INTROUDCTION
Introduction

Uzbekistan occupies a special place in Central Asia for being in the middle of Central Asian region. It is bordered by Kazakhstan on the North and West, Turkmenistan on the South-West, Afghanistan on the South, and Tajikistan and Kyrgyzstan in the East. Uzbekistan is the most populous country among the Central Asian states. With an estimated population of 25.10 million in 2001. Uzbeks are Sunni Muslims and are the largest Turkic-speaking group after the Turks themselves. Apart from their own republic, they also live in Kyrgyzstan, Tajikistan, Turkmenistan, and Afghanistan. The ethnic Uzbeks account for 69 percent of the population. Russians represent about 11 percent, and other nationalities include Ukrainians, Koreans, Armenians, Kazakhs, Tajiks and Kara-Kalpak.

The history of Uzbekistan covers more than 2.5 millennia. During this period, various ancient states rose and fell such as, Bacteria, Khorezm, Sogdiana and Parthia. During the transition Zoroastrianism, Buddhism, and Christianity were the dominant religions of the region, till 7th Century CE. Islam however, became wide spread in the territory of modern Uzbekistan in the 8th century, and since then it has been the dominant religion of both nomadic and settled peoples of Central Asia. In the seventh century CE, Arabs conquered Central Asia under the leadership of

---

1 The topography of Uzbekistan is highly diverse. Like other Central Asian Countries, Uzbekistan has a dry climate with little rainfall - hot summers and cool winters. Its mineral resources include oil, natural gas, coal, copper, and gold. *Encyclopedia of Modern Asia*, Vol.6, New York, 2002, p 42.

2 *Lands and People*, volume 02, Danbury, p 351.
Qutaybah bin Muslim (d.715), and consequently the conquered region became part of the great Islamic Caliphate. Qutaybah gave a new Philip to the comprehension and understanding of Islamic values through the construction of Mosques, establishment of Madrasas, libraries, seminaries and reputed Islamic institutions. Islamic heritage as such, reached climax in Uzbekistan as compared to other parts of the Central Asia. The area was generally known to Arabs as 'Mawara-un-Nahar', Central Asia and Uzbekistan are the later names given to the region. Since then, the Uzbekistan became a leading centre of scientific and intellectual developments. With the establishment of reputed centres of Islamic heritage at Bukhara, Smarkand, and Khiva the leading centres of scientific exploration, the development and codification of both Islamic sciences and technology began to emerge. Scholars like, Al-khorezmi, Al-burani, Ibn Sina, Imam Bukhari, Imam Muslim, Nasa'ai, Tabari, became the torch bearers of scientific accomplishments.

Scientific advances of Muslim scholars of Uzbekistan, however did not last long given the annexation of Central Asia to Russia in 18th Century. During the Czarist rule, Muslims in Central Asia underwent unprecedented persecution as a result of which besides other things, human rights violations came to the surface. Mosques were destroyed and turned into warehouses and official stores. Scores of Mullahs were liquidated and imprisoned. Muslims were subjected to all sorts of discrimination. Islam was considered a

\[1\] Encyclopedia of Modern Asia, p. 50.
\[4\] Lands and People, p.352.
mortal enemy because of strong resistance involving several rebellions inspired and led by Muslim religious leaders.\(^5\)

Stalin, the Secretary General of the Soviet Union from 1924 to 1953,\(^6\) strictly controlled Islam and regulated Islamic practice through state laws and regulations which included invalidating Muslim law, abolishing *Shariah* courts, confiscating waqfs and closing *maktabs* and *Madrasas* (schools).\(^7\) Many mosques were closed and the Islamic clergy persecuted. Soviet officials confiscated religious property and either placed *mullahs* under strict government control or forced them out of their religious positions. After early concessions to the Muslims to win support for the Soviet Union, the Soviet government viewed Islam as a political and ideological threat and set out to destroy it. *Mullah*’s as Islamic teachers were considered a primary threat to the Russian and the Soviet State. Given the harsh treatment meted out to the Muslim population of the region, human rights violations became the order of the day. Muslims were subjected to all sorts of harassments and religious subjugation.\(^8\) However, in 1985, when Gorbachev came to power he set out to transform Soviet society through his policies of *perestroika* (radical economic restructuring and reform), and *glasnost* (openness). Though intend to remedy socio-economic and political ills in the country, Gorbachev’s *glasnost* became an official vehicle for the expression of ethnic, linguistic, cultural, environmental and

---


\(^8\) *The Golden Road to Samarkand*, p. 25.
religious grievances that had not been addressed openly in the recent decades. Consequently, independent Islamic observance came into being, and the question of religious freedom in Uzbekistan was boldly flagged. With the disintegration of the Soviet Union, Uzbekistan announced its independence from USSR in 1991. After the collapse of the USSR, the Central Asian States for the first time in their history faced a challenge and possibility of determining their own independent national policies. The collapse of communism left many segments of society without any particular direction. This created an opportunity for the old nomenclature system of the communist trained and conformist minded people to remain in power. The understanding of the ruling elite that the implementation of a new system would require new methods of government, made them realize that if such new system would come to exist, the need for their presence in power will disappear. Therefore, the personified regime of President, Islam Karimov and others were quick to link the future of their people and their newly independent states with their personalities. As such, the mythical hopes of free elections and if difficult, but at least a future without repression, soon vanished under the exercise of state repression by the regime of President Karimov. Although all the Central Asian republics including Uzbekistan have their own constitution, which outlines a parliamentary system with guarantees for basic Human Rights and political and economic freedom, the respective governments maintained strict control over the country’s institutions and

\[9 \text{Central Asia Since Independence, pp 22-23.}\]
IMAM-E-BUKHARI MOSQUE SMARKAND
population. Even though, the Constitution describes Uzbekistan a secular, democratic state in which "the people are the sole source of state power" and in which the highest organ of power is the legislature. However, in practice the actual functioning of the government is better described as a unitary, presidential system in which the executive exercises extensive authority over the other branches of government. The Constitution also provides numerous rights guarantees, including freedom of speech, assembly, and religion; gender and ethnic equality; and property rights. However, in practice, these rights are frequently violated.¹⁰ The government has continued to justify their crackdown on any opposition as an effort to ensure stability and progress.¹¹ Since the Central Asian states that emerged from the break-up of the USSR have been ruled in a definitely authoritarian manner from the very beginning. Their leaders reinforced their positions by eliminating political opposition. Beatings, harassment, jailing, torture and persecution have virtually eliminated public protests in Central Asia in general and Uzbekistan in particular.

Despite the end of communist era, the Uzbek government has made little progress in moving away from the Soviet Style repression of human rights, especially religious freedom, despite largest and most devote Muslim population in the region.¹² Independent Uzbekistan’s President Islam Karimov, upholds Islam

¹⁰ Soon after independence, in the year 1992, Uzbekistan also adopted a Constitution consists of a preamble and 6 main divisions, including 26 chapters and a total of 128 articles dealing with the sovereignty of the republic, civil rights, the social contract, and the division of the government into legislative, executive, and judicial branches. Uzbekistan Nations in Transit, Freedom House,2004
¹¹ Central Asia since Independence, p. 35.
ISLAM KARIMOV
The President of Uzbekistan
as an ideological and political threat and warns that, "Islamic activists or fundamentalists are trying to destabilize his regime. Such people must be shot in the head. If necessary, I will shoot them myself". In the backdrop of this, Karimov ordered a crackdown against un-official, independent Islamic worship and imposed state sponsored, or official Islamic observance. This suppression and subjugation of independent Islamic adherence to the state violates the Uzbek Constitution and international human rights standards, vis-à-vis Islamic norms of protecting religious freedom, including the right to practice one's religion, the right to religious education, and right to teach and lead religious worship without unauthorized state interference or involvement. The Islamic leaders are often harassed by the police. Even, the government has expelled female University students who choose to wear traditional Islamic dress which is not encouraged by the state. Other violations of right to freedom of religion include the restriction on the distribution of Islamic religious materials, controlling the training, appointing, and electing of religious leaders, forcing the religious leaders to pass a political test as a prerequisite for employment. The Uzbek government has increased its official restrictions against independent Islamic worship since 1996, and enacted laws, amendments and decrees of particular relevance. Under these provisions, the government began closing all mosques and Islamic primary and secondary schools, not registered. Thus failed to provide any legal justification, for

14 Human Rights Watch, p 3.
imposing this burden-some and arbitrary restrictions. The regime has also enforced its repressive restrictions on the representatives of Christian parishes such as the Grace Presbyterian Church, Baptist congregation, the Jehovah's Witnesses, God's Love Pentecostal Church and Full Gospel Church. Their leaders and members have suffered harassment and punishment for their religious activity. In the words of Shireen Hunter a renowned Central Asian scholar, 'Secularism in Uzbekistan means subordination of religion to the state, rather than separation'. In preview of violation of the freedom of religion, gave birth to other human rights violations as well. Therefore, Uzbek Government had almost failed to protect human rights of its citizens. The government's poor human rights record worsened, particularly, after the events of September, 11th 2001, and when Uzbekistan became strategic partner of the United States in the region, the government continued to commit numerous serious abuses.

Keeping in view the above mentioned facts, the assigned research work is an attempt to present an objective analysis of human rights record of Central Asian republics in general and Uzbekistan in particular. After going through the available material poor picture of human rights record comes to forefront, especially after Uzbekistan, appeared as an independent nation on the map of the world, keeping in view the Islamic perspective of human rights as well as the secular Constitution of Uzbekistan and other

---

15 OSCE HDIM, Working sessions 8 and 9 28 September, 2007
16 Central Asia Since Independence, p 60.
international declarations of human rights. The present work, besides providing a comprehensive understanding of human rights in Islam, takes into account the nature, concept, origin and development of human rights. In order to lay a stable foundation and to carry out the research work with an objective analysis of the facts, both theoretical and historical perspectives have been employed for which all sorts of information, comprising of official records, reports, newspapers, journals, periodicals etc. have been taken into account. Internet information available on the subject also constitutes a part of the present study. During the course of study, inter-disciplinary approach has been adopted by borrowing insights from history, geography, economics, political science and philosophy. To accomplish the assigned task, I had to visit some centers of excellence outside the valley, prominent among them are, JNU Delhi, Delhi University, Jamia Miilia Islamia, Ali-Garh Muslim University, Jammu University, IDSA, Third World Academy, Teen Murti Bhawan, Sapro House, Congress Library. Collection of material and interaction with scholars of repute in these centres went in a long way in the completion of the present work.

In order to carry out the assigned work in an analytical and systematic manner, the thesis, besides, introduction and conclusion, has been divided into four chapters that constitute the structural part of the entire research work.

1. Chapter first entitled, "Human Rights: Origin and Development" is an attempt to highlight and analyze the
fundamental concept and subsequent development of human rights. Followed by

2. Chapter second of the thesis, entitled, "The Islamic Perspective of Human Rights", is an attempt to highlight the significance and importance of human rights as envisaged in Holy Qur'an

3. "The Human Rights Situation in Central Asia: A Survey", is the third chapter of the thesis wherein a detailed survey has been undertaken to workout human rights situation in Central Asia.

4. Finally Chapter fourth entitled, "Human Rights Situation in Uzbekistan". An in-depth study has been made to find out the reasons responsible for gross violation of human rights in Uzbekistan at the hands of administration. Being a Muslim majority state, the Islamic perspective on all aspects of human rights would be applied.

Chapter first entitled, "Human Rights: Origin and Development" is an attempt to highlight and analyze the fundamental concept and subsequent development of human rights. Human beings are rational beings and by virtue of their being human, possess certain basic and inalienable rights, which are commonly known as Human Rights. However, human rights being a generic term embrace civil rights, civil liberties, social, economic and cultural rights. As such, the rights that all people have by virtue of human existence are human rights. Since these rights belonged to them because of their very existence, they become operative with their birth. Human Rights being the birth right is therefore, inherent in all individuals, irrespective of their caste, creed, religion, sex, and
nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are concessive to physical, moral, social and spiritual welfare. Because of their immense significance to human beings; Human Rights are also sometimes referred to fundamental rights, basic rights, inherent rights, natural rights and birth rights.¹⁸

The concept of human rights dates back to the very dawn of human civilization, enshrined in all the great religions of the world.¹⁹ Therefore, the human rights in no way is a concept of contemporary world, as its roots, is found very deep in the eternity. The world's all major religions have a humanist perspective that supports human rights, despite the difference in the contents. The manifestation of which is reflected in the concepts of mercy, kindness, and pity on human beings as envisaged in various scriptures.

Human rights are also rooted in ancient thought and in the philosophical concepts of 'natural law' and 'natural rights'. In recorded history and ancient scriptures, there are references, to the basic human rights, though they are not referred to by the same name.²⁰ Generally it is said that the struggle for human rights started in the Western world approximately in the beginning of 13th century, which is the great English Charter known as Magna

¹⁹ Dr. Goulash Sharma, Human Rights and Legal Remedies, Deep and Deep Publications, New Delhi, P.70.
Carta (1215 CE.)\textsuperscript{21}, Magna Carta enjoys the status of a milestone in the history of human rights.

The history of human rights, however gained impetus only in recent times, when two World Wars led to the establishment of the League of Nations and United Nations, to check the barbarian characteristic of man by their principles of human brotherhood. Through different international agreements and conventions the principles of human rights came to be recognized and adopted as the fundamental laws of national frontiers in the shape of Constitutional drafts. The United Nations finally adopted, in 1948, the Universal Declaration of Human Rights as moral principle in the shape of legal provisions. \textsuperscript{22}The chapter, therefore, brings to limelight the factors that led to adoption of Universal Declaration of Human Rights.

Chapter second of the thesis, entitled, "The Islamic Perspective of Human Rights", is an attempt to highlight the significance and importance of human rights as envisaged in Holy Qur'an. The role and concept of human rights in Islam and its practical application to human beings has unfortunately been neglected. History bears the witness to the fact that Islam as a divine and universal religion contributed a lot to the development of the concept of human rights and fundamental freedom. Human right, as such is not a contemporary concept or idea formulated in 1948 or derived form Magna Carta, but is as old as Islam itself. Holy Qur'an and Sunnah

\textsuperscript{21} A petition urging the King to concede certain rights to particular section of people.

\textsuperscript{22} Universal Declaration of Human Rights 1948 (Resolution 217 A III).
of Prophet made repeated references to rights of varied sections of people of society. These rights are not confined to Muslims alone but extended to the entire humanity as well. Thus Islam has granted a full fledged “bill of rights” to human beings at large without any discrimination.  

According to the Qu'ranic verse, “Those who do not judge by what Allah has sent down are the disbelievers (Kafriun).” Further more, the human rights as envisaged in Islam denote the rights, which have been granted by Allah, not by any king or any legislative assembly. The rights granted by the kings or legislative assemblies, can be withdrawn in the same manner in which they are conferred. Same is the case with the rights accepted and recognized by the dictators. They confer them when they please and withdraw them when they wish; even the violation of such rights depend on their free will. On the other hand, in Islam, human rights have been conferred by Allah, and no legislative assembly in the world or any government on the earth has the right or authority to make any amendment or change in the rights conferred by Allah. The chapter therefore is an attempt to prove that the human rights in Islam are inseparable part of the Islamic belief to ensure and strengthen the relationship between man and his Lord, man and himself, man and other people, and man the

---

24 Al-Qur’an – *Al-Maida*: 44
25 No one has the right to abrogate them or withdraw them. Nor are they the basic human rights which are conferred on paper for the sake of show and exhibition and denied in actual life when the show is over. Nor are they like philosophical concepts which have no sanctions behind them. A.A. Mawdudi, *Human Rights in Islam*, Markazi Maktaba Islamic Delhi, 1982, pp.19.
In fact, holy Qurʾan has given much emphasis on human rights. Almost hundred verse of the Qurʾanic text exhort both believers and general human beings to employ Qurʾnic injunctions with regard to human rights in their day to day affairs. The chapter provides a detailed description of the rights conferred to mankind through the numerous verses of the holy Qurʾan. The rights like, right to life, right to equality, right to consciousness, right to liberty, right to expression, right to justice, right to privacy, right against tyranny, right to property, right to education and other rights have been described with a view to establish its contemporary relevance.

"The Human Rights Situation in Central Asia: A Survey". Is the third chapter of the thesis wherein a detailed survey has been undertaken to work out human rights situation in Central Asia. The Central Asian States that emerged from the breakup of the USSR have been ruled in an authoritarian manner from the very beginning. Although, Central Asian Republics out lines a parliamentary system with guarantees for basic human rights and political and economic freedom, the respective government’s maintained strict control over their countries institutions and population. The government has continued to justify their systematic crack down on any opposition as an effort to ensure stability and progress. Likewise, Uzbekistan’s President Islam Karimov laid the ground work for a lifetime presidency in a January 2002 referendum. So does by the, Kyrgyzstan’s Askar Akayev, who once cultivated a progressive reputation, has stifled

opposition activity and popular protests, and Kazakhstan's Nursultan Nazarbayev, despite promising broader democracy in speeches does nothing to put it in practice. 27 There is repression of opposition parties, Islamic groups and the media. In this connection, in Tajikistan during the civil war (1992-1997), United Tajik Opposition invoked Islamic slogans in its armed struggle against the old nomenclature. In Kyrgyzstan, the lay opposition was under relatively smaller pressure, but there too, the authorities continued to hinder and repress its activities throughout the decade. State leaders took tough measures to weaken or destroy Islamic opposition. This included repressions, detentions and provocations organized by the authorities. Efforts were made to impose state control on religious life to the broadest extend possible. There are no political parties registered in Turkmenistan who can exercise their powers without the prior consent of the ruling president. There are no known plans to allow independent parties to function in the country. 28

Although, the Constitutions of Kyrgyzstan, Tajikistan, Turkmenistan, and Kazakhstan define the form of government as democratic republics. However, the respective government's human rights record worsened and is poor in several key areas. These governments limit citizen's ability to change their

27 Terrorism in Central Asia: an overview, p. 256.

government. Prison conditions are very poor, and there were many cases of arbitrary arrests and detention. Executive domination of the judiciary limited citizen’s rights to due process. Executive branch interference affected verdicts involving prominent opposition figures. The government restricted freedom of speech and the press authorities, pressured journalists who criticized individual members of the government. These governments used bureaucratic means to harass and pressure the independent media, non-governmental organization (NGO) and the opposition. The governments at times restricted freedom of assembly; in particular, there were serious problems with political parties’ rights to free assembly. Human rights groups were harassed in all these republics. After deadly episode of 9/11 the human rights situation in Central Asian Republics has further worsened. The study, as such would take into account the varied factors that were instrumental in giving birth to the violation of human rights in all Central Asian republics. Since, democratization and political participation have made no major inroads in Central Asian republics as the governments led by former Communist Party members, have not lived up to their promises of reforms, and in order to maintain their despotic rule, press freedom is almost non-existent. Torture is widespread. Freedom of religion is severely circumscribed. The chapter, therefore, is an effort to bring into limelight the role of respective regimes with regard to the human rights situation. In view of the fact that, despite the end of Communist era the Central Asian

governments have made little progress in moving away from the Soviet style repression of human rights, especially religious freedom, despite largest and most devout Muslim population in the region.

Chapter fourth entitled, "Human Rights Situation in Uzbekistan". An in-depth study has been made to find out the reasons responsible for gross violation of human rights in Uzbekistan at the hands of administration. Given the Islamic temper of the region, an analysis of Islamic perspective of human rights in Uzbekistan has been dealt with and surveyed out methodologically. Although all the Central Asian republics including Uzbekistan have their own Constitution, which outlines a parliamentary system with guarantees for basic human rights and political and economic freedom, the respective governments maintained strict control over the country's institutions and population. The government has continued to justify its crackdown on any opposition as an effort to ensure stability and progress. Because the Central Asian states that emerged from the break-up of the USSR, have been ruled in an authoritarian manner from the very beginning. Their leaders reinforced their positions by eliminating political opposition. Beatings, harassment, jailing, torture and persecution have virtually eliminated public protests in Central Asia in general and Uzbekistan in particular. The media have fared no better than political parties. Today there are no legal independent broadcasts or print media, particularly in the republic of Uzbekistan. The process of media registration is prevailing in almost all Central Asian republics. Alone in
Uzbekistan, almost four hundred daily and weekly papers had to state their ownership and the source of funding to government. The respective ruling governments and the parliaments were declared to be the official owners of newspapers and periodicals. Journalists are subject to direct institutionalized censorship despite constitutional guarantees on mass media, which clearly makes this illegal. With regard to religion, at all levels, the government fails to protect freedom of religion. The Uzbek government's official distaste for Islam as an 'Ideological Rival' does not qualify as a legal restriction under Article 18(3) of the International Covenant on Civil and Political Rights. And also, does not fit in the Islamic spectrum of human rights. Moreover, by arbitrarily closing Islamic religious schools, without legal justification also does not conform to the authorized limitations set forth in Article 18(3) and violates 18(4) of ICCPR.

The above, mentioned, human rights violations not only conform to the Islamic injunctions, and other International standards of religious freedom, but also disregard the Uzbek Constitutional protections. As Article 31 of Uzbek Constitution provisions explicitly guarantees freedom of religion, and protects the right of manifest a religion. The Article 61 of the Uzbek- Constitution, where separation of religion and state is mandated. The state illegitimately subjugates religion to the state apparatus in order to

---


31 International Covenant on Civil and Political Rights (ICCPR), 16 December 1966, Article 18(3).

32 "Religious organizations and associations are separate from the state and equal before the law. The state does not interfere in the activities of religious association". Constitution of Republic of Uzbekistan, Chapter XIII, Article 61.
perceive one political goal of eliminating any potential Islamic political power and one personal goal of retaining power at all costs. In this regard, the Uzbek government has increased its official restrictions against independent Islamic worship since 1996, and enacted laws, amendments and decrees of particular relevance. Under these provisions, the government began closing all mosques unregistered and Islamic primary and secondary schools, and banned loudspeakers at all mosques. In 1998, the parliament amended the State religion law, so that, religious associations are required to register with government, and any unregistered religious activity or unofficial religious speech is illegal. Thus failed to provide any legal justification, for imposing this burden-some and arbitrary restrictions. Through its legislation, the Uzbek government imposes state-sponsored Islamic observance upon Uzbek citizens and prohibits independent Islamic worship or education. Not only do these legislative acts violate the Uzbek Constitutional provision mandating separation of religion and state, but they also inhibit the right to freedom of religion in violation of Constitutional guarantees and international standards of religious freedom established by the Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (16, December, 1966), and the Declaration on the Elimination of all forms of Intolerance and of Discrimination, United Nations.

General Assembly Resolution 1981. And also, is in contradiction to the tenets of Islam as well as Cairo Declaration of Human Rights in Islam (1990).

The violation of the freedom of religion gave birth to other human rights violations as well. Uzbek government as such could not protect its citizen's human rights. The government's poor human rights record worsened and the government continued to commit serious abuses. These violations, in addition to freedom of religion can be summarized as under.

Since life is the most important and sacred human right. Accordingly, there is a Constitutional guarantee in Uzbekistan to protect it at all levels. But in ground reality the situation is different. The recent episode in Andijan in May, 2005 is the live example of disregard of this right by Uzbek government. Where hundreds of people were killed in indiscriminate firing by government forces. In, June, 2005, the Human Rights Watch released a report, based on eyewitness accounts, the report demonstrated that government forces fired indiscriminately on peaceful and unarmed protestors, who had gathered in Andijan's main square and they continued to shoot at those who tried to flee. This brutal act was condemned throughout the globe and Human Rights Watch called on the European Union and the United States, to impose an arms embargo on Uzbekistan as well as a visa ban on senior Uzbek government officials, to protect the very sacred right of right to life.
Uzbek's do not have the right to change their government as President Karimov was elected in 1991 in a rigged election. He has remained in power by using the police and army to repress all dissent. He has maintained the old repressive system of the former Soviet Union, opposition parties are illegal, and hence there is no real democracy in Uzbekistan. Citizens cannot exercise their right to change their government peacefully. The government has not permitted the existence of an opposition party since 1993. Election law's restricts the possibility of any real opposition parties arising or mounting a campaign.

The government doesn't protect and encourage freedom of speech, Newspapers in Uzbekistan are under state control, and Journalists don't publish articles critical of the government. Although, the constitution provides for "Freedom of Thought, Speech, and Convictions", the government continues to limit these rights severely. A 1991 law against "offending the honour and dignity of the President" limits the ability to criticize the President. Freedom of the press is controlled by administrative measures. Such as the state control of paper supply and printing facilities, and by legislation like the 1993 law to 'protect state secrets. Therefore, the local press, Radio and TV are subjected to Censorship.

Along with other human right abuses, the treatment with prisoners is no less exception. Prison conditions are bad,
detentions prolonged, arrests often arbitrary, and there is no due process. During the period between arrest and trial. Defendants are almost always kept in pretrial detention which has been known to last as long as two years. Political and religious prisoner’s often are not allowed to visitors or any other form of contact with family and friends. The government does not permit prison visits by human rights monitors, such as International Committee of the Red Cross. Prior to trial, Uzbekistan’s legal system doesn’t allow for Habeas Corpus or judicial review of arrests. Police and security agents exploited this legal void by carrying out unsanctioned detentions, illegal searches, and planting or fabricating evidence to justify arrests, they also deny detainees the right to legal counsel, fail to notify their families of their detention, and then isolate them from their families.  

The Uzbek Constitution provides for the right of peaceful assembly, however, it also states that the authorities have the right to suspend or ban rallies, meetings, and demonstrations on security grounds. In practice the government restricted the right of peaceful assembly. The government must approve demonstrations but does not grant permission to demonstrators routinely.  

Another recent glaring example of this nature is the recent episode put forth by international human rights organizations. Amnesty International and Human Rights Watch exposed the human rights abuses perpetrated in Andijan city of Uzbekistan on

---

12-13 May 2005. And this episode was blatant violation of Uzbek Constitution, international law related to human rights and Islamic tenets as Islam recognizes right to life and right to peaceful assembly. Article 44 of the Constitution guarantees everyone the right to complain to a court of any unlawful actions of government authorities. Although the law guarantees everyone the right to lodge a complaint without being subjected to harassment, in Amnesty International’s experience, this has not been the case in practice. In the same manner Uzbek authorities, continue to infringe on right to privacy. On the other hand, since independence, despite the administrative measures the Uzbek government has taken little or no effective action to protect women's basic human rights, particularly access to education and employment, which have both eroded. Another category of the population whose rights are violated systematically is children. As in Soviet times, each autumn school children are being coercively employed in harvesting cotton without their parents’ permission and in violation of national and international law.

It seems that the political elites of Central Asian states are interested in preserving the sense of danger created by Islamic radicalism and extremism. There are two important reasons for this; (a) The commitment of the United States and other countries in the struggle against terrorism affords the local regimes a unique

---

43 OSCE HDIM, Working sessions 8 and 9, 28 September, 2007
opportunity to request more financial and military support, and it should be remembered that it is the state leaders who control the expending of assistance funds; (b) The struggle against Islamic fundamentalism is a good cover for ruthless elimination of all kinds of opposition, both real and potential. The authorities point to Islamic fundamentalism as the main threat to internal and regional stability and security and use this as a pretext to start anti-fundamentalist campaign. Regional elites are apparently convinced that pressure from Western governments, particularly the United States, who cares so much for freedom, justice, equality and non-discrimination within their own country to respect human rights and to democratize, is essentially rhetorical. They remain unimpressed by western and eastern academics, humanitarian organizations and government official who argue that greater political repression in the long run forces opposition into the Islamist camp and encourages Islamic radicalization. The study therefore is an attempt to give a detailed account of the human rights abuses in Uzbekistan as reported by Amnesty International, International Helsinki Federation for Human Rights, United Nations Human Rights Commission and others since Uzbekistan appeared as an independent nation on the map of the world. Being a Muslim majority state, the Islamic Perspective on all aspects of human rights would be applied as well.

45 United States can support or at least tolerate injustice, cruelty and human rights violations when dealing with those who they perceive as the alien. Prof. Iqbal A. Ansari (Editor), Human Rights Today, IOS Quarterly, New Delhi, Vol.X No.2, p.01.