activist in Tashkent, was sentenced in July 1999 in a politically motivated trial to a five-year prison term for fraud and concealing a crime, but was released in December 2000 after international pressure on the government. Before her imprisonment, she was subjected to a "hate rally" at which the chairman of her area mahalla committee actively participated. She told Human Rights Watch that after her release, the now former chairman came to her and apologized.

The former chairman came to me and said, "I feel very uncomfortable in front of you because I think I was to blame for your time in prison.... The police called me. Four of them forced me to give evidence against you. I said that she is a good woman with children.... They threatened me, if you don't say anything, tomorrow your son will be here [in the police station]." So then he said, "I can't consider that woman to be a woman and she should sit forever in jail."¹²¹

The wife of a well-known imam wanted by the Tashkent police for his purported "Wahhabism" told Human Rights Watch:

In March 1998... I needed to get a letter of recommendation for [my husband]. The chairman [of the mahalla] gave a very good letter of recommendation. The hokimiat...[found out]... and were very angry with him that he gave such a good reference letter. They threatened him, even with dismissal. He wanted to stay in his position and so now he talks badly about [my husband] in other mahallas.¹²²

In September 2002, the chairman of a Tashkent mahalla reportedly told the mother of "Bakhtior B."—who was awaiting trial on sedition charges based on his alleged involvement in Hizb ut-Tahrir—that he had just received a letter from the Ministry of Internal Affairs, dressing him down for not working effectively against "extremism," and for writing positive character references for several young men suspected of involvement in "extremist" activities. The chairman had written two good character references for Bakhtior B. since his arrest on June 16, 2002.¹²³

Domestic Violence¹²⁴

Several women's organizations in Uzbekistan report an increasing willingness on the part of the authorities since 2001 to discuss the problem of domestic violence. International organizations and local NGOs have run domestic violence seminars and training programs for prosecutors, law enforcement officers, and mahalla

¹²⁰ Human Rights Watch interview with "Fatima F.," December 11, 2001, Tashkent. Fatima F. is a pseudonym.

¹²¹ Human Rights Watch interview with Mahbuba Kasymova, Tashkent, October 22, 2001.

¹²² Human Rights Watch interview with the wife of the imam, Tashkent, December 11, 2001.

¹²³ Human Rights Watch interview with the father of "Bakhtior B.," Tashkent, September 27, 2002. Bakhtior B. is a pseudonym.

¹²⁴ Most of the following section has been taken from "Sacrificing Women to Save the Family? Domestic Violence in Uzbekistan," *Human Rights Watch Report*, vol.13, no.4 (D), June 2001. The report is based on detailed interviews with twenty victims of domestic abuse in four rural districts of two provinces, and one urban area. Human Rights Watch also interviewed dozens of women's rights activists, lawyers, judges, police, doctors, and government officials at the national, province, district, village, and mahalla level. All of the sources for this report agreed to tell their stories only under conditions of complete anonymity, in the case of the victims, for fear of being singled out within their communities, and in the case of officials, for fear of political repercussions. Therefore, all identifying information, including even the province where the interview took place, is withheld, and all of the names of the witnesses in this section of the report are given as pseudonyms.

committee representatives. Some local NGOs and government women's organizations agree that there is now a recognition that domestic violence "exists and must be dealt with."¹²⁵ However, "violence remains in place"¹²⁶ and government policies and practices continue to fail to protect—and sometimes even increase the risks of harm to—victims of domestic violence.

Mahalla committees actively participate in fulfilling government policy relating to the family, even when the policies fail to protect victims of domestic violence. Government policies are directed toward maintaining the family as a cohesive unit, a priority that often runs counter to the rights of victims of domestic violence. Divorce is actively discouraged and prosecutions for violence by one family member against another are rarely pursued. In 1998, which the government decreed "the Year of the Family," state agencies made special efforts to limit the number of divorces. One leader of a non-governmental organization told Human Rights Watch, "[t]here was an order from above, an oral instruction, that if the number of divorces in any area was too high, then the administrators would be punished."¹²⁷ Civil registry offices denied divorces to couples who wished to divorce by mutual agreement, telling them that they could not do so because it was the Year of the Family.¹²⁸

Although it is no longer the "Year of the Family," these state policies continue, often to the detriment of women in abusive relationships. Mahalla committee representatives actively prevent women from obtaining relief from or redress for abuse. They coerce women into remaining in abusive marriages, ignore violence against women, and perpetuate impunity for abusive husbands. The mahalla committees carry out government policies that subordinate women's well-being to a misguided notion of family unity. These actions violate the Uzbek government's obligation under international law to provide women equal protection under the law.¹²⁹

Certain aspects of these policies, such as the encouragement of community involvement in cases of family abuse, are positive in that they remove the question of domestic violence from the private sphere of the family and implicitly recognize the social harm caused by this crime. However, the fact that mahalla officials consistently block women's access to legal remedies, to divorce, or to the criminal justice system, means that the state discriminates against women and violates the guarantee of equal protection under the law. Under international standards, states are obliged to eliminate discrimination against women in all matters relating to marriage,

¹²⁵ Human Rights Watch interview, Dilovar Kabulova, deputy chairperson, Women's Committee of Uzbekistan, Tashkent, January 31 2002.

¹²⁶ Human Rights Watch interview with NGO leader, February 3, 2002.

¹²⁷ Human Rights Watch interview with NGO leader, May 23, 2000.

¹²⁸ Human Rights Watch interview with Nozigul N., May 17, 2000; Human Rights Watch interview with lawyers' group, June 1, 2000.

¹²⁹ Articles 2(1), 3, and 26 of the ICCPR specifically prohibit sex discrimination. In 1996 Uzbekistan ratified the 1979 Convention on the Elimination of all Forms Discrimination against Women. In Uzbekistan, the state's failure to hold accountable perpetrators of domestic violence discriminates against women because it denies them their right to equal protection under the law. State responsibility for human rights violations is widely recognized to include not only acts by states and their agents, but a state's failure to act with due diligence to prevent, investigate, and prosecute violations by private actors. States are accountable for consistent patterns of discriminatory enforcement of criminal law. A state is therefore in violation of international law when it persistently fails to address abuses committed against women, whomever the perpetrator. This includes violations to the security of the person. In 1992 the U.N. Committee on the Elimination of Discrimination Against Women stated that "gender-based violence is a form of discrimination that seriously inhibits women's ability to enjoy rights and freedoms on a basis of equality with men" and that "States may also be responsible for private acts if they fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, and for providing compensation." Committee on the Elimination of Discrimination against Women, General Recommendation 19, Violence against women, (Eleventh session, 1992), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 84 (1994).

The Declaration on the Elimination of Violence against Women, adopted by the U.N. General Assembly in December 1993, and also affirms that "States should... exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the State or by private persons." It sets out a series of judicial, legislative, administrative and educational steps that a state should take to meet their obligation under international law to bring violence against women to an end. Declaration on the Elimination of Violence Against Women, U.N. Document A/Res/48/104, February 23, 1994, article 4.

including the right to terminate a marriage. Forcing women to remain in a marriage, and blocking female-initiated divorce while allowing men to proceed with divorce breaches these standards. In the cases documented by Human Rights Watch, the state, using mahalla committees and other local government authorities, coerced women not only to remain in marriages against their will, but to remain in abusive marriages that threatened the women's physical and mental health. This state action is in violation of the Convention on the Elimination of all Forms of Discrimination against Women and other international human rights documents to which Uzbekistan is a party.¹³⁰ The state's interests in promoting the family unit cannot justify breaching these fundamental human rights and the promotion of the family unit must be carried out in a manner consistent with these rights.

In order to reduce the number of family conflicts, the government instructed local police departments and mahalla officials to maintain a record of each residence to which they had been called. Families remain on this registry for a period of three years, during which time police are supposed to check on them regularly.¹³¹ According to the officials interviewed, when victims of domestic violence appeal to the mahalla committee, the chairman forms a "reconciliation commission," usually consisting of the chairman, unpaid community elders, and possibly women community activists, or members of the mahalla women's committee. In some cases, the initial interview with the couple is performed only by the mahalla chair, the deputy chair, always a woman who heads a women's committee within the mahalla, or a community elder. If the conflict persists, then the entire reconciliation committee becomes engaged. The matter might be referred to the village council, in areas where such bodies exist, if the mahalla committee mediation is unsuccessful, and from there, to the court or to the police.¹³²

There is no legal requirement that the mahalla committee become involved before the police are contacted, although the chairmen interviewed by Human Rights Watch reported that they routinely decided whether or not to allow residents of their communities to refer such matters to the local police. If victims contacted the local precinct themselves, police would refer the matter to the mahalla committee before proceeding with any action.¹³³

The mahalla committees seek to eliminate the need for legal action in family disputes. Victims of domestic violence may plead for months or even years before a mahalla committee will refer a case to the police or allow the victim to divorce (see below). One village council chairman recounted a case in which a victim of domestic violence had just been to court for a divorce hearing:

Two years ago she came three times to us. The husband was called here and told not to drink. He promised to stop. But ten to fifteen days later he was drunk again. We warned him that we would take him to the police if he continued the beatings. The case came three times before the village council in five months and then we sent it to court.¹³⁴

In another case, a woman with four children suffered severe beatings from her husband for nine years of their fifteen-year marriage. The beatings to her face had deformed the bone structure of her cheeks and nose. Despite the abuse, the local authorities tried to "reconcile the family." The deputy mayor of the rural village told Human Rights Watch, "[t]he entire mahalla has been working on this one family's problems for five years. He constantly beat her—especially her face. We decided that she should file for divorce."¹³⁵

¹³⁰ See in particular article 16 of the Convention on the Elimination of all Forms of Discrimination against Women. Uzbekistan ratified this convention in 1996.

¹³¹ Human Rights Watch interview with village council chairman, May 21, 2000.

¹³² Rural communities may have both a mahalla committee and a village council (*kishlak* committee). Usually the village council covers several mahalla areas. However, both mahalla committees and village councils are regulated by the Mahalla Law and operate in the same way. Also, in practice both are controlled by the hokimiat structure. Sometimes the mahalla committee will report directly to the hokimiat; sometimes they will report to the village council, which in turn reports to the hokimiat.

¹³³ Human Rights Watch interview with village council chairman, May 21, 2000.

¹³⁴ Human Rights Watch interview with village council chairman, May 23, 2000.

¹³⁵ Human Rights Watch interview with deputy mayor and "Jurakhon J.," the victim, June 3, 2000.

Mahalla committee members blame women for the abuse they suffer.¹³⁶ One village council chairman told Human Rights Watch:

Mostly, the men beat their wives when their wives don't do their work... We call the woman and ask her first why he beat her. Then we call the husband and ask him why he beat her. Most of the women realize their own guilt. They realize that they did not do something that they were supposed to do.¹³⁷

A mahalla committee elder explained his approach to mediating family conflicts by emphasizing religious obligations:

Muslims have one hundred responsibilities for women and one hundred responsibilities for men. I ask the woman if she has fulfilled all one hundred responsibilities. I do a test. If she answers no to the questions, I say to her, "It seems you do nothing for your family. Go back and live with your husband."¹³⁸

Mahalla committee representatives opt primarily for dispensing advice or using persuasion to address the problem of domestic violence, rather than taking punitive action. One rural district governor explained the essence of mahalla committee intervention this way: "If the husband is guilty, we will not punish him or fine him. We will just give him advice."¹³⁹ Only in cases of persistent family violence might the mahalla committee take punitive action such as advising members of the community not to include the perpetrator as a guest at weddings and other local celebrations. However, such ostracism is more likely to result from other behavior judged to be illegal or anti-social, such as excessive drinking or drug abuse, rather than solely on grounds of abusing a family member.¹⁴⁰

Such actions depend largely upon the discretion of the individual mahalla committee chairman. One village council chairman related his approach to dealing with these instances: "A woman comes and says her husband beats her. I call the husband and the woman, it turns out, was guilty for this herself. I yell at him that if he lifts a hand against her, I will beat him. After that, the family calms down."¹⁴¹

Such reliance on moral persuasion and the threat of punishment does not adequately protect victims against further violence. "The mahalla women's committee called him in and talked to him," "Jurakhon J." recalls of her husband. "And he was quiet for a week, but then he drank and beat me again."¹⁴²

While mahalla committee representatives take pains to persuade women to remain with their husbands, even abusive ones, it appears that they pursue reconciliation less energetically when it is the husband or his family that wishes to initiate a separation. Domestic violence usually comes to the attention of the mahalla committee when the wife flees abuse. Yet some abused women are thrown out by the husband's family. Though she suffered brutal beatings at the hands of her father-in-law, "Gulchekhra G." hoped to remain married to her husband. During her first years of marriage, she accompanied her husband's extended family when they left their home in the countryside to engage in agricultural labor near the capital, Tashkent, but when her infant son fell ill, Gulchekhra G. took him back to her parents' home in the countryside. Her husband and his parents subsequently returned to their village, but refused to take her back into their home to live with her husband.

¹³⁶ Blaming women for their own abuse is not unique to the mahalla. See, Human Rights Watch, "Sacrificing Women to Save the Family," pp.15- 16.

¹³⁷ Human Rights Watch interview with village council chairman, May 21, 2000.

¹³⁸ Human Rights Watch interview with mahalla elder, May 23, 2000.

¹³⁹ Human Rights Watch interview with district hokim, June 3, 2000.

¹⁴⁰ Human Rights Watch interview with deputy district hokim, June 3, 2000.

¹⁴¹ Human Rights Watch interview with village council chairman, June 4, 2000.

¹⁴² Human Rights Watch interview with Jurakhon J., June 3, 2000.

My father-in-law brought the village elders to our house to try to arrange a divorce. The mahalla chairman also came. The elders told my father-in-law to sue for divorce himself. The mahalla chairman told my father to go and collect my belongings from them, but my father refused, saying that I wanted to live with my husband...My own neighborhood elders are also on the side of his family.¹⁴³

In a similar case, “Shahida S.’s” in-laws threw her out of their home as a form of retribution against her family, after one of Shahida S.’s relatives, a man married to her husband’s sister, sent his wife [Shahida’s sister-in-law] back to her natal family. Although Shahida S.’s husband beat her severely as he sent her away, she nonetheless hoped that their marriage could be preserved. Her husband, however, had requested the papers necessary for divorce from the mahalla committee chairman and was immediately granted them.¹⁴⁴

There are cases, however, in which mahalla committees attempt to prevent husbands from casting off their abused wives, in accordance with women’s wishes. “Malika M.” reported that her local mahalla committee prevailed upon her abusive husband not to cast her and their three daughters out, in favor of the second wife he wished to bring home.¹⁴⁵

I called the mahalla chairman [to come] and asked my husband [in front of the mahalla chairman] if he has another woman. He said he does, and [he told me] ‘the day you leave I’ll bring her here.’ I said I have nowhere to go with two children. I explained it to him. The chairman said you yourself are good but your husband doesn’t like you...the chairman said to my husband that your wife isn’t leaving...Take her belongings back into the house, and let this conflict be your last.¹⁴⁶

Mahalla committees’ reluctance to intervene to “save the family” when the separation is initiated by men indicates gender bias and a tendency to reinforce the power of men within the family. It also underlines the failure of the mahalla committee representatives to take domestic violence seriously. A village council chairman with responsibility for eleven separate mahallas stated bluntly, “We keep marriages together even in cases when the husband beats his wife. This year three men wanted to divorce. I helped them get the papers so that they can go to court for divorce.”¹⁴⁷

Only one woman out of twenty interviewed in May and June 2000 told Human Rights Watch that the mahalla committee’s intervention had quelled violent quarrels between her and her spouse. “Aziza A.” described the occasional violence meted out by her husband that had caused her to turn to her local mahalla committee:

Once or twice he hit me, and we yelled at each other. Once I went to the mahalla after a fight and told them I didn’t want to live with him anymore. My husband went to the mahalla and they called me in. Uzbeks say that you must respect your husband no matter what. The mahalla said that you should treat each other kindly, and that everyone is having a tough time now. Then we came back and eventually our mood got better.¹⁴⁸

In the instances of persistent family violence described by victims to Human Rights Watch, mahalla committee representatives, when faced with resistance on the part of the husband or his family, failed to press effectively to obtain relief or redress for women victims. For example, when “Rano R.” returned to her natal home in November 1997, her father went to their village council chairman to complain that her husband had beaten her. She recounted:

¹⁴³ Human Rights Watch interview with Gulchekhira G., May 21, 2000.

¹⁴⁴ Human Rights Watch interview with Shahida S., May 21, 2000.

¹⁴⁵ Human Rights Watch interview with Malika M., May 23, 2000.

¹⁴⁶ Ibid.

¹⁴⁷ Human Rights Watch interview with village council chairman, May 21, 2000.

¹⁴⁸ Human Rights Watch interview with Aziza A., May 23, 2000. “Aziza A.” is a pseudonym.

The committee said that they knew my husband had a difficult character and said that they would try to talk to him. The elders went with my father to him and asked him to stop. They tried to give him advice. But he then tried to strangle my father and threw them out of the house. He also beat me again and told me not to take the children anywhere...¹⁴⁹

Rano then appealed to the village council repeatedly, in order to retrieve her documents and possessions from her husband, but without success:

I went to the village council a second time. I had left the house with just one dress—the dress I was wearing. I asked them to get my passport and my work permit. They called him in and he came. I was two months pregnant...he screamed at me when he came to the office and I fainted. I went again to the office but he said that he would not give me anything. The village council summoned him to the office again, but I fainted again because I was so afraid of him. Without my documents I couldn't get a job and could not file for a divorce. For twenty days I went to the village council office. Winter was coming and I only had the one dress. My son needed to go to school. All my son's things were at his house, too. When I left, I had to leave everything. Twenty days later, one worker of the village council tried to get the things. But my husband refused...¹⁵⁰

Mahalla committee members fail to address the real harm—physical and emotional—being done to the victims of domestic violence, and do not act on the principle that domestic violence is a criminal offense. They interpret “reconciliation” of family conflicts as the cessation of complaints, rather than an end to the violence. Their intervention, therefore, is often directed toward placating the abuser, rather than helping the victim.

Divorce

Neither the family code nor the Mahalla Law provide for any formal role for mahalla committees in divorce proceedings. Nevertheless, Human Rights Watch found that mahalla committees routinely assume the role of gatekeeper, either permitting women to press ahead with divorce suits or blocking those plans by refusing to provide a character reference to the court. One mahalla chairman told Human Rights Watch, “since 1999, courts will not set a divorce case in motion without the agreement of the mahalla.” A prominent NGO leader also confirmed this practice.¹⁵¹ One deputy district governor openly described the policy of denying divorces: “There are three or four families on the list where the husband beats the wife. ... We do not let it get to the stage of divorce... Without a character reference you cannot get a divorce.”¹⁵² Nearly all of the victims of domestic violence interviewed by Human Rights Watch who were seeking to divorce believed that they would have to obtain permission from their local mahalla committee, as statements by mahalla committee representatives and judges also suggest,¹⁵³ although there is, in fact, no such legal requirement.

Local government officials interviewed by Human Rights Watch frequently expressed pride in the low number of divorces in their communities and of their successful interventions in “reconciling” family conflicts. One village council chairman responsible for governing villages with a total population of 13,000, divided into four mahallas, said that there were ten to fifteen cases of family conflicts (not necessarily involving abuse) in his community each year, but in the previous twelve months, all had been resolved without resorting to the police or to the courts.¹⁵⁴

¹⁴⁹ Human Rights Watch interview with Rano R., May 20, 2000.

¹⁵⁰ Ibid.

¹⁵¹ Human Rights Watch interview with mahalla committee chairman, May 29, 2000; Human Rights Watch interview with NGO leader, May 23, 2000.

¹⁵² Human Rights Watch interview with deputy district mayor for women’s affairs, June 4, 2000.

¹⁵³ Current and former judges interviewed by Human Rights Watch insisted that preventing divorce was their primary aim when adjudicating divorce cases, explaining that the law, in fact, requires that every attempt be made to keep spouses together. See Human Rights Watch, “Sacrificing Women to Save the Family?”

¹⁵⁴ Human Rights Watch interview with village council chairman, May 23, 2000.

Mahalla committees are, for the most part, anxious to prevent divorces even in cases of persistent physical abuse. The village council chairman mentioned in the paragraph above was one of the few local officials to approach the question of divorce differently. His attitude shifted somewhat, he said, after a 1999 case in which a woman committed suicide after repeatedly appealing to local officials about the persistent beatings and rapes she suffered at the hands of her husband. “That case of the suicide influenced me a good deal. I realized that it is not necessary to force them to live together if he beats her. The cases that come to us—we try to make sure that the families are not torn apart. Those families where it is impossible to save the family, we divorce them.”¹⁵⁵

Mahalla committee representatives and other local government officials pressure women to remain in abusive marriages without acknowledging the further harm this may cause. Indeed, even the village council chairman mentioned above urged a woman who had complained for three years that her husband beat her to remain with her husband.¹⁵⁶ Municipal and district executive bodies pressure mahalla committee representatives to “resolve” such cases without divorce. One municipal women’s committee official described how her agency reacts to reports of couples intending to divorce:

When people go to court to get a divorce, the court sends a letter to us and the mahalla to preserve the family. We call in the mahalla chairmen and heads of women’s council in order to discuss the situation and find out why they couldn’t bring them back together. Then we call in the family. In many cases, especially when there are children, they stay together. In three years there have only been one or two cases when we have not been able to preserve the family.¹⁵⁷

Lola L. endured twenty-six years of violence in her marriage, which resulted in a punctured lung and chronic illness related to this injury. She had turned to local mahalla committee leaders many times before making her latest appeal to a newly-installed mahalla committee chairwoman, the former director of the local school. “We have a tradition that when you come with a complaint, two or three days go by and they promise to help, and then they start to persuade you to forgive him and to stay,” she recounted. “I came to the previous chairman three times, and after two or three days they start to persuade you to go back.”¹⁵⁸

Lola L. was motivated to seek assistance once more because her husband, together with his grown son from a previous marriage, was attempting to force her and the two young children of the marriage from the family home. “If need be I’m even ready to go to court,” “Lola L.” maintained. “I came to her for help to defend me from these attacks... For twenty-six years I’ve waited for him to change but he hasn’t, and now I’ve come to her trusting in God and in the mahalla that they will help me.”¹⁵⁹ The mahalla committee chairwoman, however, was noncommittal, suggesting that the problems could be resolved without divorce. “I don’t know about going to court,” she hedged. “Naturally, we’ll try to reconcile the family.”¹⁶⁰

One of the levers mahalla committee representatives may deploy in order to pressure women to abandon plans to divorce is to threaten to withhold social welfare payments to which the women may be entitled. “Women are very easy to convince to save their families,” one mahalla committee chairman told Human Rights Watch. “I tell them they will not get any alimony, nor any assistance for their children at all.”¹⁶¹

Mahalla committees and other local government officials also spoke of meeting with judges informally to express their views on divorce cases.¹⁶² One mahalla committee representative told Human Rights Watch that if there are children in the family, then they tell the husband and wife to continue to live together. However, if there

¹⁵⁵ Ibid.

¹⁵⁶ Ibid.

¹⁵⁷ Human Rights Watch interview with municipal district deputy hokim for women’s affairs, June 1, 2000.

¹⁵⁸ Human Rights Watch interview with Lola L., May 24, 2000.

¹⁵⁹ Ibid.

¹⁶⁰ Human Rights Watch interview with mahalla committee chairwoman, May 24, 2000.

¹⁶¹ Human Rights Watch interview with mahalla committee chairman, May 22, 2000.

¹⁶² Human Rights Watch interview with district hokim, June 3, 2000.

are no children “we let them divorce if they can’t get back together after three months. We write a document for court saying that we are not against a divorce.”¹⁶³

In cases when one side, usually the husband, refuses the settlement that the mahalla committee proposes, there is no alternative but to turn to the courts. Mahalla committee representatives initially told “Mukhabat M.,” whose husband beat her over a six-year marriage and then rejected her, that she could remain in the family home where they had lived together with their children. But when her husband objected and threatened violence if the mahalla committee imposed this settlement, the committee instructed her to file for a divorce and to vacate the property until the court ruled in both the divorce case and the issue of alimony.¹⁶⁴ After initially refusing to help her visit one of their two children left with her husband, the committee eventually helped to return the child to her. Despite the serious injuries her husband inflicted on Mukhabat M., including partial paralysis and memory loss, mahalla committee representatives officials still hoped to “reconcile” the couple. “We have one chance,” the mahalla committee chairman stated. “If we can make peace between them then the case will be closed...The mahalla committee would then go before the court and say that all is resolved... Why should the children suffer?”¹⁶⁵ Mahalla officials, although indicating that children’s interests should be taken into account, fail to recognize that the best interests of the child are not served by witnessing the regular occurrence of violence and abuse in the home.

Forced Resettlement

Another example of the close cooperation between law enforcement agencies and mahalla committees leading to human rights abuse arose in the forced displacement from their homes of the nearly 4,000 people in Surkhandaria province, near the Tajik border, and their forced resettlement to an open desert area some 250 kilometers away in 2000 and 2001.¹⁶⁶ This report does not address the validity of the government’s justification for the forced displacement. Rather, it documents the manner in which these resettlements occurred and in which the arrests of numerous villagers were conducted breached international human rights standards. This treatment shows again how the Uzbek authorities use mahalla committees to play a role in the implementation of a range of abusive policies at the local level. Although the information about the exact role played by the mahalla committees in the following cases of forced resettlement is limited, the descriptions below show another aspect to the cooperation between abusive authorities and mahalla committees.

Background

In August 2000, Islamic Movement of Uzbekistan (IMU) militants launched armed incursions into the mountainous regions of Uzbekistan’s southern Surkhandaria and northeastern Bostanlyk regions, and into Kyrgyzstan’s southern Batken region. The incursions followed those initially conducted by the IMU into Kyrgyzstan in August 1999, and constituted a second bid to oust the Karimov government and establish Islamic rule in Uzbekistan.

The Uzbek government responded with an operation to remove alleged civilian support and potential support for the insurgents and exercise closer political control over suspected collaborators. The forced displacement of

¹⁶³ Human Rights Watch interview with mahalla committee deputy chair, Tashkent, December 26, 2001

¹⁶⁴ Human Rights Watch interview with Mukhabat M., May 21, 2000.

¹⁶⁵ Human Rights Watch interview with mahalla committee representative, May 21, 2000.

¹⁶⁶ The human rights abuses perpetrated by law enforcement, military, and security forces during the forced displacement, as well as the failure to provide adequate compensation to displaced persons, is the subject of a broader area of Human Rights Watch research conducted in August 2001 and August 2002.

just over 4,000¹⁶⁷ villagers from the mountainous regions of Surkhandaria region, located on the Tajik-Uzbek border, took place in three phases. The first was in August 2000, when the military activities erupted, the second, in February 2001, and the third, a full year after the official end of military activities, in late September 2001. Official reasons for the displacement were the security threat posed by IMU insurgents and the risk of natural disaster including landslides and floods. The villagers were taken to resettlement villages in open desert up to 250 kilometers away from their homes, effectively evacuating a significant part of the Uzbek-Tajik border region. At first the authorities promised that the villagers would be able to return home, however, they later told the villagers that the move was permanent. The forced displacement facilitated the arrest of close to 120 villagers between September 2000 and April 2001; seventy-three of them were brought to trial on charges of aiding and abetting the IMU fighters.¹⁶⁸ In line with the government's ongoing campaign against independent Muslims and alleged terrorists, the villagers were arrested for what appeared to be politically motivated reasons—to eradicate support for the IMU and lessen resistance to the forced resettlement program. After torture, ill-treatment, and grossly unfair trials, they were convicted and sentenced to three to eighteen-year prison terms in June 2001.¹⁶⁹

During the forced displacement, villagers were ordered at gunpoint by army representatives, accompanied by local authorities and mahalla representatives, to leave their homes in great haste, obliging many to leave the majority of their personal possessions, food supplies, and livestock behind. The authorities threatened and beat the villagers when they voiced opposition to the move, and soldiers fired into the air, and pillaged and torched houses. Most of the displaced were told at the time of the move that it was to be temporary, although all have since been told that it is permanent, and have been uniformly denied permission even to visit their homes.

Carrying out forced displacement in this manner, including the use of physical force, looting and burning of villagers' houses by Uzbek authorities breaches internationally accepted human rights standards and international humanitarian law.¹⁷⁰ The arrests of the seventy-three villagers breached internationally accepted due process human rights standards.

¹⁶⁷Based on figures obtained from officials in all of the resettlement villages visited by Human Rights Watch. Residents of several of the resettlement villages told Human Rights Watch that some villagers who were forced out of their villages went to stay with relatives in the Sariosiyo district in Surkhandaria, making the real total of displaced persons higher.

¹⁶⁸ According to Human Rights Watch interviews in Tashkent and the resettlement villages, May-June 2001 and June 2002; Human Rights Society of Uzbekistan bulletins, January 16 and February 19, 2001; meeting with an official from the Organization for Security and Cooperation in Europe, Tashkent, June 13, 2001; and U.S. Department of State, *Country Reports on Human Rights Practices for 2000*.

¹⁶⁹ Human Rights Watch, unofficial court transcript, Tashkent City Court trial, May 22-31, 2001. Human Rights Watch interviews in Tashkent and the resettlement villages, May-June 2001 and June 2002. A full description of the case is the subject of a broader area of research planned for 2003.

¹⁷⁰ The International Covenant of Civil and Political Rights (ICCPR), to which Uzbekistan is a party, provides in article 12 that everyone lawfully within a State shall have the right to freedom of movement and to choose his own residence. Although the ICCPR does permit derogation (or some limits) on rights such as freedom of movement during times of public emergency or armed conflict, those limits must be only those strictly required by the situation at hand and under no circumstances may the limits be imposed on a discriminatory basis. The Guiding Principles on Internal Displacement, adopted in September 1998 by the United Nations General Assembly, reflect international humanitarian and human rights law and provide a consolidated set of international standards governing the treatment of the internally displaced. Although not a binding instrument, the Guiding Principles are based on international laws that do bind states and insurgent groups, and they have acquired authority and standing in the international community.

Principle 7 of the Guiding Principles requires that the authorities seek the free and informed consent of those to be displaced and the involvement of those affected in the planning and management of their relocation.

Principle 21 prohibits pillage of the property of displaced persons and further requires the protection of property left behind at the time of displacement.

Principle 28 of the Guiding Principles states that authorities are required to establish conditions and to provide the means for displaced persons to return voluntarily, "in safety and with dignity" to their homes or to resettle voluntarily elsewhere.

Involvement of the Mahalla Committees

In August 2000, the villages of Angorikozi, Kishtut, Sarinovo, Hamidarcha, Tamarkhut, Registon, Khovat, Zambek, Kunkurmas, and Tamshush were evacuated immediately after the clashes between insurgents and the Uzbek armed forces near Kishtut. Residents of all these villages recounted that local officials, including representatives of mahalla committees, police, and heavily armed soldiers arrived *en masse* to inform villagers that they must be moved due to the threat posed by the presence of the insurgents in the area.¹⁷¹ They were told that the move was to be a temporary one, ranging from three days to a month, and they would be able to return once the security situation returned to normal. Many villagers stated that when they protested, they were threatened and beaten by authorities, including mahalla committee representatives.¹⁷²

Zumrat Otomurodova of Khovat related:

Local officials including . . . [the] chairman of the mahalla, informed us early in the morning of August 25 that we were to be moved because the rebels might come to our village. They told us that we would be able to return in about a month. But when people protested, we got beaten. [Name omitted] beat several women, for example, my sister, on her arm, and my neighbor on the legs.”¹⁷³

Ruziguli Alieva, also of Khovat, corroborated the involvement of the mahalla committee chairman:

On the morning of August 25, soldiers and the chairman of the mahalla arrived, there were helicopters too. They told us that there was going to be war, and that we must be protected. Nobody wanted to leave, but we were beaten by the officials and forced to go, everybody was crying. The chairman of the mahalla women’s committee, Bahrinnova, cried “All the men will go to prison, you’ll be without husbands, if you don’t leave!” We weren’t given time to gather our things, and we had to leave behind anything we couldn’t gather by hand. We were told that we would be able to return when the situation calmed down.¹⁷⁴

In an effort to control access to information, residents who were moved to resettlement villages were warned by police and local authorities not to talk to visitors or only to make positive statements about their conditions. While gathering information in June 2001 and June 2002, mahalla committee officials prevented Human Rights Watch from freely accessing information in the resettlement villages. In Bandikhan resettlement village, for example, mahalla committee secretary Ishmurzo Rezev, and Bobokul Misorov, chairman of the district mahalla committee, insisted on accompanying Human Rights Watch at all times. The chairman of the Shurchi resettlement village mahalla committee likewise insisted on accompanying Human Rights Watch, thus preventing private interviews from taking place. In Kizirik in June 2002, male members of the village forbade female residents to speak with a Human Rights Watch representative, stating that there were no complaints to be made, and a mahalla representative insisted on attending all interviews; as a result, residents delivered only positive reviews of current conditions.¹⁷⁵

¹⁷¹ Human Rights Watch interviews with residents of each of these villages, in Tashkent, May 28, 30-31 and June 6, 2001, and in Istiklol resettlement village, June 2 and 16, 2001.

¹⁷² Ibid. Residents of Tamshush appear to have been treated differently. There, authorities told villagers the move was to be permanent, and none reported violent acts during the actual displacement.

¹⁷³ Human Rights Watch interview with Zumrat Otomurodova, Tashkent, May 28, 2001.

¹⁷⁴ Human Rights Watch interview with Ruziguli Alieva, Tashkent, June 6, 2001.

¹⁷⁵ The villagers have been resettled to eight new resettlement centres in the barren steppe regions of Surkhandaria and Kashkadaria provinces. The majority of the villages were located at an average of twenty kilometers from major towns, and public transport to these towns is both difficult and infrequent. Initially conditions were dire, with severe food shortages, lack of adequate heating, clothing and bedding. General living conditions in the villages by mid-2002, although poor, were adequate. All residents lived in newly-constructed three to four-room brick houses on par with or superior to the quality of houses in surrounding areas. The villages were supplied with gas, electricity and water, and general stores offer basic food staples such as flour, sugar, tea, oil and salt. Access to basic services such as medical points, schools, postal outlets, public

The arrests of the Surkhandaria villagers—seventy-three people accused of aiding and abetting the IMU—were conducted between September 2000 and April 2001, with a large proportion of the arrests taking place in December 2000 in Istiklol village in Sherobod district.¹⁷⁶ Mahalla committee members also participated in the arrests and the due process violations that occurred at the time of arrest. In many of these cases, police—with the aid of mahalla committee members—led the individual to think they were needed for informal questioning, and promised concerned relatives that he would return the same day. In others, the authorities lured suspects into coming for questioning by claiming they were needed for compensation review. In no case documented by Human Rights Watch did police produce an arrest warrant. Given the close cooperation between mahalla and law enforcement agencies, it is unlikely that the mahalla representatives accompanying the police were unaware of the intent to arrest.

Khudoinazar Alimakhmadov was arrested from the Istiklol resettlement village in December 2000. According to his father, Mingbobo Alimakhmadov:

...three policemen in uniform arrived at our house from Sherobod, together with the chairman of the Sherobod mahalla, Kh. Roziev. I was at home with Khudoinazar, his wife, and his children. The police didn't ask for any documents, but said, "we have to talk, then you'll be released." He left his passport and money with his wife.¹⁷⁷

Alimakhmadov was unable to locate his son in custody until February 2001, when he learned that Khudoinazar was held in pretrial detention in Tashkent prison.

Three days after the arrest of Khudoinazar, another of Alimakhmadov's sons, Sultonazar, was also arrested. Alimakhmadov gave the following account:

...the chairman of the mahalla and some policemen came to our house, and once again they said, "we need to talk, you'll be back home this evening." They didn't explain where they were taking him. For five days or so I visited the police, and eventually, I found him in [the Tashkent prison].¹⁷⁸

transport and police stations had been ensured, albeit in many cases this access was difficult. Nonetheless, the villagers faced severe difficulties in meeting their basic daily needs and ensuring self-sufficiency.

An assessment conducted by Médecins sans Frontières-Holland (MSF-Holland) in July and September 2002 found close to five per cent acute malnutrition in children under five years of age in Istiklol resettlement center. MSF-Holland subsequently organized supplementary food distribution for the families of the malnourished children and for seventy-eight female-headed families in that center. In May 2003, Médecins sans Frontières published a two-page report stating that after emergency intervention, these children were back to normal weight, however, a large number of families were clearly impoverished, and there "is no sign that the current situation will improve in the near future." *Médecins sans Frontières intervenes to address malnutrition among children in Surkhandarya, Uzbekistan*, Briefing document, May, 2003, <http://www.msf.org/aralsea/Surkhandaryareport.htm>. As the present report went to press, the media began to report a rising death rate among the displaced due to malnutrition and disease. See, Tulkin Karaev, "Uzbekistan: Disease Hits Resettled People," Institute for War and Peace Reporting, August 22, 2003.

¹⁷⁶ According to Tashkent City Court verdict, issued by Judge N.Sh. Rustamov, Syrdaria Province Court verdict, issued by Judge E.B. Ernazarov, Tashkent Province Court verdict, issued by Judge T. Sh. Zainuddinov, and Tashkent Province Court verdict, issued by Judge Z.S. Usmanov, all on June 7, 2001. Istiklol village residents had been moved from a tent camp in Sariosio district to Sherobod district at the end of November 2000. Many of them perceived the arrests, which took place shortly after their arrival in Istiklol village as a reprisal against protests which the villagers had mounted to oppose the move to Istiklol resettlement village. Human Rights Watch interviews with Istiklol village residents, May-June 2001.

¹⁷⁷ Human Rights Watch interview with Mingbobo Alimakhmadov, Tashkent, May 30, 2001.

¹⁷⁸ Ibid.

Khudoinazar and Sultonazar Alimakhmadov were sentenced in June 2001 to thirteen and seven years, respectively, in a strict regime prison.¹⁷⁹

In another incident, Arbob Sherkholov and Shakhizinda Rajabov, from Uzun district, were arrested from the Istiklol resettlement village. Oista Sherkholova, Sherkholov's wife and Rajabov's sister, told Human Rights Watch:

On December 13, 2000, at 4:00 p.m., a policeman named Kamiljob and the chairman of the Sherobod mahalla, Khudoirod Ruziev, arrived at our house in a police car. They said to Arbob and Shakhizinda, "we would like to give you land and compensation money, come to Sherobod for discussions now, then you can come home in three days." I waited for fifteen days, then I went with twelve other women to Termez, and along with the other women I found my husband's name on the list of prisoners in Termez prison.¹⁸⁰

In the round-up of others also later tried in Tashkent, the authorities with the aid of mahalla officials used the tactic of promising compensation to secure the cooperation of those arrested more than once. Such tactics breach the right to be informed, at the time of arrest, of the reasons for arrest and also interfere in the right to communicate with counsel of his own choosing, since in practice it is relatives who will usually organize such counsel.¹⁸¹

THE ROLE OF THE INTERNATIONAL COMMUNITY

*"...Uzbekistan, using generally recognized democratic norms, has qualitatively enriched the system of democracy since mahallas in Uzbekistan reveal a new means of democratic organization of society."*¹⁸²

Mahalla committees can appear to be attractive partners for international organizations working on development or the promotion of democracy. They are small, apparently grass roots organizations with a traditional base, seeming to lend themselves to the promotion of local decision-making through the development of locally-run projects or events that could have a significant impact with a low budget. Finding reliable local partners to implement international donor programs has increased in importance since the U.S. and E.U. countries have increased their aid budgets to Central Asia in the aftermath of the September 2001 attacks on the U.S. and the U.S.-led campaign in Afghanistan.¹⁸³

Several international organizations already work with mahalla committees as part of their development programs, and have accepted government promotional materials about the values of the mahalla committee. In doing so, these organizations have failed to take into account the role of these committees as the local enforcer of government policies and have accepted mahalla committees as a form of local self-government, a form of decentralized government, or even a nongovernmental organization. The danger in this approach is that such international development programs end up supporting the local enforcers of discriminatory, abusive, and

¹⁷⁹ Tashkent City Court verdict, issued by Judge N. Sh. Rustamov. They were convicted on charges of terrorism (article 155 of the criminal code); inciting ethnic hatred (article 156); undermining the constitutional order (article 159); and distributing "religious extremist" literature (article 244-1).

¹⁸⁰ Human Rights Watch interview with Oista Sherkholova, Tashkent, June 6, 2001. According to Syrdaria Province Court verdict, issued by Judge E.B. Ernazarov, they were arrested on December 18, 2000.

¹⁸¹ Article 9, International Covenant on Civil and Political Rights. Inadequate compensation was only later given to those in the resettlement villages. Compensation was not a genuine reason for inviting the men to accompany the officials.

¹⁸² Professor A.A. Azizkhojaev, Rector of the Academy of State and Social Construction under the President of the Republic of Uzbekistan, "Na puti k Kharti OON o mestnom samoupravlenii grazhdan: trebovania XXI veka," paper submitted to international conference organized by the Konrad Adenauer Foundation, The Academy of State and Communal Building under the President of the Republic of Uzbekistan, the Swiss Agency for Development and Cooperation, and the International Center for Training Journalists, November 2000, published in Tashkent, 2001, p. 5. Human Rights Watch translation.

¹⁸³ Switzerland has also increased its aid to Uzbekistan during this period.

coercive government policies, rather than strengthening civil society, furthering realization of human rights, or a process of democratization.

A range of international organizations has worked with mahalla committees in Uzbekistan. These include the United Nations Development Program, Tacis (the development arm of the European Union), the Counterpart Consortium (with USAID funding), the Konrad Adenauer Foundation (with Swiss and German government funding), and the Open Society Institute. Some of them have worked through the Mahalla Fund, an organization set up by government decree in 1992 to channel funds to the mahallas.¹⁸⁴

Some projects funded by international organizations, such as Counterpart Consortium, provide development assistance, through the mahalla committees, to poor rural communities. Examples of these are the building of water pipes, creating small income generating projects, and improving irrigation systems. The projects of Counterpart Consortium, for example, are run in conjunction with local NGOs and attempt to take into account the dangers of working closely with government agencies by limiting the budgets and ensuring that the money does not go directly to the mahalla committees.¹⁸⁵ In these cases, programs attempt to support concrete projects that can have a positive impact on the immediate community.

Other organizations, such as Médecins sans Frontières limit their programs to cooperation with, rather than support of mahalla committees. For example, in one program, they request that the committee provide them with a premises and the practical support for Médecins sans Frontières to run educational programs for the local population.¹⁸⁶

In 1999 and 2000, the Open Society Institute worked with mahalla committees as a part of its Local Government Initiatives, designed to strengthen community participation in local government. By the end of the project, however, the Open Society Institute decided not to continue the program, recognizing that, on the whole, mahalla committees are controlled by the hokimiat and are therefore not an appropriate body to encourage community participation.¹⁸⁷

In the above examples, the donors have attempted to take into account the dangers of working with mahalla committees, recognizing that they are of limited value for their programs.

However, other international organizations continue to work with mahalla committees under the framework of democratization programs and fail to recognize the government nature of the committees.¹⁸⁸ Their work is designed to strengthen civil society and a process of decentralization. Such programs seem to accept the government position that mahalla committees are self-governing bodies. For example, the Konrad Adenauer Foundation has run national conferences and training programs for government and mahalla officials to promote the notion of the mahalla committee as a means of decentralization.¹⁸⁹ The assumption in these programs is that the mahalla system in Uzbekistan can be used effectively to promote human rights, democracy, and civil society and no distinction appears to be made between the traditional mahalla system and the current government-led mahalla committee system.

Such an approach fails to take into account the real nature of mahalla committees and how they operate in society, and is based on an acceptance of government rhetoric on democracy, aimed at encouraging investment in programs with little potential to bring about the stated goals. Unless funding organizations rigorously determine their methods of operation in Uzbekistan, they run the risk of supporting a government system of control and abuse at the local level.

¹⁸⁴ “On the Creation of a National Charity Mahalla Fund,” Presidential Decree, September 12, 1992.

¹⁸⁵ Human Rights Watch interview with Serush Javadi, Counterpart Consortium, Tashkent, November 21, 2001.

¹⁸⁶ Human Rights Watch interview with Christina ter Braak, Médecins sans Frontières, Tashkent, December 19, 2001.

¹⁸⁷ Human Rights Watch interview with Iskandar Ismailov, Open Society Institute, June 18, 2002.

¹⁸⁸ For example, UNDP, Tacis and the Konrad Adenauer Foundation.

¹⁸⁹ For example, the conference “Organs of Local Self-Government as a Basis for the Development of Civil Society,” November 20, 2001, Tashkent, sponsored by the Konrad Adenauer Foundation.

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