

**The Authoritarian Roadblock on Post-Soviet
Central Asia's Long Road to Religious Freedom**

David Galemba

Introduction

On the evening of May 13, 2005, the streets of Andijon, Uzbekistan ran red with the blood of hundreds of people,¹ part of a massive group assembled at Bobur Square to protest the imprisonment of 23 members of the Islamic group Akromiylar on suspicion of extremist activities.² Uzbek troops fired indiscriminately at men, women, and children, claiming that the action was necessary to keep order after a mob had stormed a local prison and released hundreds of inmates the night before.³ How could such chaos transpire in a nation which, on paper resembles a stable republic?⁴

When the iron curtain separating the West from the Soviet Union fell, freedom and democracy were heralded in the former communist land. The newly independent Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan did not get the message. To be sure, the structure of the governments of these fledgling countries resembled our own government.⁵ Nevertheless, it did not take a thorough inspection to discover that these

¹ The precise number of protestors killed will likely never be known because soldiers immediately removed journalists from the area to prevent them from reporting on the carnage. Estimates range from 170 to over 700 protestors killed. Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, International Religious Freedom Report 2005: Uzbekistan (Nov. 8, 2005), <http://www.state.gov/g/drl/rls/irf/2005/51590.htm> [hereinafter 2005 Report on Uzbekistan].

² BBC News, 'High death toll' in Uzbekistan (May 14, 2005), <http://news.bbc.co.uk/1/hi/world/asia-pacific/4546673.stm>.

³ 2005 Report on Uzbekistan, *supra* note 1.

⁴ Embassy of Uzbekistan to the United States, About Uzbekistan (2004), <http://www.uzbekistan.org/uzbekistan/>. The official website for the Uzbek embassy in the United States paints a sanguine picture of the Uzbek government: "The *Republic* of Uzbekistan declared September 1, 1991 the Day of Independence. The new country appeared on [sic] world map and its priorities were to establish a *free democratic society* and to develop a *market economy*." *Id.* (emphasis added).

countries were far different from our own. After the breakup of the Soviet Union in 1991, members of the Soviet elite, trained to lead with uncompromising austerity, took or retained control of the former Soviet republics.⁶ The leaders of these new countries sought to guarantee their authority by hoarding political power and stifling potential opposition; religion became a primary target.⁷

For centuries, religion played a vital role in Central Asian society and culture, particularly in the Ferghana Valley, which consists of parts of Kyrgyzstan, Tajikistan, and Uzbekistan.⁸ After the Bolshevik Revolution in 1917, religion took a back seat to communist ideology and was forced underground.⁹ But with independence, religion, particularly Islam, enjoyed a rebirth and mosques resurfaced throughout the region.¹⁰

Fearing for their political lives, the aging communist-trained leaders of the new nations saw the Islamic revival as an adversary in the battle for the hearts and minds of the citizenry.¹¹ It

⁵ Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan all have three-branch governments, constitutions, political parties, and popular elections. *See* Bureau of South and Central Asian Affairs, U.S. Dep't of State, Background Note: Kazakhstan (Sept. 2006), <http://www.state.gov/r/pa/ei/bgn/5487.htm>; Bureau of South and Central Asian Affairs, U.S. Dep't of State, Background Note: Kyrgyzstan (Aug. 2006), <http://www.state.gov/r/pa/ei/bgn/5755.htm>; Bureau of South and Central Asian Affairs, U.S. Dep't of State, Background Note: Tajikistan (Jan. 2007), <http://www.state.gov/r/pa/ei/bgn/5775.htm>; Bureau of South and Central Asian Affairs, U.S. Dep't of State, Background Note: Turkmenistan (Nov. 2006), <http://www.state.gov/r/pa/ei/bgn/35884.htm>; Bureau of South and Central Asian Affairs, U.S. Dep't of State, Background Note: Uzbekistan (July 2005), <http://www.state.gov/r/pa/ei/bgn/2924.htm>.

⁶ *See* MARTHA BRILL OLCOTT, *CENTRAL ASIA'S SECOND CHANCE* 3 (2005).

⁷ *See* AHMED RASHID, *JIHAD: THE RISE OF MILITANT ISLAM IN CENTRAL ASIA* 7 (2002). “[T]hese highly centralized, bureaucratic post-Soviet ruling elites lumbered along the well-trodden path they knew best — the suppression of dissent, democracy, popular culture, and eventually the Islamic revival.” *Id.*

⁸ Randa M. Slim, *The Ferghana Valley: In the Midst of a Host of Crises*, in *SEARCHING FOR PEACE IN CENTRAL AND SOUTH ASIA: AN OVERVIEW OF CONFLICT PREVENTION AND PEACEBUILDING ACTIVITIES*, 141-42 (Monique Mekenkamp et al. eds., 2002). The Islam of Central Asia was “[c]haracterized by major advances in philosophy, ethics, legal codes, and scientific research under largely liberal political rulers.” RASHID, *supra* note 7, at 26. For example, Sufis, a sect of mystic Muslims, encouraged popular religious participation and popularized their songs and dance. *Id.* at 26-27.

⁹ *See* RASHID, *supra* note 7, at 32-56.

¹⁰ *Id.* at 54.

¹¹ OLCOTT, *supra* note 6, at 28.

was a rational prediction. The rest of Central Asia watched as a coalition of Islamic groups battled pro-democratic and pro-communist forces for control of Tajikistan, resulting in a coalition government in which the Islamic faction was an influential part.¹²

Other Central Asian countries turned to lawmaking to legitimize persecution of potential adversaries. For example, Turkmenistan and Uzbekistan created Laws on Freedom of Conscience and Religious Organizations, which imposed strict requirements for registration and treated unregistered organizations harshly.¹³

While the thirst for power partially explains why Central Asian governments have taken a hard-line stance on religion, it cannot be the only reason. Does Islamic fundamentalism present a real threat to the stability and security of the region? Regardless of the actual threat, Central Asian leadership deems it to be a threat, thus making the prevention of religious extremism and anarchy another factor.¹⁴

Moreover, international concerns factor into the Central Asian governments' laws and actions. After September 11, 2001, the Central Asian countries became important players in the United States' "Global War on Terrorism."¹⁵

The international community has kept its eye on the Central Asian governments' treatment of religious groups and has frequently admonished the constituent nations in the region.¹⁶ The results have varied. Ultimately, Kazakhstan, Kyrgyzstan, and Tajikistan have

¹² *Id.* at 46.

¹³ See discussion *infra* Part II. These laws, contrary to their name, effectively banned groups that could not meet registration requirements and virtually outlawed public worship and religious displays. See Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, International Religious Freedom Report 2005: Turkmenistan (Nov. 8, 2005), <http://www.state.gov/g/drl/rls/irf/2005/51587.htm> [hereinafter 2005 Report on Turkmenistan]; see also 2005 Report on Uzbekistan, *supra* note 1.

¹⁴ The fear of religious extremism is most apparent in Uzbekistan. President Karimov has repeatedly imprisoned suspected radicals following several violent episodes based on evidence that is hazy at best. For a good overview of these events, see BBC News, Timeline: Uzbekistan: A chronology of key events (May 24, 2006), http://news.bbc.co.uk/2/hi/asia-pacific/country_profiles/1295881.stm [hereinafter *Timeline*].

¹⁵ The Central Asian countries became important strategic partners of the United States because of their physical proximity to Afghanistan. American bases were established in Uzbekistan, Kyrgyzstan, Tajikistan, and Kazakhstan to launch raids on the Taliban or as refueling points, and Turkmenistan served as an important transit point for humanitarian relief. The Central Asian governments were eager to help, hoping for a strong international supporter of their own regimes and enjoyed the rent money that came with the Americans' use of their land. OLCOTT, *supra* note 6, at 4-5.

¹⁶ For example, at a July 2001 congressional hearing, Rep. Ileana Ros-Lehtinen chastised "[t]he regimes that rule these countries [for] us[ing] the specter of Islamic insurgency to justify their repression. Actually, their brutality generates popular support for the very forces they seek to eradicate." *Silencing Central Asia: The Voice of Dissidents: Joint Hearing Before the*

made some encouraging steps toward achieving religious freedom (although they still remain far from success),¹⁷ while Turkmenistan and Uzbekistan have a long road ahead before reaching any semblance of religious freedom.¹⁸

Subcomm. on International Operations and Human Rights and Subcomm. on the Middle East and South Asia of the House Comm. on International Relations, 107th Cong. 1 (2001), available at http://www.house.gov.international_relations/107/73977.pdf [hereinafter *Hearing*] (statement of Rep. Ileana Ros-Lehtinen). Other speakers went on to criticize the regimes for failing to make headway on human rights objectives detailed in a previous congressional resolution. *Id.* at 9-10.

¹⁷ See Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, International Religious Freedom Report 2005: Kazakhstan (Nov. 8, 2005), <http://www.state.gov/g/drl/rls/irf/2005/51561.htm> [hereinafter 2005 Report on Kazakhstan]; see also Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, International Religious Freedom Report 2005: Tajikistan (Nov. 8, 2005), <http://www.state.gov/g/drl/rls/irf/2005/51585.htm> [hereinafter 2005 Report on Tajikistan]; see also Bureau of Democracy, Human Rights, and Labor, U.S. Dep't of State, International Religious Freedom Report 2005: Kyrgyzstan (Nov. 8, 2005), <http://www.state.gov/g/drl/rls/irf/2005/51562.htm> [hereinafter 2005 Report on Kyrgyzstan].

It was not international pressure that put Kazakhstan, Kyrgyzstan, and Tajikistan in their promising religious situations, but rather various internal factors. For example, in Kazakhstan, a secular tradition has created a relatively stable religious environment:

Kazakhstan has never been a country affected by particularly strong religious sentiments or powerful religious forces. Religious organizations have always been rather passive and do not claim any political role in the state. In contrast to those in neighboring countries, religious groups in Kazakhstan generally do not strive to exercise their influence upon political or social events.

Roman Podoprigora, *Religion in Kazakhstan: A General View*, 1999 BYU L. REV. 581, 581 (1999). This is not to say that the religious situation in Kazakhstan is perfectly calm. Indeed, several events in recent years, such as harassment of Jehovah's Witnesses by local officials and visa registration problems among foreign missionaries of the Akhmadi Muslim sect serve as reminders that unresolved problems remain. See 2005 Report on Kazakhstan, *supra* note 17.

In Tajikistan, a bloody civil war resulted in a coalition government with an Islamic faction. Political representation of the religious majority has ensured limited governmental restrictions on religious freedoms. See 2005 Report on Tajikistan, *supra* note 17.

¹⁸ See 2005 Report on Turkmenistan, *supra* note 13; see 2005 Report on Uzbekistan, *supra* note 1.

International pressure has not markedly improved the situation in these two countries. At times, the leaders of these countries have rejected international pressure outright. For example, Uzbek president Karimov rejected US, EU, and human rights groups' requests for an independent investigation into the actions of Uzbek security forces during the May 2005 massacre in Andijon. Fed up with the pressure, Karimov evicted US forces from Uzbek bases in July 2005 and turned toward fostering closer ties with Russia and China (which had turned a blind eye to Uzbek atrocities in order to increase their influence in the region). Eurasia Insight,

It appears that working with dictators to persuade them to be more tolerant of religion is unfeasible. The problem is deeper, and requires an overhaul of the entire authoritarian system of government of these countries. In its place, a system is needed where the acquisition of power is not the ultimate objective.¹⁹ By and large, freedom and democracy in Central Asia is in name only.²⁰ The leaders of these nations live in the past and are not willing to change.²¹ This note does not advocate revolution or foreign invasion. As the current turmoil in Iraq demonstrates, removing a leader by force can potentially result in mass bloodshed and chaos. However, this note argues that the religious situation will not improve and revolution may indeed be a likely outcome²² if paranoid dictators continue to rule. Moreover, the harsh treatment of radical religious groups has the potential to become a self-fulfilling prophecy. A reactionary government does more to swell the ranks of radical groups than a more moderate government in which the radical groups would have less reason to protest and would find it harder to recruit new members.²³

The first section will examine the religious past of the region. The second section will show how religious freedom is unfeasible while distrustful rulers amass all the political power and hide behind oppressive laws. Finally, the third section will demonstrate how religious oppression spawns a perpetual cycle of increased extremism followed by even more oppression.

I. Historical Overview of Religion in Central Asia

Islam prevails in Central Asia.²⁴ The religion was first introduced to the region in the seventh century by Arab invaders.²⁵ Traditionally, Central Asian Islam has been very tolerant.²⁶

US, EU Hardening Stance toward Uzbekistan (Oct. 7, 2005), <http://www.eurasianet.org/departments/insight/articles/eav100705.shtml>.

¹⁹ Many Western observers believe democratic institution-building cannot be accomplished while old autocrats remain in power. OLCOTT, *supra* note 6, at 240.

²⁰ Rett R. Ludwikowski, *Constitutionalization of Human Rights in Post-Soviet States and Latin America: A Comparative Analysis*, 33 GA. J. INT'L & COMP. L. 1, 7, 18 (Fall 2004).

²¹ See RASHID, *supra* note 7, at 57-92.

²² Revolution already occurred in Tajikistan. See discussion *infra* Part II.C. And it could very well be too late for diplomacy in the other countries. Many experts believe Uzbekistan is on the verge of upheaval. See *infra* note 160.

²³ See *Hearing*, *supra* note 16, at 5; see also RASHID, *supra* note 7, at 11.

²⁴ The Muslim population makes up a majority of the total population in all the post-Soviet Central Asian countries except Kazakhstan (where it is a plurality). Central Intelligence Agency, The World Factbook: Kazakhstan, <http://www.cia.gov/cia/publications/factbook/geos/kz.html> (last updated Jan. 23, 2007) [hereinafter CIA Factbook: Kazakhstan] (47 percent); Central Intelligence Agency, The World Factbook: Kyrgyzstan, <http://www.cia.gov/cia/publications/factbook/geos/kg.html> (last updated Jan. 23, 2007) [hereinafter CIA Factbook: Kyrgyzstan] (75 percent); Central Intelligence Agency, The World

Islam suffered some setbacks as the region came under control of the Russian tsars, who introduced modern ideas, but Muslims were still allowed to practice their faith.²⁷

It was only when the Bolsheviks took over in the early 1900's that Islam was severely inhibited in the region. Communists diametrically oppose all religion because it is seen as a tool used by the "haves" to keep the "have-nots" in line.²⁸ "Throughout the Soviet period, religious activity was channeled through government-controlled mechanisms and religious policies linked to larger Soviet nationality policies."²⁹ Not surprisingly, during most of the Soviet rule, "[m]osques were shut down and converted into workshops, Muslim worship and ceremonies were banned, women were forbidden to wear the veil, and children were not allowed to read the Koran."³⁰ Joseph Stalin attempted to prevent dissension among the Muslims of Central Asia by dividing the region into five republics that split up the different sects and clans.³¹ Not only did he separate Muslim from Muslim within Central Asia, he also separated Central Asian Muslims

Factbook: Tajikistan, <http://www.cia.gov/cia/publications/factbook/geos/ti.html> (last updated Jan. 23, 2007) [hereinafter CIA Factbook: Tajikistan] (90 percent); Central Intelligence Agency, The World Factbook: Turkmenistan, <http://www.cia.gov/cia/publications/factbook/geos/tx.html> (last updated Jan. 23, 2007) [hereinafter CIA Factbook: Turkmenistan] (89 percent); Central Intelligence Agency, The World Factbook: Uzbekistan, <http://www.cia.gov/cia/publications/factbook/geos/uz.html> (last updated Jan. 23, 2007) [hereinafter CIA Factbook: Uzbekistan] (88 percent).

²⁵ RASHID, *supra* note 7, at 21.

²⁶ *Id.* at 26. The Muslims of the region are predominantly Sunni Muslims although several Shiites live in the bigger cities. The different sects within Sunni and Shia Islam have lived side-by-side relatively peacefully and coexisted with Jews, Christians, Buddhists, and Hindus in relative calm. Sufism, practiced by many Central Asians, preaches tolerance towards all religions and popular participation in religion. *Id.* at 26-27.

²⁷ *Id.* at 30.

²⁸ KARL MARX, THE COMMUNIST MANIFESTO (1848), *available at* <http://www.anu.edu.au/polsci/marx/classics/manifesto.html> ("Law, morality, religion, are to [the proletarian] so many bourgeois prejudices, behind which lurk in ambush just as many bourgeois interests.").

²⁹ Jill E. Hickson, *Using Law to Create National Identity: The Course to Democracy in Tajikistan*, 38 TEX. INT'L L.J. 347, 359 (Spring 2003).

³⁰ RASHID, *supra* note 7, at 38.

³¹ *Id.* at 36.

from the rest of the Muslim world.³² “When independence finally came, in 1991, the Central Asians, ideologically speaking, were still back in the 1920’s.”³³

As a diplomatic measure, to give the appearance to the rest of the world that it tolerated all its people, the Soviet Union introduced “official Islam” in the 1960’s.³⁴ The government established two official madrassahs in Uzbekistan, where mullahs learned Islamic and Soviet studies and became state-certified and appointed to an official mosque.³⁵ Few Muslims actually worshipped at official mosques or studied in official madrassahs.³⁶ These official institutions were considered by many to be established by the state in order to bring about a dutiful and docile Islam.³⁷ Unofficial mosques and madrassahs maintained the “true faith,” as hundreds secretly emerged throughout the region.³⁸

Two developments in the 1980’s led to a revival in Islam in Central Asia. Thousands of Central Asians were drafted by the Soviet army to go to battle in Afghanistan and were deeply affected by how committed the Afghan Mujahedeen were to their religion.³⁹ Many Central Asians evaded the Soviet draft, instead going to Afghanistan and Pakistan to study fundamentalist Islam in madrassahs or to train as guerrilla fighters to help the Afghan cause.⁴⁰ The other development resulted from Mikhail Gorbachev’s liberalizing policy of perestroika.⁴¹ Muslims interpreted perestroika as a pretext to build thousands of mosques and distribute Islamic literature even though the policy was not intended to remove Soviet restrictions against Islam.⁴² While traditional Central Asian Islam flourished during this time, perestroika also provided an outlet for more extreme forms of Islam — such as Deobandism from Pakistan⁴³ and Wahhabism from Saudi Arabia⁴⁴ — that gave rise to Islamic militancy.

³² *Id.* at 35. In the 1920’s, Stalin closed Central Asia’s borders with Iran, Turkey, and Afghanistan, thereby preventing Central Asian Muslims from learning about developments in Islamic thinking across the borders. *Id.*

³³ *Id.*

³⁴ *Id.* at 39.

³⁵ RASHID, *supra* note 7, at 39.

³⁶ *Id.* at 40.

³⁷ *Id.* at 55.

³⁸ *Id.* at 54-55.

³⁹ *Id.* at 43.

⁴⁰ *Id.* at 44.

⁴¹ RASHID, *supra* note 7, at 42-46.

⁴² *Id.* at 42-43.

II. The Authoritarian Roadblock: Paranoid Leaders and their Constraint on Religious Freedom

The leaders who took power in the new countries were extremely conservative communists of the old Soviet style.⁴⁵ They sought to ensure their survival through the elimination of all potential political opponents.⁴⁶ Islamic fundamentalism was perceived as a dangerous enemy; however, the repression and censorship enacted by the governments affected all Muslims.⁴⁷ “The leaders banned opposition parties, placed tight controls on the media, and outlawed public discussion and debate on future policy.”⁴⁸ So as not to appear completely anti-Islam to their constituents, the new leaders professed that they adhered to the “official Islam” of

⁴³ Thousands of Central Asians trained in Pakistan during and after the Soviet-Afghan war, where they came under the influence of Deobandism, a radical sect of Sunni Islam. This movement organized thousands of students, teaching them the message of jihad. GILLES KEPEL, *JIHAD: THE TRAIL OF POLITICAL ISLAM* 3 (2002). However, Deobandism understood jihad solely as a political and social struggle, ignoring the essence of jihad; namely, the struggle to improve oneself. RASHID, *supra* note 7, at 2. Deobandis staunchly oppose Shiaism and consider Shiites infidels as much as any other religious worshippers. KEPEL, *supra*, at 224. They hold an extremely restrictive view of women. RASHID, *supra* note 7, at 44. This sect, like Wahhabism, significantly influenced the dogma of violent groups in Central Asia in the 1990’s and beyond.

⁴⁴ Wahhabism, like Deobandism, was exported to Central Asia from elsewhere in the Muslim world. The sect originated in the 1700’s and arrived in Central Asia as far back as the early 1900’s, but it did not become a significant force in the region until the 1980’s. *Id.* at 45. The war in Afghanistan helped Wahhabism grab a foothold among Central Asians. Central Asians fighting in Afghanistan either on the Soviet or Afghan side were directly exposed to the Islam practiced by the mujahedeen. The fact that Saudi Wahhabis provided significant funding for the Afghans meant that that particular dogma spread not only among the Afghans but also among the Central Asians fighting in Afghanistan. KEPEL, *supra* note 43, at 137.

Wahhabis consider their faith the only true school of Islam. Like the Deobandis, they consider Shiaism an enemy of their faith just as much as any other religion. RASHID, *supra* note 7, at 123. Wahhabism relies on a literal interpretation of the Qur’an and holds women to a restrictive existence. Largely political in nature, Wahhabis rely on their religious dogma to justify the use of violence. KEPEL, *supra* note 43, at 72.

⁴⁵ RASHID, *supra* note 7, at 48. Kyrgyzstan was the exception. *See infra* note 77.

⁴⁶ RASHID, *supra* note 7, at 11.

⁴⁷ For example, Uzbekistan has a number of restrictions regarding religious dress, the opening of religious schools, and Muslim celebrations and weddings. OLCOTT, *supra* note 6, at 153. Muslims deemed to be political enemies are summarily imprisoned, often based on dubious evidence. *See Timeline, supra* note 14.

⁴⁸ RASHID, *supra* note 7, at 54.

the Soviet era.⁴⁹ However, official Islam had never been popular among the masses, and perestroika and the subsequent breakup of the Soviet Union only further weakened the institution.⁵⁰ Moreover, the staunch anti-Islam of the leaders could not be hidden.⁵¹ By eliminating the possibility of political representation for different Islamic groups, the new leaders fostered an environment where fundamentalism became the only way people could be heard.⁵²

A. Kazakhstan

Because of a large influx of ethnic Russians to the Kazakh farmlands during the Soviet era, Kazakhstan has the largest percentage of non-Muslims among the five former Soviet Central Asian republics.⁵³ Strong Russian and Soviet influence in the area coupled with the relatively late arrival of Islam resulted in Islamic fundamentalism being less prevalent here than in neighboring countries.⁵⁴ Further, Kazakhstan's nomadic past makes it a relatively secular nation.⁵⁵ As a result, Kazakhstan has not treated religious organizations particularly harshly.⁵⁶

The Kazakh Constitution provides for freedom of religion.⁵⁷ Subsequent laws have altered this freedom to various extents:

⁴⁹ *Id.* at 55.

⁵⁰ *Id.*

⁵¹ At the same time these leaders were trying to show their appreciation of Islam, they refused to recognize Muslim holy days. *Id.*

⁵² *Id.* at 56.

⁵³ CIA Factbook: Kazakhstan, *supra* note 24. A mass exodus of Russians flowed out of Kazakhstan following independence, but over 30 percent of the population is still ethnically Russian. *Id.*

⁵⁴ Islam did not arrive until the 1600's. RASHID, *supra* note 7, at 58. The influence that Russians have on Kazakh leadership was apparent from President Nazarbayev's decision to move the capital from the large and ancient city of Almaty in the east to Astana, a small village in the center of the country, merely to appease the Russians living in Kazakhstan (because the new capital was closer to them). *Id.* at 60.

⁵⁵ 2005 Report on Kazakhstan, *supra* note 17. Although 47 percent of the population define themselves as Muslim and 44 percent define themselves as Russian Orthodox, most of these people do not closely observe religion. CIA Factbook: Kazakhstan, *supra* note 24. Sociological research indicates that only 35-40 percent of the people in Kazakhstan consider themselves believers. Podoprighora, *supra* note 17, at 581 n.1.

⁵⁶ 2005 Report on Kazakhstan, *supra* note 17.

⁵⁷ *Id.*

- National Religion Law: requires religious organizations to register with the government.⁵⁸ Article 9 also requires regional registration of local religious organizations.⁵⁹ July 2005 amendments require foreign missionaries to annually register as well as provide details about their work.⁶⁰ Article 375 of the Administrative Code calls for suspension or fines of unregistered groups.⁶¹
- Extremism Law (February 2005): gives the government authority to designate extremist organizations. This label results in a ban on the group's activities and criminalizes membership.⁶²
- Elections Law: prohibits political parties based upon religious affiliation.⁶³
- Religious instruction in public schools is prohibited.⁶⁴
- Law on Public Associations: provides for a court-ordered suspension of a religious group's activities if it violates the Constitution, religion laws, or its own charter or bylaws.⁶⁵ A February 2005 amendment permits police, prosecutors and citizens to petition a court to suspend an organization's activities for uncorrected violations.⁶⁶

While the number of restrictions on religious freedom has increased in the past few years, the U.S. Department of State still considers the country to be:

[A] leader in the former Soviet Union for its encouragement of religious tolerance and its respect for the rights of religious minorities. Religious leaders praised the role the Government played in ensuring their right to peaceful practice of their religious beliefs.”⁶⁷

⁵⁸ *Id.* To successfully register, an organization must have at least 10 members and receive approval from the Ministry of Justice. *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ 2005 Report on Kazakhstan, *supra* note 17. In July 2004, Council of Churches member Vilgelm Dik was fined for failing to register his congregation, and in May 2005, a court fined Baptist leader Igor Isakov for refusing to register his congregation. *Id.*

⁶² *Id.*

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ 2005 Report on Kazakhstan, *supra* note 17.

⁶⁷ *Id.*

Violations of religious freedoms have generally been few and minor.⁶⁸ Generally, larger organizations like Sunni Muslims and the Russian Orthodox Church are left alone, while smaller groups are more prone to harassment or repressive policies.⁶⁹ However, even among the smaller religious communities, religious freedom has greatly expanded from the repressive days of the Soviet era.⁷⁰ The Chief Rabbi of Kazakhstan spoke highly of the government's treatment of Jews in a letter he submitted to the U.S. Committee on International Relations.⁷¹ The religious situation in Kazakhstan remains relatively tranquil⁷² and prosperous,⁷³ serving as a model for its neighbors. This positive development prevails despite the almost absolute control of President Nazarbayev.⁷⁴

⁶⁸ *Id.*

⁶⁹ For example, a local Jehovah's Witnesses organization has been unable to register in one region since 2001; authorities have frequently inspected a Hare Krishna settlement; and the Ahmadi Muslim community has had difficulty registering foreign missionaries. *Id.*

⁷⁰ See Podoprighora, *supra* note 17, at 581.

⁷¹ See *Hearing*, *supra* note 16, at 13.

⁷² There were no reported incidents in 2005 of local officials interrupting private religious meetings. 2005 Report on Kazakhstan, *supra* note 17. Where disputes between religious groups and authorities existed, they were handled through appropriate legal means. *Id.* For example, two lawsuits against a Hare Krishna commune for violations of registration requirements were dismissed or settled in favor of the commune — these cases “reflected an equitable application of the law.” *Id.*

⁷³ “The number of registered religious groups has risen steadily over the last few years.” *Id.*

⁷⁴ In December 2005, Nazarbayev was elected to his third seven-year term. Ronan Thomas, *Kazakhstan in black and white*, ASIA TIMES ONLINE (Dec. 6, 2005), http://www.atimes.com/atimes/Central_Asia/GL06Ag01.html. He received 91 percent of the vote, however, the legitimacy of the election was hazy at best, as were the previous elections he won. *Id.* Nevertheless, because of Western interest in Kazakh natural resources and Kazakhstan's willingness to serve as an ally in the war on terror, little international protestation has resulted:

Nazarbayev's victory came as little surprise in Central Asia. Deploying a captive media and outflanking a weak opposition has been the 65-year old president's stock in trade for the past 16 years. The president's grip on power is such that any popular "color" revolution in Kazakhstan . . . was always inconceivable.

International monitors, including the Organization for Security and Cooperation in Europe (OSCE) will report election flaws, but otherwise outside censure has been muted as Kazakhstan holds many attractions, not least for the United States, Russia, China and the European Union, each with geostrategic interests in the region.

Thus, Kazakhstan appears to contradict the premise that authoritarianism blocks religious freedom. However, the moderate degree of religious freedom in Kazakhstan might well not exist if the Kazakh people were more devout. The reason why Nazarbayev allows as much religious freedom as he does is likely because he does not face the same religious zeal as his neighboring leaders.

B. Kyrgyzstan

Compared to the stable leadership of Kazakhstan, Kyrgyzstan is a nation undergoing change at the top. The impoverished country⁷⁵ did have a longtime leader in President Askar Akayev, who ruled from 1990 until he was toppled in the Tulip Revolution of March 2005.⁷⁶ At first, Akayev was heralded as the most democratic of the leaders of the newly independent Central Asian nations,⁷⁷ but with time, he was criticized at home and abroad for his family's alleged corrupt pursuits⁷⁸ and for suppressing political opposition.⁷⁹ Islamic fundamentalists became a primary target of his increasingly repressive policies.⁸⁰ The poverty and repression

Id.

⁷⁵ One of the poorest countries in the region, Kyrgyzstan is mostly mountainous yet has an economy based largely on agriculture. CIA Factbook: Kyrgyzstan, *supra* note 24.

⁷⁶ Ariel Cohen, *Kyrgyzstan's tulip revolution*, THE WASHINGTON TIMES (Mar. 27, 2005), <http://www.washtimes.com/commentary/20050326-103550-7473r.htm>.

⁷⁷ Akayev was the only non-Communist to take the helm of a Central Asian nation after the breakup of the Soviet Union. RASHID, *supra* note 7, at 68.

⁷⁸ The presidential family was said to have run the state-owned gold company and to have “monopolize[d] fuel oil distribution, liquor sales, real estate, local cabarets, casinos, and the media.” OLCOTT, *supra* note 6, at 112. It was rumored that owners of “desirable properties [were] forced to sell them at below market price after ‘expressions of interest’ from members of powerful families.” *Id.*

⁷⁹ The continuing economic crisis led to heightened political opposition, which, in turn, caused Akayev to take on a more authoritarian style in order to maintain control of his country. RASHID, *supra* note 7, at 71. Notable examples of repression include tampering with the elections in 2000, the 2001 imprisonment of the former vice president for challenging Akayev’s leadership, and the shooting of peaceful protestors by government troops in 2002. *See* Cohen, *supra* note 76.

⁸⁰ Pressured by neighboring Uzbekistan (fighting their own battle with Islamic fundamentalists) and China (attempting to restrict the activities of Muslim Uighurs within its own borders), Akayev began to arrest scores of Muslim Uzbeks and Uighurs within Kyrgyzstan. RASHID, *supra* note 7, at 70-71.

backfired, causing an explosion in radical Islam.⁸¹ Fed up with economic and political corruption and the stagnant economy, a democratic contingent forced Akayev to flee and instated former Prime Minister Kurmanbek Bakiev as president.⁸² The situation has not improved significantly since he came to power. The economy continues to flounder.⁸³ Anyone associated with political Islam continues to face the possibility of imprisonment.⁸⁴

Nevertheless, the laws generally respect religion and the Constitution provides for freedom of religion.⁸⁵ Subsequent Constitutional provisions and laws clarify the extent of this freedom:

- Article 8 of the Constitution: prohibits religion-based political parties and religious group activities that threaten national security.⁸⁶
- Article 82 of the Constitution: grants authority to the Constitutional Court to determine the constitutionality of religious organizations.⁸⁷

⁸¹ *Id.* at 72-73.

⁸² Other than some looting, the Tulip Revolution, named after the prevalent Kyrgyz flower, occurred relatively peacefully. *See* Cohen, *supra* note 76.

⁸³ Many legitimate businesses and investors have dropped out of the economy following the Revolution, leaving organized crime to fill the vacuum. Eurasia Insight, *Kyrgyzstan's Government Struggles to Improve Business Climate* (Feb. 2, 2006), <http://www.eurasianet.org/departments/business/articles/eav020206.shtml>.

⁸⁴ Following Akayev's ouster, the fundamentalist group Hizb ut-Tahrir has taken advantage of the unsteady power transition to increase its membership, leading to incidents such as the following:

[A]s Kyrgyzstan celebrated Eid Al-Adha, or the Muslim Feast of the Sacrifice, authorities detained several people in the southern city of Osh and accused them of membership in Hizb ut-Tahrir... The arrests came as those detained were [sic] cooking pilaf, an Uzbek national dish, and attempting to distribute it among the needy and poor, an activity in line with Muslim practice during the holiday. The detainees denied membership of Hizb ut-Tahrir, and outraged local people protested against the authorities' actions against what they said were charitable activities.

Gulnoza Saidazimova, *Central Asia: Hizb ut-Tahrir's Calls for Islamic State Find Support*, EURASIA INSIGHT (Jan. 17, 2006), <http://www.eurasianet.org/departments/insight/articles/pp011705.shtml>.

⁸⁵ *See* 2005 Report on Kyrgyzstan, *supra* note 17.

⁸⁶ *Id.*

⁸⁷ *Id.*

- A 1997 Presidential Decree: requires registration with and approval by the State Commission on Religious Affairs (SCRA).⁸⁸
- On Freedom of Conscience and Religious Organizations (draft): would address terrorism and other concerns about the illegal activities of purported religious organizations.⁸⁹
- Missionaries must register but generally function free of government intrusion.⁹⁰
- Teaching religion in public schools is prohibited.⁹¹

Despite the relatively innocuous laws governing treatment of religion, religious interference and repression persist. In the South, a large Uzbek minority tends to be particularly devout Muslims. This group has faced raids by police looking for suspected “Wahhabis,” the name given to anyone who partakes in political Islam.⁹² Furthermore, a 2003 Kyrgyz Supreme Court ruling banned four political organizations for alleged terrorist connections.⁹³ Harassment of groups other than alleged extremist Islamic groups, while infrequent, still exists under the new leadership.⁹⁴

Kyrgyzstan’s treatment of religion tends to be fair, with the exception of those groups or individuals with actual or alleged ties to extremist Islamic groups. While the harsher treatment of these groups/individuals is often based on rational fears of terrorist acts and a threat to the (relative) stability of the country, the Kyrgyz leaders have their own political survival in mind. Regrettably, their reaction to radical groups is largely an overreaction which often has consequences for those unaffiliated with the groups.

C. Tajikistan

It took a bloody civil war to make it so, but ultimately religious freedom in Tajikistan has improved. Following the fall of the Soviet Union, this small, impoverished⁹⁵ nation fell into the

⁸⁸ *Id.* Almost all religious organizations are registered, but even the ones that are unregistered generally can hold services free of government interference. *Id.*

⁸⁹ *Id.*

⁹⁰ 2005 Report on Kyrgyzstan, *supra* note 17.

⁹¹ *Id.*

⁹² *Id.* While the raids have resulted in the arrest of innocent people, they are not unfounded. Armed incursions into the South in 1999 and 2000 by the terrorist group Islamic Movement of Uzbekistan sparked government fears as did a suspected rise in Hizb ut-Tahrir membership. *Id.* “Wahhabi” is a misnomer in this situation. *See supra* note 44.

⁹³ The four organizations were all based upon Islam. 2005 Report on Kyrgyzstan, *supra* note 17.

⁹⁴ Examples include the struggle of the Church of Jesus Christ to acquire title to the land its main church sits on, and suspension of the Unification Church for not specifying the world religion to which it belonged. *Id.*

hands of the Communists,⁹⁶ but it was ripe with divisions and dissension.⁹⁷ Once Communist President Rakhmon Nabiev was forced out of office and another communist, Emomali Rahmonov, took his place, the country became embroiled in a five-year-long civil war, with the democratic, nationalist, and Islamic alliance battling the Communist government for control of Tajikistan.⁹⁸ A shaky peace resulted in a coalition government: Rahmonov was still at the top, but the Islamic Renaissance Party gained representation in parliament, and IRP militiamen were absorbed into the state military.⁹⁹

Despite the presence of an Islamic party, Tajikistan is a decidedly secular state.¹⁰⁰ Those that still hold power in the IRP have moderate views, and “are more interested in protesting corruption and clientism than they are in any ideological agenda.”¹⁰¹

Despite the secularity of the state, the laws still respect religious freedom. While a fear of Islamic extremism persists, the laws generally are non-intrusive. The Tajik Constitution provides for freedom of religion.¹⁰² Other laws illuminate the extent of this right:

- Law on Freedom of Conscience Organization of Religion:

[A]ll persons have the right to freely determine their religion, and to profess religion individually or together with others. People also have the right to profess no religion and not to take part in religious customs and ceremonies. The law states that all religions are equal in their relationship to the law and acknowledges the right of religious organizations to have equal access to media. It reiterates that Tajikistan has a secular system of public education but officially recognizes citizens' rights to receive

⁹⁵ Even worse off than Kyrgyzstan, Tajikistan is the poorest Central Asian country, and indeed, the poorest of any post-Soviet state. OLCOTT, *supra* note 6, at 113.

⁹⁶ Rakhmon Nabiev, former secretary general of the Tajik Communist Party, became the first president upon independence, but was forced to resign in 1992 after a wave of bloody protests against his leadership. RASHID, *supra* note 7, at 89.

⁹⁷ Tajikistan lacks a coherent sense of nationhood because of its many different ethnic groups and clans. Conflict between the two largest ethnic groups, the Tajiks and Uzbeks, as well as conflicts among the various Tajik clans made the country ripe for a civil war once the powerful Soviets left the country to itself. *Id.*

⁹⁸ *Id.* at 90-91.

⁹⁹ *Id.* at 91.

¹⁰⁰ The Tajik Constitution describes Tajikistan as a secular state. Hickson, *supra* note 29, at 369.

¹⁰¹ OLIVIER ROY, *Islamic Militancy: Religion and Conflict in Central Asia*, in SEARCHING FOR PEACE IN CENTRAL AND SOUTH ASIA 103 (Monique Mekenkamp et al. eds., 2002).

¹⁰² 2005 Report on Tajikistan, *supra* note 17.

religious education. All persons who wish to teach religion, however, are required to get permission from the government committee on religion.¹⁰³

- Law on Religion and Religious Organizations: requires religious organizations to register with the State Committee on Religious Affairs (SCRA), which requires organizations to meet specific criteria.¹⁰⁴
- Law on Political Parties: political parties cannot receive support from religious institutions.¹⁰⁵
- A constitutional amendment allows religiously based political parties.¹⁰⁶
- An executive decree prohibits government publishing houses from using Arabic.¹⁰⁷

While religion is generally respected by the laws of Tajikistan, there is reason to worry. The diminishing importance of the IRP has given President Rahmonov the impression that he has greater power.¹⁰⁸ This notion is not without merit, as evidenced by the 2005 parliamentary elections, in which Rahmonov's party received 80 percent of the votes, leaving only 20 percent for the four opposition parties (the Democratic, Communist, IRP, and Social Democratic parties) combined.¹⁰⁹ The weakened position of the IRP coupled with a perceived growing threat from the Hizb ut-Tahrir encouraged Rahmonov to step up state control of Islam by appointing new imams and regulating the content of sermons throughout the nation's mosques.¹¹⁰

Moreover, other governmental actors have been known to overlook the guiding principles set forth in the Tajik Constitution and laws. The SCRA requires Muslims wishing to take the Hajj, the annual pilgrimage to Mecca, to travel by air, which greatly reduces the number of Tajik pilgrims.¹¹¹ Moreover, there were "unconfirmed reports that in some cases, local government officials have forbidden Muslim women from having their photograph taken for an internal

¹⁰³ Hickson, *supra* note 29, at 369-70.

¹⁰⁴ 2005 Report on Tajikistan, *supra* note 17. The requirements include "a charter, a list of at least 10 members, and evidence of local government approval of the location of a house of worship." *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Hickson, *supra* note 29, at 372.

¹⁰⁷ 2005 Report on Tajikistan, *supra* note 17. This ban is largely a political move aimed at preventing the dissemination of extremist views like those of Hizb ut-Tahrir, which produces many publications. *Id.*

¹⁰⁸ OLCOTT, *supra* note 6, at 168.

¹⁰⁹ *Id.* at 170. The vote was almost certainly fixed by Rahmonov's party, which is even more reason for concern that he is actively annexing the remaining political power. *Id.*

¹¹⁰ *Id.* at 169.

¹¹¹ 2005 Report on Tajikistan, *supra* note 17.

identification document while wearing the hijab, and that some schools prohibited girls from attending while wearing a hijab.”¹¹² While most oppression has been aimed at Muslims for fear of Islamic extremism, other religious groups have endured negative treatment. For example, despite the national registration of Jehovah’s Witnesses, one city refused to register the group locally.¹¹³

Rahmonov appears to be making efforts to further consolidate his power, and as a result, religious organizations can expect to suffer the consequences. However, with the growing heroin trade, government corruption, and the dire economic situation of a large portion of the country,¹¹⁴ religious freedom is one of the least of Tajikistan’s current concerns. Compared with Turkmenistan and Uzbekistan, Tajikistan is a religious haven.

D. Turkmenistan

Compared to the relatively tame treatment of religion seen in the three aforementioned countries (Kazakhstan, Kyrgyzstan, and Tajikistan), Turkmenistan’s treatment of religion, indeed, its whole system of laws, is appalling. Turkmenistan is headed by a man with a personality cult that rivals that of Joseph Stalin, Adolf Hitler, or Mao Zedong.¹¹⁵

Even by the authoritarian standards of the Central Asian regimes, [Turkmen President Saparmurad] Niyazov’s government is unique: the most repressive and dictatorial regime in the region. Political parties are banned, the government controls all media outlets, meetings of all kinds — even academic — are forbidden, and Christian and Hindu sect leaders have been thrown out of the country along with political opposition leaders. (There is no Islamic opposition.)

The indiscriminate use of the death penalty, the torture of prisoners in the overflowing prisons (which frequently erupt in riots), and the disappearance of dissenters without a trace all point to a regime that is paranoid about staying in power.¹¹⁶

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ OLCOTT, *supra* note 6, at 169.

¹¹⁵ Niyazov advertises himself as “Turkmenbashi,” father of all Turkmens. RASHID, *supra* note 7, at 73.

¹¹⁶ *Id.* at 73-74.

The dictator has ruled the country since its independence began, and likely will remain the leader until his death.¹¹⁷

The Turkmen Constitution masks the harsh legal treatment of religion in the country. It provides for religious freedom and does not designate an official religion.¹¹⁸ Yet, for several years, as a result of the 1995 amendment to the Law on Freedom of Conscience and Religious Organizations, the only religions allowed to register were the two largest, the Sunni Muslims and Russian Orthodox, because the only groups permitted were those that had “500 citizens at least 18 years of age in each locality in which they wished to register.”¹¹⁹ This situation was finally remedied by a 2004 amendment which reduced the registration requirement from 500 citizens to five, but only a limited number of groups have subsequently been able to register.¹²⁰ Other laws include:

- A November 2003 law, which replaced the 1991 Law on Freedom of Conscience and Religious Organizations:
[It] required all religious organizations to register, made operation of unregistered religious organizations a criminal offense, further restricted religious education, and monitored financial and material assistance to religious groups from foreign sources. Parallel amendments to the criminal code imposed penalties of up to one-year imprisonment for a number of violations.¹²¹
- A January 2004 presidential decree increased registration fees to \$100 (a substantial amount in this poor country) and allowed the Ministry of Justice to deregister a group “based on vaguely defined charges.”¹²²
- A March 2004 regulation imposed financial and travel restrictions on registered groups and placed more obstacles in the way of unregistered groups.¹²³

¹¹⁷ “President Niyazov was unanimously approved as president for life by the People's Council on 28 December 1999.” CIA Factbook: Turkmenistan, *supra* note 24.

¹¹⁸ Christina M. Kelly, Comment, *The United States and Turkmenistan: Striking a Balance Between Promoting Religious Freedom and Fighting the War Against Terrorism*, 15 PACE INT'L L. REV. 481, 491 (2003).

¹¹⁹ 2005 Report on Turkmenistan, *supra* note 13.

¹²⁰ *Id.*

¹²¹ *Id.* “In response to international pressure, criminal penalties were lifted in May 2004, but the remaining law continues to allow the Government to control religious life and to restrict the activities of all religious groups.” *Id.*

¹²² *Id.*

¹²³ *Id.* International pressure forced the government to scrap this regulation.

- Local zoning ordinances have denied newly registered organizations a place to practice their religions.¹²⁴
- The Law on Public Associations: routinely applied in order to “prohibit gathering, disseminating religious materials, and conducting religious activities. . . Violators receive fines or are arrested.”¹²⁵
- November 2003 Law on Religious Organizations and March 2004 amendment: require religious groups to report the sources of both foreign and domestic financial assistance.¹²⁶
- A presidential decree bans the publishing of religious literature, severely limiting the distribution of the Quran.¹²⁷

Worries in Kyrgyzstan or Tajikistan about small fines for violating religious laws are “small potatoes” compared to worries about imprisonment or disappearance for violating religious laws in Turkmenistan. Government abuse of religious expression is the norm. The list of abuses is endless. The abuses occur in all of the following matters:

- Places of worship: Niyazov’s government frequently shuts down mosques, churches, and other places of worship in the name of public policy.¹²⁸
- Religious activities and doctrines: The government closely controls religious sermons, the appointment of clergies, and other activities. The Council on Religious Affairs (CRA) is, in effect, a puppet assembly of the state, consisting of the Imam of the Gok Depe Mosque, the Mufti of Turkmenistan, a Russian Orthodox representative, and a government representative.¹²⁹ The CRA “has replaced a number of Sunni Muslim imams, including twice replacing the Mufti with individuals

¹²⁴ 2005 Report on Turkmenistan, *supra* note 13.

¹²⁵ Kelly, *supra* note 118, at 493. This result occurs despite the law being “inapplicable” to religious gatherings. *Id.*

¹²⁶ 2005 Report on Turkmenistan, *supra* note 13.

¹²⁷ *Id.*

¹²⁸ Kelly, *supra* note 118, at 493. In 2001, authorities closed the last Baptist Church in Turkmenistan and emptied its coffers. *Id.* Several mosques and even a cemetery were razed in 2004 in order to fulfill local “beautification” plans, and in the same year, Niyazov ordered that no more mosques be built. 2005 Report on Turkmenistan, *supra* note 13.

¹²⁹ *Id.* The practical purpose and function of the CRA is to oversee and control the activities of the two largest religions. Kelly, *supra* note 118, at 492-93. The CRA “exercises direct control over the hiring, promotion, and firing of both Sunni Muslim and Russian Orthodox clergy, and helps to “control all religious publications and activities. Its writ is enforced through security forces.” 2005 Report on Turkmenistan, *supra* note 13. The Sunni and Russian Orthodox clergy members are “in the pockets” of Niyazov since “the government pays most Muslim clerics’ salaries and approves all senior clerics’ appointments.” *Id.*

- believed to be less independent in their interpretations of Islam, to better facilitate government control of mosques.”¹³⁰
- Religious education: Niyazov’s own unique spiritual views have become the only acceptable religious teaching. The autocrat wrote two spiritual books on culture and heritage, Rukhnama and Rukhnama II, and required spiritual leaders to read from the books at sermons.¹³¹ While only one academic institution is permitted to teach Islam, the Rukhnama has become part of the public school curriculum.¹³²
 - Minority groups: Minority religions suffer even more harassment than the two primary religions. Many religions refuse to register based on principle or based on fear of the government.¹³³ Even those that have successfully registered experience difficulties finding a place of worship.¹³⁴ Furthermore, there have been several credible reports of the government verbally and physically attacking members of minority religious groups.¹³⁵

The government’s tight control of religion reveals its fears of more liberal policies, which might allow extremist ideologies to develop.¹³⁶ To say that the government has overreacted to the threat is a tremendous understatement. Laying claim to one of the most tyrannical rulers in the world, Turkmenistan, not surprisingly, is among the worst nations in the world in regard to

¹³⁰ *Id.*

¹³¹ *Id.* In 2003, the former Mufti of Turkmenistan was secretly tried and sentenced to twenty-two years in prison in part for his refusal to teach the Rukhnama as a sacred text. *Id.* Like many Turkmen prisoners, his whereabouts and condition are unknown. *Id.*

¹³² Report on Turkmenistan, *supra* note 13.

¹³³ *Id.*

¹³⁴ Only three minority religious groups have places of worship. *Id.*

¹³⁵ Amnesty Int’l, *AI Annual Report: 2004*, <http://web.amnesty.org/report2004/tkm-summary-eng> (Jan. – Dec. 2003); 2005 Report on Turkmenistan, *supra* note 13. Incidents include: the state-run newspaper called Jehovah’s Witnesses and Hare Krishnas dangerous in a 2003 issue. In a 2004 incident, Jehovah’s Witnesses “Gulkamar Dzhumayeva and Gulsherin Babkuliyeve were arrested while holding a private discussion with citizens. Police officials hit Babkuliyeve on the head, sexually harassed her, and threatened to rape her. The women were held overnight without contact with their families and eventually released.” In a 2003 incident, police raided a Hare Krishna meeting, interrogated the members, and beat one of them; in another incident, a deaf and mute Baptist woman was forced into court and threatened with imprisonment; a Hindu was forced to sign a statement renouncing his beliefs at a municipal police station after threats of violence were directed at him. *Id.*

¹³⁶ *Id.*

the treatment of religion, prompting ten human rights and advocacy organizations to pressure the United States to designate Turkmenistan as a “country of particular concern.”¹³⁷

E. Uzbekistan

Picking up where we left off at the beginning of this note, in May 2005, a terrible massacre occurred in Andijon, Uzbekistan. How did this tragedy come to pass? The masses were in the street protesting authoritarianism, poverty, and, for the purpose of this paper, religious persecution.¹³⁸ Based on highly suspect convictions, local businessmen had been locked up in the Andijon prison for allegedly practicing Islamic extremism.¹³⁹ A group of armed men stormed the prison and freed the men.¹⁴⁰ Following this event, thousands of protestors flooded the streets to rally against their severe poverty and the Karimov regime’s incompetence and tyranny.¹⁴¹ Then government troops arrived:

After troops sealed off the area surrounding the square, they continued to fire from various directions as the protesters tried to flee. According to numerous witnesses and a few survivors, one group of fleeing protesters numbering up to 400 people was almost completely mowed down by government gunfire. Only a handful of people from the group of 400 survived.¹⁴²

Karimov claimed that the government troops targeted only the gunmen in the crowd and only in response to their gunfire.¹⁴³ This event received special attention because of the large death toll, but the reality of the situation is that the initial imprisonment of the businessmen (which sparked the ensuing events) as well as the heavy-handed government response to the threat of Islamic extremism is routine in Uzbekistan.

The country is headed by “a dour, uninspiring, and extremely autocratic figure.”¹⁴⁴ He oversees a government completely under his control:

¹³⁷ Human Rights Watch, *U.S.: Condemn Religious Repression in Turkmenistan*, (Sept. 28, 2005), <http://hrw.org/english/docs/2005/09/28/turkme11799.htm>.

¹³⁸ Human Rights Watch, *Uzbekistan: New Report Documents Massacre*, (June 7, 2005), <http://hrw.org/english/docs/2005/06/07/uzbeki11077.htm>.

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ Human Rights Watch, *“Bullets Were Falling Like Rain”: The Andijan Massacre, May 13, 2005*, (June 2005), http://hrw.org/reports/2005/uzbekistan0605/6.htm#_Toc105632757.

¹⁴⁴ RASHID, *supra* note 7, at 81.

Like the other leaders of Central Asia, Karimov was a first secretary of the ruling Communist Party who parlayed this position into the presidency both before and after independence. Also like them, he has run an authoritarian state ever since, crushing dissent, banning all political parties (except for a brief period of freedom), exerting complete control over the media – even going so far as to have political opponents kidnapped by his fearsome security agencies from neighboring Central Asian states. After he banned the CPU [Communist Party of Uzbekistan] in 1991, he established the People’s Democratic Party of Uzbekistan, which had virtually the same structure and membership as the CPU. In presidential elections he allows one other candidate to stand against him to give the impression that voters have a choice, but these candidates have either been denied a chance to air their views or are themselves Karimov loyalists. The 250-member parliament is stacked with nominees from local government bureaucracies and state bodies; it meets briefly for a few sessions a year to rubber stamp Karimov’s policies.¹⁴⁵

Karimov has clamped down on religion by passing harsh laws and enforcing them with relentless brutality. Like the other Post-Soviet Central Asian nations, Uzbekistan facially promotes religious freedom in its Constitution.¹⁴⁶ Yet, subsequent laws narrow this freedom:

- 1998 Law on Freedom of Conscience and Religious Organizations: forbids religious attire in public places; restricts the private teaching of religion; forbids youth involvement in religious organizations; forbids religious political parties and public movements; forces religious organizations to have one hundred members, fill out several forms, and receive multiple approvals before becoming a registered group.¹⁴⁷
- Criminal Code (corresponding to the Religion Law): up to three years imprisonment for missionary work;¹⁴⁸ up to three years imprisonment for participation in an illegal religious group (unregistered) and up to twenty years imprisonment for participation in a prohibited religious group (banned, typically extremist/political groups).¹⁴⁹

¹⁴⁵ *Id.* at 80-81.

¹⁴⁶ 2005 Report on Uzbekistan, *supra* note 1.

¹⁴⁷ Grant Garrard Beckwith, *Uzbekistan: Islam, Communism, and Religious Liberty — An Appraisal of Uzbekistan’s 1998 Law “On Freedom of Conscience and Religious Organizations,”* 2000 BYU L. REV. 997, 1017, 1026, 1029-30 (2000); 2005 Report on Uzbekistan, *supra* note 1 (noting that the burdensome registration process precludes many groups from applying because they do not think they will meet the requirements, they do not want to bring themselves to the attention of authorities, or they refuse to apply on principle).

¹⁴⁸ Beckwith, *supra* note 147, at 1022.

¹⁴⁹ 2005 Report on Uzbekistan, *supra* note 1; Beckwith, *supra* note 147, at 1019 (“[A]mendments to Uzbekistan’s Criminal Code . . . punish unregistered religious activity on an equal footing with such matters as corruption, organized crime, and narcotics . . . even if the offenses involve no violence”).

- 2003 decree of the Cabinet of Ministers: restricts the activities of faith-based Non-Governmental Organizations in order to limit the influence of foreign missionaries.¹⁵⁰

These laws give Karimov a legal defense for the government's abuse of the people. And in Uzbekistan, the abuses are innumerable and horrendous.

While Islamic fundamentalism presents a greater threat to Uzbekistan than any of its Central Asian neighbors,¹⁵¹ Karimov's response affects not only those involved in such groups but innocent people as well.¹⁵² Hundreds of pious Muslims are arrested each year based on false accusations of belonging to outlawed groups and are imprisoned after being whisked through judicial proceedings that have no resemblance to due process.¹⁵³

Karimov understands that the vast majority of his country is Muslim, and therefore promotes "official" Islam, a vestige from the Soviet Union.¹⁵⁴ This arrangement allows him to control what religious ideas are taught to the people as well as determine who is outside of the official faith.¹⁵⁵ However, most Uzbek Muslims practice "unofficial" Islam in its various forms,

¹⁵⁰ 2005 Report on Uzbekistan, *supra* note 1.

¹⁵¹ Indeed, the primary purpose of the Islamic Movement of Uzbekistan is to overthrow Karimov and establish Islamic law. *See infra* Part III.C.

¹⁵² Karimov arrests hundreds of ordinary Muslims for alleged links with fundamentalists, calling them "Wahhabis," a word he uses to describe any Muslim he happens to be indicting at the time. RASHID, *supra* note 7, at 84.

¹⁵³ Religious freedom and due process are a farce:

In Uzbekistan, the Government's record on respect for religious freedom has long been a source of concern. Arbitrary arrests and abuse are pervasive, and judicial proceedings are often mere rubber stamps. The pattern of harassment and detention of members of unregistered Muslim groups is alarming. Recent closed trials that fail to meet standards of basic due process have attempted to discredit members of unregistered religious groups as dangerous extremists or criminals. Defendants have been convicted of criminal offenses, reportedly based on forced confessions and planted evidence.

Beckwith, *supra* note 147, at 1010 n.60 (testimony of the Honorable Robert A. Seiple, Ambassador-at-Large for International Religious Freedom, U.S. Dept. of State, The First Annual State Department Report on International Religious Freedom, Oct. 6, 1999, http://www.house.gov/international_relations/hr/irfseiple.htm).

¹⁵⁴ *See* discussion *supra* Part I.

¹⁵⁵ 2005 Report on Uzbekistan, *supra* note 1.

considering it to be the true faith while regarding Karimov's version as a mere puppet meant to stem fundamentalism.¹⁵⁶ A climate of fear results from this religious dichotomy.¹⁵⁷

Uzbekistan has become an embarrassing ally for the United States in its war on terror. During the height of the campaign in Afghanistan, the United States was willing to tolerate the many human rights abuses that took place there because of the strategic location of the country and because Karimov's crusade against Islamic fundamentalism mirrored the United States' own battle.¹⁵⁸ Following the Andijon massacre, the United States and the European Union put pressure on Karimov to allow international investigators into Uzbekistan to open an independent probe of the event, which the autocrat expectedly rebuffed.¹⁵⁹ Shortly thereafter, Karimov evicted United States forces from his base.¹⁶⁰ The United States and European Union responded by withholding payments and aid from the already destitute nation.¹⁶¹ The international community is beginning to recognize that Karimov has turned Uzbekistan into a ticking time-

¹⁵⁶ *Id.*

¹⁵⁷ Those out of line with "official" Islam must be discreet:

There have . . . been reports that in some areas, mahalla (neighborhood) committees, and--in fewer instances--imams have come under pressure to provide names of persons who pray daily. Observers claim that this has led to a *tendency on the part of some imams to submit names of unusually devout believers, who may have no extremist tendencies*. There were credible reports that the *heads of mahalla committees have told persons to say their daily prayers quietly at home to avoid being reported to the security services for unusual devotion*. The Government controls the content of imams' sermons and the volume and substance of published Islamic materials. *The Government's harsh treatment of suspected religious extremists has generally suppressed outward expressions of religious piety*.

Id. (emphasis added).

¹⁵⁸ Fred Kaplan, *Why are we in Uzbekistan?*, SLATE, (May 20, 2005), <http://www.slate.com/id/2119311/>.

¹⁵⁹ *US, EU Hardening Stance toward Uzbekistan*, *supra* note 18. The international community also was angered by the imprisonment of many human rights activists who were investigating the Andijon massacre and the forced closure of human rights organizations within Uzbekistan. Human Rights Watch, *Uzbekistan: Rights Defender Sentenced in "Puppet Theater,"* (Mar. 7, 2006), <http://hrw.org/english/docs/2006/03/07/uzbeki12763.htm>.

¹⁶⁰ *U.S., E.U. Hardening Stance towards Uzbekistan*, *supra* note 18.

¹⁶¹ *Id.*

bomb via his tyrannical actions.¹⁶² Karimov's repression was intended to prevent extremist elements from challenging his complete control; ironically, through his own actions he exacerbated the problem. Not only have the radical elements not gone away, but he has alienated the non-radical segment of the nation as well (which, of course, is the vast majority).¹⁶³

From the above analysis of the treatment of religion in Post-Soviet Central Asia, a pattern of ruthless, power-hungry men placing hurdles in front of potential adversaries is discernible. Turkmenistan and Uzbekistan are the most glaring representatives of this pattern, but Kazakhstan, Kyrgyzstan, and Tajikistan also have domineering heads of state who have used the legal system to block rivals from accumulating power.¹⁶⁴ These leaders identify religion as a main competitor for the hearts and minds of the people, and for this reason, they use all the legal and political powers (both legitimate and illegitimate) at their disposal to keep religious groups at bay.

III. The Endless Cycle: Oppression Begets Extremism Begets Oppression

What the Central Asian leaders have failed to understand (or have understood yet failed to respond to) is that religious oppression spawns a perpetual cycle of increased extremism which, in turn, forces them to employ even stricter measures. Persecution of religious groups coupled with the dreadful living conditions faced by many people has made this region fertile ground for recruitment by political-religious groups and Islamic fundamentalists. Whether these groups are pious worshippers or just seek to topple the powers that be, authoritarianism has helped fuel their fires.

A. The Islamic Renaissance Party and the Struggle for Political Representation

The Islamic Renaissance Party (IRP), founded in 1990, was one of the earliest groups to feed off of the discontent in the newly liberated Central Asia.¹⁶⁵ It also provides a good example of the political nature of Central Asian fundamentalist Islam; after all, the IRP sought political representation.¹⁶⁶ The IRP aligned with the Democratic and Nationalist parties of Tajikistan in

¹⁶² Many Central Asian experts believe Uzbekistan is on the verge of a revolution. One regional expert, political scientist Azimbai Gali, "characterized Uzbekistan as a state 'on the threshold of a civil war, or a coup.' He said that Uzbekistan's economy is in ruinous condition, regardless of US and EU sanctions." *Id.*

¹⁶³ Azimbai Gali, highlighted the Uzbeks' popular sentiment in regard to their leader: "[T]he Karimov regime is *widely disliked* by the population. . . '[T]he Uzbek people will not unite around their authorities' in a national emergency." *Id.* (emphasis added).

¹⁶⁴ See discussion *supra* Part II.

¹⁶⁵ The IRP registered as a Tajik political party only a few days after independence from the Soviet Union. RASHID, *supra* note 7, at 100.

¹⁶⁶ While the IRP sought an Islamic revival, it thought the best way to achieve that goal was through the "political and economic independence" of the fledgling Tajikistan. *Id.* at 99.

1992 in a bid to remove the Communist holdovers still in power.¹⁶⁷ This opposition force assembled after the Communists banned them from the government.¹⁶⁸ The new party proclaimed the following objectives:

A spiritual revival of the citizens of the republic; an independent economic and political system; a complete political and legal awakening with the aim of applying to everyday life of Muslims of the republic the principles of Islam; the spread and advertising of Islamic thought among different nationalities of the republic.¹⁶⁹

Capitalizing on the disenchanted people, the IRP's support came largely from politically disadvantaged regions of the country.¹⁷⁰ Thus, the IRP became a champion of the have-nots.¹⁷¹

During a long and bloody civil war that lasted from 1992 to 1997, the IRP received training, funding, and refuge from the Afghan Mujahedeen along with funding from Pakistani and Arab radicals.¹⁷² Although a fundamentalist element existed within the party, the IRP consisted mostly of moderate Muslims from the "official" Islam denomination and nationalists hoping to create an ethnically pure Tajik state.¹⁷³ After a protracted guerrilla war in which no side showed signs of winning, the Communist regime finally agreed to a peace settlement that officially incorporated the IRP into the Tajik government and assimilated the opposition rebels into the Tajik army.¹⁷⁴ The fact that the IRP so readily acquiesced to this offer points to their fervent desire to hold political power.¹⁷⁵ Indeed, a deputy leader of the IRP said, "What is

¹⁶⁷ OLCOTT, *supra* note 6, at 46.

¹⁶⁸ RASHID, *supra* note 7, at 90.

¹⁶⁹ MEHRDAD HAGHAYEGHI, *ISLAM AND POLITICS IN CENTRAL ASIA* 88 (1995).

¹⁷⁰ See Rajan Menon, *In the Shadow of the Bear: Security in Post-Soviet Central Asia*, *INTERNATIONAL SECURITY*, Vol. 20, No. 1 at 154 (1995).

¹⁷¹ In the years leading up to the Tajik Civil War, the IRP "fed and cared for the people living in the streets, receiving their first taste of mass mobilization and political agitation in the process. No other Islamic movement in Central Asia has ever been given such a chance at mass contact as Tajikistan's IRP was in those years." RASHID, *supra* note 7, at 100.

¹⁷² Menon, *supra* note 170, at 155.

¹⁷³ RASHID, *supra* note 7, at 96.

¹⁷⁴ *Id.* at 106.

¹⁷⁵ MARIAM ABOU ZAHAB & OLIVIER ROY, *ISLAMIST NETWORKS: THE AFGHAN-PAKISTAN CONNECTION* 6 (John King trans., Columbia University 2004).

needed is a political structure that can further the cause of Islam.”¹⁷⁶ Interestingly, once the IRP became incorporated into the government, it considerably reduced its Islamic rhetoric.¹⁷⁷ Realizing that it needed to cooperate with the dominant authorities in the government, the IRP diluted its previous goal of spreading Islam throughout the region.¹⁷⁸ The actions of the modern conciliatory IRP further accentuate the appeal of political power for some Islamic fundamentalists. Once the powerful Communist leadership allowed the formerly radical IRP to achieve representation in Tajikistan, it became less confrontational.¹⁷⁹

B. Hizb ut-Tahrir al-Islami: A Return to the Golden Age of Islam

However, not all Muslims were satisfied with an Islamic party that merely held a fraction of the parliamentary seats. Another Islamic fundamentalist group rose to the fore to fill the vacuum left behind by the IRP. The Hizb ut-Tahrir al-Islami (HT), or the Party of Islamic Liberation, plainly spelled out the religious desires of ultra orthodox fundamentalists.¹⁸⁰ Established in 1953 in the Middle East and heavily influenced by Wahhabism, the movement spread to Central Asia in the mid-1990s.¹⁸¹ The HT, which proclaims Islamic thought to be “the soul of its body,” has the following aim:

[T]o resume the Islamic way of life and to convey the Islamic da'wah to the world. This objective means bringing the Muslims back to living an Islamic way of life in Dar al-Islam and in an Islamic society such that all of life's affairs in society are administered according to the Shari'ah rules, and the viewpoint in it is

¹⁷⁶ RASHID, *supra* note 7, at 109.

¹⁷⁷ As a consequence of the IRP's political integration, Islamic values were neglected. For example, as much alcohol was found in IRP strongholds as elsewhere. (Devout Muslims consider alcohol consumption sinful.) ZAHAB & ROY, *supra* note 175, at 7.

¹⁷⁸ RASHID, *supra* note 7, at 112-13. “It was evident that after the losses suffered by the IRP during the civil war its inability to reconstitute itself or to offer an economic or political plan for the country's revival had left the party incapable of institutionalizing political Islam.” *Id.* at 113.

¹⁷⁹ ZAHAB & ROY, *supra* note 175, at 6-7.

¹⁸⁰ *Id.* at 10. According to the HT, “there can be nothing in common between Western values and those of the Islamic world, and no participation in Western political systems is permitted.” Western values do not fit into the HT aim, and those who are not with the organization are against it. According to an HT treatise, “interfaith dialogue . . . is a foreign, evil and Western idea that has no basis in Islam. This is because it calls for mutual relationships between different religions.” HIZB UT-TAHRIR, DANGEROUS CONCEPTS: TO ATTACK ISLAM AND CONSOLIDATE THE WESTERN CULTURE 13 (1997).

¹⁸¹ RASHID, *supra* note 7, at 120.

the halal and the haram under the shade of the Islamic State, which is the Khilafah State.

The Party, as well, aims at the correct revival of the Ummah through enlightened thought. It also strives to bring her back to her previous might and glory such that she wrests the reins of initiative away from other states and nations, and returns to her rightful place as the first state in the world, as she was in the past, when she governs the world according to the laws of Islam.¹⁸²

Ironically, the HT opposes liberal Islam and modern ideas¹⁸³ and yet this mission statement can be read by using modern technology.¹⁸⁴ The HT embraces the technological and scientific achievements of Islam and other cultures, but wishes to use them for its own particular doctrine and world order.¹⁸⁵ Under its ultra orthodox beliefs, the HT envisions a return to what it sees as the golden age of Islam, a pure time uncorrupted by Western and modern influences.¹⁸⁶ The time it wishes to return to socially, politically, and religiously is a brief period shortly after Muhammad's death in 632 A.D. when Arab Muslims fell under the rule of the Khilafat-i-Rashida.¹⁸⁷ In such a system, a caliph, elected by an Islamic council, would control the army, the political system, the economy, and relations with the non-Muslim world.¹⁸⁸ All public activities such as education and philanthropic events would be dedicated to the caliphate.¹⁸⁹ In order to achieve the reinstatement of the caliphate, the HT envisions a nonviolent overthrow of

¹⁸² Hizb ut-Tahrir, at <http://www.hizb-ut-tahrir.org/EN/> (last visited Jan. 20, 2007) [hereinafter HT website].

¹⁸³ The HT “rejects the modern political state, disavowing any interest in nationalism, democracy, capitalism, or socialism, all of which are considered Western concepts, alien to Islam. It also opposes most forms of culture and entertainment and seeks to restrict women’s activities to the home.” RASHID, *supra* note 7, at 121.

¹⁸⁴ The HT makes extensive use of the internet to spread its mission statement, publish leaflets, and respond to criticism. *See* HT website, *supra* note 182.

¹⁸⁵ RASHID, *supra* note 7, at 121.

¹⁸⁶ *Id.* at 116.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.* at 118.

¹⁸⁹ CENTRAL ASIA: A GATHERING STORM? 286 (Boris Rumer ed., 2002). “[A]ll public activities (including even education, charity, and philanthropic activities) are positive only to the degree that they serve the rebirth of the caliphate, but in themselves are pernicious.” *Id.*

the secular governments.¹⁹⁰ By gradually winning over the public, the group believes it can topple the powers-that-be through peaceful demonstrations.¹⁹¹

Naturally, the Central Asian leaders do not tolerate a group with such inflexible and treacherous ambitions.¹⁹² The HT rejects all Western political systems.¹⁹³ Expectedly, Uzbek President Islam Karimov has worked hard to suppress the HT.¹⁹⁴ Nevertheless, this group largely flies under the authorities' radar.¹⁹⁵ While this group claims to have never used violence to further its ambitions, the Uzbek government has tried to connect the HT with the Islamic Movement of Uzbekistan, an avowedly militant organization, in order to prosecute HT members.¹⁹⁶

C. *The Islamic Movement of Uzbekistan: Islamic Militancy*

The Islamic Movement of Uzbekistan (IMU), founded in 1998, quickly became public enemy number one for the Karimov regime and a great threat to the other countries of Central Asia.¹⁹⁷ Like the Hizb ut-Tahrir, the IMU strives to reinstate the caliphate in Central Asia and is

¹⁹⁰ RASHID, *supra* note 7, at 117.

¹⁹¹ *Id.* The group has had considerable success. Despite only arriving in the region in the mid-1990's, the HT claims to have tens of thousands of members/sympathizers, and its ranks are swelling in all five Central Asian nations. Saidazimova, *supra* note 84.

¹⁹² Even in Tajikistan, which does not crack down on Islamic fundamentalism with nearly as much zeal as neighboring Uzbekistan, 99 purported HT members were arrested in 2005. *Id.* Likewise, in Kyrgyzstan, also not nearly as tough on fundamentalist groups as Uzbekistan, January 2006 raids during the Muslim Feast of the Sacrifice resulted in the arrest of several suspected HT members. *Id.*

¹⁹³ ZAHAB & ROY, *supra* note 175, at 10.

¹⁹⁴ From 1999 to 2000, two thousand people were convicted for seditious activities, many of them believed to be members of the HT. CENTRAL ASIA: A GATHERING STORM?, *supra* note 189, at 287.

¹⁹⁵ They employ an organizational system of five-person cells that act both as study groups and advocates of the HT doctrine. *Id.* at 256.

¹⁹⁶ Following bombings in Tashkent, Uzbekistan in February 1999 (which were an apparent attempt on President Karimov's life), Karimov glossed over any distinction between the two organizations and sentenced six HT members to death, and sixteen additional members to prison. RASHID, *supra* note 7, at 152. Real connections may in fact exist between the two groups. HT members fleeing Karimov's pursuit have apparently been provided refuge at IMU hideouts in Afghanistan. *Id.* at 133. Moreover, Kyrgyz officials reported discovering HT pamphlets on the dead bodies of IMU militants after a battle with Kyrgyz forces in 2000. *Id.*

influenced by Deobandi-Wahhabi teachings.¹⁹⁸ Yet, its immediate aim is blatantly political; namely, the overthrow of Karimov.¹⁹⁹ Unlike the Hizb ut-Tahrir, the IMU consists of guerrilla fighters engaged in armed rebellion.²⁰⁰ Moreover, unlike the Islamic Renaissance Party, a coalition government with the secular authorities is out of the question for the militants.²⁰¹ Describing former IMU leader Juma Namangani, an IRP official stated, “his methods of work and aims were only jihad . . . he did not have the political flexibility to understand that sometimes compromise is necessary.”²⁰² Namangani craved power and detested Karimov.²⁰³ Presumed killed by American gunfire in early 2002 during the war in Afghanistan, Namangani launched a number of raids into Uzbekistan and Kyrgyzstan in the late 1990’s and early 2000’s as leader of the IMU.²⁰⁴ The organization’s firepower was largely financed by Osama bin Laden as well as Saudi Wahhabis, Deobandis in Pakistan, and the extensive Central Asian heroin

¹⁹⁷ The IMU openly declares its intent to overthrow Karimov, prompting Karimov to declare his intention to arrest not only IMU members, but any father whose son joined the IMU: “If my child chose such a path, I myself would rip off his head.” *Id.* at 150. Uzbek authorities do in fact detain and imprison the family members of those they seek to arrest. 2005 Report on Uzbekistan, *supra* note 1.

¹⁹⁸ RASHID, *supra* note 7, at 148.

¹⁹⁹ U.S. Department of State: Current Issues, *U.S. Re-designates Islamic Movement of Uzbekistan as Terrorist Group*, (Sept. 24, 2004), <http://usinfo.state.gov/xarchives/display.html?p=washfile-english&y=2004&m=September&x=200409241532171ACnosnhoJ0.3430292> [hereinafter Current Issues: IMU].

²⁰⁰ RASHID, *supra* note 7, at 148.

²⁰¹ *Id.*

²⁰² *Id.* at 144.

²⁰³ Moheyuddin Kabir, the aforementioned IRP official, was one of many of Namangani’s former friends and allies who questioned his actual understanding of Islam:

He is essentially a guerrilla leader, not an Islamic scholar, and he is easily influenced by those around him, such as today he is influenced by the Taliban and Osama bin Laden. . . . He is a good person but not a deep person or intellectual in any way, and he has been shaped by his own military and political experiences rather than Islamic ideology, but *he hates the Uzbek government—that is what motivates him above all*. In a way he is a leader by default because no other leader is willing to take such risks to oppose Karimov.

Id. at 143 (emphasis added).

²⁰⁴ *Id.* at 159-72.

trade.²⁰⁵ Backed by affluent groups and a lucrative drug-trafficking market, the IMU possessed the resources necessary to take on state-sponsored armies.²⁰⁶ Between 1999 and 2001, the IMU launched a number of attacks against the Uzbek and Kyrgyz armies along the borders between these countries and crossed into Tajikistan several times.²⁰⁷ These operations were intended to cause strife between these three regimes. Karimov accused Kyrgyzstan and Tajikistan of harboring a terrorist organization while other leaders in the region hurled counteraccusations back at Uzbekistan.²⁰⁸ The diplomatic turmoil played right into the IMU's hands.

In 1999, five car bombs went off in Tashkent, the capital of Uzbekistan in an apparent attempt to assassinate Karimov.²⁰⁹ Although it is unclear who coordinated the bombings, Karimov predictably suspected that the IMU played a role.²¹⁰ After the attacks, which killed sixteen people, the Uzbek government intensified its oppression, arresting 7,000 men deemed a threat to the regime.²¹¹

Fearing that the crackdown on fundamentalist groups would eventually destroy the IMU, the organization stepped up its violence and made their cause an international affair.²¹² Besides kidnapping Kyrgyz officials in August 1999, the IMU took hostage a group of Japanese geologists, just as the Shanghai Five (China, Russia, Tajikistan, Kyrgyzstan, and Kazakhstan) opened a conference in the Kyrgyz capital on security and economic cooperation among the member countries.²¹³ The kidnapping was clearly planned for a moment when the international community had its eyes on Central Asia.²¹⁴ This incident gave the IMU international attention,

²⁰⁵ Mark Burgess, *In the Spotlight: Islamic Movement of Uzbekistan*, CENTER FOR DEFENSE INFORMATION (Mar. 25, 2002), <http://www.cdi.org/terrorism/imu.cfm>.

²⁰⁶ *Id.*

²⁰⁷ *Id.*

²⁰⁸ RASHID, *supra* note 7, at 151-52, 154.

²⁰⁹ *Id.* at 149.

²¹⁰ *Id.* at 150.

²¹¹ *Coordinated Terror Attacks Hit Uzbekistan*, FOX NEWS, (Mar. 29, 2004), <http://www.foxnews.com/story/0,2933,115460,00.html>.

²¹² RASHID, *supra* note 7, at 153.

²¹³ *Id.* at 162.

²¹⁴ *Id.*

attention that increased markedly after the group took four Americans hostage the next year.²¹⁵ The United States responded by placing the IMU on its list of terrorist organizations.²¹⁶

The IMU considered Americans to be unwelcome infidels.²¹⁷ Abhorrence for Americans and other outsiders was written out in a number of training manuals passed out at clandestine fundamentalist schools in the Ferghana Valley.²¹⁸ These propaganda texts served “to make a declaration of the fact that unbelievers and the government are oppressors; that they are connected with Russians, Americans, and Jews, to whose music they are dancing.”²¹⁹ This sentiment only deepened after Uzbekistan granted the United States access to air and ground bases to launch attacks on the Taliban and al-Qaeda after September 11, 2001.²²⁰ The IMU considered American presence in the region akin to a crusade against Islam. One page from an IMU training manual claimed, “Jews, Russians, and Americans are always against Muslims and kill Muslims.”²²¹ Indeed, the American-Uzbek alliance unquestionably hurt the IMU, as Karimov could arrest suspected IMU members for having alleged links with al-Qaeda, America’s primary enemy.²²² Despite the probable death of Namangani and the imprisonment of many of its members, the IMU has not gone away. In March 2004, the first suicide bombings in formerly Soviet Central Asia took place, and appeared to target Uzbek authorities.²²³ While nobody took responsibility for the attacks, the IMU was the primary suspect given its previous propensity for violence.²²⁴ Nevertheless, the IMU’s influence in the region is waning.²²⁵ As an

²¹⁵ *Id.* at 170.

²¹⁶ Current Issues: IMU, *supra* note 199.

²¹⁷ The IMU perceived the Karimov regime’s backing of the U.S. as treasonous. *Id.* at 185.

²¹⁸ Martha Brill Olcott and Bakhtiyar Babajanov, *The Terrorist Notebooks: During the mid-1990’s, a group of young Uzbeks went to school to learn how to kill you. Here is what they were taught*, FOREIGN POLICY, Mar.-Apr. 2003.

²¹⁹ *Id.* at 36.

²²⁰ Tohir Abdouhalilovitch Yuldeshev, one of the founding members and leaders of the IMU, responded bitterly to the Uzbek government’s complicity with the United States, calling Karimov’s compliance “‘an act of treason’ which would inevitably lead to revenge attacks by the IMU.” RASHID, *supra* note 7, at 185.

²²¹ Olcott and Babajanov, *supra* note 218, at 31.

²²² RASHID, *supra* note 7, at 184-85.

²²³ Associated Press, *At least 42 killed in Uzbekistan clashes*, (Mar. 30 2004), <http://www.foxnews.com/story/0,2933,115578,00.html>.

²²⁴ *Id.*

increasing number of IMU militants transfer to the HT,²²⁶ it becomes more apparent that the HT has supplanted the IMU as the vanguard of radical change.

A trend has materialized in Central Asia whereby when one radical group's popularity fades, another group emerges to take its place. When the IRP's influence waned, the IMU arose to fill the void. Now that the IMU is losing members, the HT's membership is expanding greatly. The peaks and troughs in these groups' memberships are largely a response to the policies of the Central Asian leaders.

Conclusion

From the previous discussion, a pattern may be perceived in which authoritarian leaders, striving to hold on to their power, suppress potential opposition, which in turn creates a breeding ground for religious extremism, and creates a situation the leaders meant to prevent in the first place. Such a development can be seen most prominently in Uzbekistan and Turkmenistan, and to a lesser extent in Kazakhstan, Kyrgyzstan, and Tajikistan. There are always exceptions to general rules. In Kazakhstan, a dictator rules supreme, yet religions enjoy broad freedoms and extremist views are kept at bay. This scenario owes more to the unreligious history of the nation than any system of laws or government. Radical religious groups realize that the lack of religiosity means there will be few willing converts among the people, and as a result, they have largely stayed out of the country. Moreover, Kazakhstan does not suffer from a brutal economic crisis like that found in Kyrgyzstan and Tajikistan, thus eliminating another seed for extremist views. However, even in this relatively tranquil country, radical ideologies still exist and may be spreading.

Such a development is even more apparent in Kyrgyzstan and Tajikistan, which has prompted the presidents of these countries to strike hard at Islamic fundamentalism, with severe consequences for pious Muslims falsely accused. But Turkmenistan and Uzbekistan best fit the model of authoritarianism stunting religious expression. Presidents Niyazov and Karimov rule supreme, rule paranoid, and rule brutally. Repressive laws and harsh security forces ensure that religious groups are kept in line. Only those religions considered unthreatening may practice with some degree of freedom. Such a state of affairs breeds resentment and encourages greater membership and support of radical groups.

Though their means might differ slightly, the common aim of the HT and the IMU is the overthrow of the powers that be. These radical groups always have the potential to use violence. Stamping out these radical groups is virtually impossible, as demonstrated by the HT's growing numbers following the descent of the IMU. There is always another group to pick up where the previous one left off. Regrettably, religious expression will suffer and religious extremism will flourish as long as men like Saparmurad Niyazov and Islam Karimov continue to rule.

²²⁵ Eurasia Insight, *Is the IMU Still a Threat to Regional Security?* (Jan. 24, 2004), <http://www.eurasianet.org/departments/insight/articles/pp012404.shtml>.

²²⁶ ZAHAB & ROY, *supra* note 175, at 11.