



ILLEGAL ACTIVITIES OF TERRORIST ORGANIZATIONS

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Abstract. *This article analyses the unlawful activities of the extremist and terrorist organizations “Akromiya”, “Hizb ut-Tahrir al-Islami” and the “Islamic Movement of Uzbekistan”, which attempted to operate clandestinely in the Republic of Uzbekistan from the first years of independence, in the light of the national legislation. Drawing on the norms of the Constitution of the Republic of Uzbekistan, the Law “On Freedom of Conscience and Religious Organizations”, the Criminal Code and the Code of Administrative Liability, as well as on specialised academic literature, the author identifies six principal categories of legal violation committed by these movements: operating without state registration; establishing and leading prohibited organizations; the unlawful production, importation and dissemination of religious materials; the holding of unauthorised religious gatherings; participation in the activities of illegal religious communities; and the incitement of others, including minors, to take part in such activities. The study demonstrates that the concealed nature of these groups is not an incidental feature but a direct consequence of the fact that their goals contradict the constitutional order, and concludes that the guarantees of freedom of conscience provided by the state leave no legitimate ground for clandestine religious activity.*

Keywords: *terrorism, extremism, “Akromiya”, “Hizb ut-Tahrir al-Islami”, “Islamic Movement of Uzbekistan”, illegal religious activity, religious organization, state registration, religious extremist materials, religious studies expertise, administrative liability, criminal liability, freedom of conscience, national security.*

INTRODUCTION

The first years of the independence of the Republic of Uzbekistan were marked not only by the revival of national and religious values, but also by the attempts of destructive forces to exploit the religious and spiritual vacuum that had formed in society. It has been established that during that period certain individuals sought to operate by creating radical structures under the names “Akromiya”, “Hizb ut-Tahrir al-Islami” and the



“Islamic Movement of Uzbekistan”. The analysis of the collected data shows that these illegal terrorist organizations arranged their activities in secret and, from the earliest years of independence, attempted to obstruct the progress of the country.

The illegal activity of these movements was recorded not only within the territory of the independent Republic of Uzbekistan, but also in Kyrgyzstan, Tajikistan and Afghanistan in the Central Asian region, as well as in Kazakhstan (International Crisis Group, 2003).

In Uzbekistan, the activity of such groups as “Hizb ut-Tahrir al-Islami”, the “Islamic Movement of Turkistan”, “Akromiya” and the “Nurchilar” has mainly been observed (Shermuxamedov & Karimov, 2018: 101). Every citizen of Uzbekistan is under the protection of the state; in turn, citizens are required to comply with the Constitution and the laws and to respect the rights and freedoms, the honour, and the national and religious values of others.

The purpose of the present article is to determine, on the basis of the legislation in force, which specific legal norms were violated by the above-mentioned organizations, and to systematise these violations. The research is based on the analysis of normative legal acts of the Republic of Uzbekistan and of academic literature devoted to countering extremism and terrorism.

Main part

In the course of the research it was established that representatives of the extremist organizations “Akromiya”, “Hizb ut-Tahrir al-Islami” and the “Islamic Movement of Uzbekistan” committed acts contrary to a number of legislative acts of the Republic of Uzbekistan, as a result of which the adherents of these movements served sentences in penal institutions under several articles of the Code of Administrative Liability and of the Criminal Code of the Republic of Uzbekistan.

Groups such as “Akromiya”, “Hizb ut-Tahrir al-Islami” and the “Islamic Movement of Uzbekistan” are recognised, including within the territory of the Republic of Uzbekistan, as extremist and terrorist organizations whose activity is prohibited.

The study has shown that these extremist groups violated the following legal norms.

First, the extremist groups that attempted to operate in Uzbekistan under the guise of religion did not undergo state registration in the manner prescribed by law. Indeed, under the legislation of the Republic of Uzbekistan, engaging in religious activity as a



religious organization without state registration with the justice bodies is considered unlawful and is strictly prohibited.

K. Shermuxamedov emphasises that the principal aim of extremist groups such as “Akromiya” and “Hizb ut-Tahrir al-Islami” was to divide the nation and society along religious lines (Shermuxamedov & Karimov, 2018: 44). Moreover, if one takes into account that “Hizb ut-Tahrir al-Islami” is a religious-political party, it is only natural that its activity should be clandestine and that the representatives of an organization pursuing self-interested aims should avoid official state registration.

The establishment of unofficial religious organizations and religious-political parties is prohibited by the Constitution of the Republic of Uzbekistan. According to the Basic Law, the establishment and activity of political parties and public associations that aim to change the constitutional order by force, that oppose the sovereignty, integrity and security of the republic and the constitutional rights and freedoms of citizens, that propagate war and social, national, racial and religious enmity, that encroach upon the health and morality of the people, as well as of militarised associations and of political parties formed on national and religious grounds, is prohibited; the creation of secret societies and associations is likewise prohibited (Constitution of the Republic of Uzbekistan, 2023: Art. 71). Consequently, the creation of secret societies and associations that oppose the rights and freedoms of citizens and propagate social, national, racial and religious enmity – including religious communities built on terrorism – is forbidden.

It should be particularly noted that Article 3 of the Law of the Republic of Uzbekistan “On Freedom of Conscience and Religious Organizations” defines activity carried out without registration as a religious organization as unlawful religious activity (Law on Freedom of Conscience and Religious Organizations, 2021: Art. 3). Article 16 of the same Law, entitled “Registration of religious organizations”, establishes that the registration of religious organizations is carried out by the justice bodies, hereinafter referred to as the registering bodies (Law on Freedom of Conscience and Religious Organizations, 2021: Art. 16). It must be concluded that organizations and public associations attempting to operate unofficially pose a direct threat to state sovereignty and security. Otherwise, given that equal conditions have been created for all citizens to register religious organizations officially – with the aim of ensuring freedom of conscience, the right to religious choice, and the free performance of worship and rites, and of organising and developing the

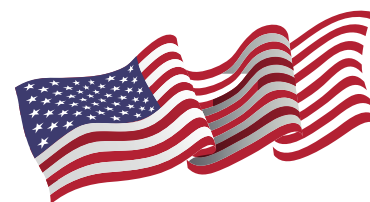


activity of religious confessions – while missionary activity aimed at propagating other religious views is prohibited, there is no other factor that would justify operating in secret.

Liability for establishing an illegal religious organization is set out in Article 240¹ of the Code of Administrative Liability of the Republic of Uzbekistan. Under this article, engaging in illegal religious activity, the refusal of leaders of religious organizations to register the charters of such organizations, the organization and holding by believers and members of religious organizations of special meetings for children and adolescents, as well as of labour, literary and other circles and groups unrelated to religious rites, entails a fine of between fifty and one hundred times the basic calculation value, or administrative arrest for up to fifteen days (Code of Administrative Liability, 1994: Art. 240¹). This matter is addressed in Article 216² of the Criminal Code of the Republic of Uzbekistan, entitled “Violation of the legislation on religious organizations”, which provides that the same acts, if committed after the imposition of an administrative penalty, are punishable by a fine of between fifty and one hundred times the basic calculation value, or by compulsory community service of up to three hundred and sixty hours, or by restriction of liberty for one to three years, or by imprisonment for up to three years (Criminal Code, 1994: Art. 216²). Thus, the activity of religious organizations that have not undergone official registration within the territory of sovereign and democratic Uzbekistan is unlawful.

Second, the leaders of “Akromiya”, “Hizb ut-Tahrir al-Islami” and the “Islamic Movement of Uzbekistan” committed the offence of establishing, managing and leading an illegal religious organization. Article 244² of the Criminal Code of the Republic of Uzbekistan establishes a penalty of imprisonment from five to fifteen years for the creation of prohibited organizations and for leading them, that is, for establishing such structures or heading them (Criminal Code, 1994: Art. 244²). It should be emphasised that, since the creation of an illegal religious organization or a religious-political party entails a high degree of social danger, no clause or article covering such an act is provided in the Code of Administrative Liability of the Republic of Uzbekistan. For this reason, criminal proceedings are instituted directly in respect of such conduct.

Third, it has been established that terrorist and extremist organizations such as “Akromiya”, “Hizb ut-Tahrir al-Islami” and the “Islamic Movement of Uzbekistan”



unlawfully produced religious materials. The principal ideas of the “Hizb ut-Tahrir al-Islami” movement are reflected in the books of T. Nabahani and his follower Abdul Qadim Zallum, such as “The System of Islam”, “The Islamic State”, “The Caliphate”, “Hot Appeals to the Islamic World”, “The Concepts of Hizb ut-Tahrir”, “Democracy – a System of Unbelief” and “Political Consciousness” (Shermuxeamedov & Karimov, 2017: 25), while the source of the “Akromiya” movement is considered to be the book “The Way to Faith” (Shermuxeamedov & Karimov, 2017: 60). It was compiled by A. Yo‘ldoshev. Since A. Yo‘ldoshev received his initial instruction within the “Hizb ut-Tahrir al-Islami” movement, he compiled this source in twelve lessons, drawing on the principal literature of that movement, such as “The System of Islam”, “The Caliphate” and “Towards Honour and Dignity” (Shermuxeamedov & Karimov, 2017). The analysis of the sources shows that the books written by these movements reflect the ideology of the organizations concerned.

In addition, it has been observed that the movements disseminated among the population a large quantity of religious literature brought in from foreign states – literature propagating religious fanaticism and inducing fear and panic among people – thereby generating actions aimed at undermining the stability of the country (Shermuxeamedov & Karimov, 2018:44).

Under the legislation of the Republic of Uzbekistan, the unlawful production, storage and dissemination of materials of religious content is prohibited. In this regard, Article 10 of the Law of the Republic of Uzbekistan “On Freedom of Conscience and Religious Organizations” establishes that the production, importation and dissemination of materials of religious content within the territory of the Republic of Uzbekistan is carried out only after obtaining a positive conclusion from a religious studies expert examination, with the aim of preventing the spread of ideas and views that lead to the disruption of interconfessional harmony and religious tolerance in society and that call for religious violence and lawlessness (Law on Freedom of Conscience and Religious Organizations, 2021: Art. 10).

Article 184² of the Code of Administrative Liability of the Republic of Uzbekistan establishes that the unlawful production, storage, importation into the territory of the Republic of Uzbekistan or dissemination of materials of religious content for the purpose of distribution entails a fine of between twenty and one hundred times the basic



calculation value for citizens, and between fifty and one hundred and fifty times that value for officials, with confiscation of the materials and of the corresponding means of their production and dissemination (Code of Administrative Liability, 1994: Art. 184²). Where the same act is committed repeatedly after the imposition of an administrative penalty, Article 244³ of the Criminal Code of the Republic of Uzbekistan provides for a fine of between one hundred and two hundred times the basic calculation value or corrective labour for up to three years (Criminal Code, 1994: Art. 244³).

Likewise, Article 184³ of the Code of Administrative Liability of the Republic of Uzbekistan establishes that the production, storage or dissemination, for the purpose of distribution, of materials propagating national, racial, ethnic or religious enmity entails a fine of between fifty and one hundred times the basic calculation value for citizens and between one hundred and one hundred and fifty times that value for officials, or administrative arrest for up to fifteen days, with confiscation of the materials and of the corresponding means of their production and dissemination (Code of Administrative Liability, 1994: Art. 184³). Where these acts are committed after the imposition of an administrative penalty, the Criminal Code of the Republic of Uzbekistan provides for a fine of up to six hundred times the basic calculation value, or corrective labour for up to three years, or restriction of liberty for one to three years, or imprisonment for up to three years.

Intentional acts aimed at humiliating national honour and dignity, or at insulting the feelings of citizens on account of their religious belief or atheism, committed with the purpose of provoking enmity, intolerance or discord towards groups of the population on the grounds of their national, racial, ethnic or religious affiliation, as well as the direct or indirect restriction of the rights of citizens, or the granting of direct or indirect advantages to them, on the grounds of their national, racial or ethnic affiliation or their attitude towards religion, are punishable by restriction of liberty for two to five years or by imprisonment for up to five years (Criminal Code, 1994: Art. 244³). The production, storage, dissemination or display of materials that threaten public safety and public order is likewise prohibited (Criminal Code, 1994: Art. 244¹).

Fourth, the illegal actions of these movements are manifested in the holding of unauthorised religious gatherings. The holding of unlawful religious gatherings is prohibited by Article 201 of the Code of Administrative Liability of the Republic of



Uzbekistan. According to this article, violation of the rules for holding religious gatherings, street processions and other religious rites entails a fine of between eighty and one hundred times the basic calculation value or administrative arrest for up to fifteen days; where such a violation is committed after the imposition of an administrative penalty, it entails a fine of between two hundred and three hundred times the basic calculation value, or compulsory community service of up to three hundred and sixty hours, or restriction of liberty for one to three years, or imprisonment for up to three years (Code of Administrative Liability, 1994: Art. 201).

Fifth, participation in the activities of unlawful religious communities constitutes a criminal offence in the Republic of Uzbekistan. Indeed, Article 244² of the Criminal Code of the Republic of Uzbekistan provides that the creation of religious extremist, separatist, fundamentalist or other prohibited organizations, the leadership of such organizations and participation in them are punishable by imprisonment for five to fifteen years. Where the same acts have entailed grave consequences or have been committed with the involvement of a minor, they are punishable by imprisonment for fifteen to twenty years (Criminal Code, 1994: Art. 244²).

Sixth, inducing others to take part in the activities of unlawful terrorist organizations, movements and sects is also prohibited by Article 202¹ of the Code of Administrative Liability of the Republic of Uzbekistan (Code of Administrative Liability, 1994: Art. 202¹). According to this article, inducing participation in the activities of unlawful non-governmental non-commercial organizations, movements and sects in the Republic of Uzbekistan entails a fine of between fifty and one hundred times the basic calculation value or administrative arrest for up to fifteen days. In this context, the involvement of minors is regarded as especially dangerous, since Article 244² of the Criminal Code of the Republic of Uzbekistan provides that participation in prohibited organizations is punishable by imprisonment for five to fifteen years, and that where such acts are committed with the involvement of a minor, they are punishable by imprisonment for fifteen to twenty years (Criminal Code, 1994: Art. 244²).

CONCLUSION

On the basis of the foregoing, the following conclusions may be drawn.

Organizations such as “Akromiya”, “Hizb ut-Tahrir al-Islami” and the “Islamic Movement of Uzbekistan” are fanatical movements that attempted to operate in sovereign



and democratic Uzbekistan and that, by decision of the Supreme Court of the Republic of Uzbekistan, have been recognised as international and domestic terrorist and extremist organizations and prohibited from operating. In particular:

- the establishment of religious-political parties is forbidden by the laws of the Republic of Uzbekistan;
- the creation of an illegal religious organization and the establishment of its activity are prohibited in Uzbekistan;
- participation in the activities of unlawful and non-traditional religious communities of a sectarian character is forbidden by legislation;
- the production, importation from abroad and dissemination of religious materials by illegal religious organizations are prohibited;
- the activity of such religious communities, including the conduct of propaganda and agitation and attempts to expand the ranks of the community, is regarded as unlawful propaganda and is forbidden; in particular, the involvement of minors constitutes a grave offence;
- engaging in missionary activity is likewise forbidden;
- the holding of religious gatherings, whether secret or open, by extremist and terrorist organizations, and participation in such gatherings, are prohibited.

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