



Shrinking Space for Fundamental Freedoms in Central Asia and Implications for Stability

Testimony before the Tom Lantos Human Rights Commission
Thursday, 25 June 2015

Allison Gill
Central Asia Expert
Amnesty International

In the context of deepening authoritarian trends in the region, entrenched human rights violations including endemic torture, and serious restrictions on fundamental freedoms, talking about “shrinking space for civic freedoms” sounds purely academic, or perhaps even not much cause for new concern given how small the space was in the first place. But there are worrying signs that governments in all five countries in Central Asia are becoming ever more intolerant of independent scrutiny and monitoring of their human rights records, by often shutting their borders to critical voices and by squeezing the life out of domestic civil society through regulation and restriction, as well as through more brutal methods such as harassment, torture and other ill-treatment, and arbitrary imprisonment. They also sometimes use national security reasons to justify repression of civil society.

This has enormous implications for human rights as well as the rule of law and stability.

The government of **Kazakhstan** continues its crackdown on freedom of expression and the free media including by closing independent media outlets critical of the authorities for publishing materials deemed to be “extremist” and “inciting social discord.” Defamation remains a criminal offence. Any street protest, even by an individual, requires express government permission. “Unsanctioned” street rallies, irrespective of how small and peaceful, have been repeatedly disrupted by the police, often with use of excessive force.

In **Tajikistan**, where the media are already tightly controlled and the government has persecuted people and groups working on issues such as freedom of expression, including religious freedom, and political participation, the tax authorities have recently conducted intrusive audits of 22 human rights organizations on request from the state committee on national security on the basis of possible security threats they pose.

In **Kyrgyzstan**, where there is still a vibrant civil society, some organizations are coming under increasing pressure and the parliament is considering two new pieces of restrictive legislation closely modeled on laws in Russia: a homophobic “propaganda law”, that would restrict freedom of speech by imposing criminal penalties for “promoting non-traditional sexual relations” that would make work on LGBT rights impossible; and a “foreign agents” law that would force groups that receive foreign funding and undertake vaguely defined “political activities,” to register as “foreign agents”.

Following the Andijan massacre in 2005, **Uzbekistan** unleashed a fierce crackdown against civil society, imprisoning many human rights defenders, and kicking out international journalists and monitoring groups. In just one more recent example of such brutality, on May 29 police officers and medical personnel viciously assaulted activist Elena Urlaeva as she was documenting forced labor in the cotton fields. Police detained her for many hours, hit her on the head, forcibly injected her with sedatives, and subjected her to an intrusive body cavity search and forced x-rays, ostensibly to look for the memory card to the camera she used to photograph people forced to work in the fields.

In **Turkmenistan**, the government uses imprisonment to retaliate against dissent and refuses to provide information about the fate and whereabouts of many people imprisoned years ago for political reasons - which might amount to enforced disappearance. It has waged a campaign to remove or destroy private satellite dishes, which provide the only independent sources of information for many in the population.

Across the region we also find that torture remains a serious and pervasive problem, and although some steps toward accountability have been taken over the last two decades, they have not resulted in eliminating the practices of torture and other ill-treatment. Endemic corruption in law enforcement bodies and the judiciary contributes to a climate of impunity in the region, leading, in turn, to a lack of public confidence in the criminal justice system. Many are unwilling to testify against members of the security forces for fear of reprisals against themselves and their relatives and associates. The governments of Central Asia are increasingly invoking national security, the fight against terrorism and combating “anti-state” activity to justify repressive measures against actual or suspected members of outlawed Islamist groups and parties. Those detained on charges related to national security or “religious extremism” are at particular risk of torture and other ill-treatment.

In researching our April 2015 report on torture in **Uzbekistan**, a woman in her 60s named Zuhra (not her real name) told us that police detained her and took her to a basement detention facility and held her without charge for several weeks. She was beaten on her body, kicked in her head and face, and subjected to sexual humiliation. She saw women dragged by their hair, and forcibly

stripped naked, and beaten. She saw police officers walk on women's backs and break their legs and noses. Zuhra was brought to court only to prolong her detention. Zuhra was tortured to extract evidence about her relatives, many of whom are in prison or are being investigated on charges related to religious extremism. Her story is emblematic of how Uzbekistan uses cooperation in the so-called "war on terrorism" to justify persecution of those who practice their faith outside state approved mosques and those who are suspected members of banned Islamist groups and their families and even entire communities. Zuhra told us that there are no men left in her family—they are all in prison or have fled, fearing persecution. Just a few months after Zuhra's release, two of her relatives were sentenced to long prison terms on extremism-related charges. They showed evidence of their injuries in court and testified that they only confessed to the charges because police tortured them but the judge remained silent. Zuhra's case is disturbing but all too common. It is emblematic of the government of Uzbekistan's opportunism—the government embraces the mantle of the US-led "war on terrorism" to justify serious human rights abuses against anyone who practices religion outside of tight state controls.

As Ban Ki-moon, the UN Secretary-General, said on his recent visit to Central Asia, "Curbing freedoms may create an illusion of stability in the short run," but, in his words, failure to respect rights creates space for extremism.

And by attempting to shut down efforts to shine light on the real issues plaguing Central Asia, by shrinking the civic space even further, tightening restrictions on freedom of expression and association, Central Asian governments can project an image of security while escaping effective accountability for human rights violations.

It is urgent to push back against the increasing clampdown on fundamental rights and freedoms in Central Asia, to take steps to protect those documenting abuses, and to increase scrutiny and accountability to ensure accountability in the short term and real stability in the long run.

We want to challenge the notion that "strategic patience" will produce meaningful human rights improvements in Central Asia. Instead we urge the US to engage more meaningfully and robustly with Central Asian governments on human rights.

One of the most important things the US government can do is to help push all the Central Asian governments to open their human rights records up to effective independent scrutiny. This means all five countries would allow domestic and international human rights groups to work without harassment and interference, and the governments of Turkmenistan and Uzbekistan would grant permission for access to their countries for visits by the special mechanisms of the UN High Commissioner for Human Rights.

Given our recent work on Uzbekistan we also make the following recommendations and urge the US government to seize the opportunity to:

- Take a leadership role, together with likeminded states, in moving forward on the creation of a special mechanism at the United Nations to report specifically on Uzbekistan's human rights record.
- Urge the government of Uzbekistan to open its record to independent scrutiny, including by allowing visits by all 12 UN special human rights monitors that have requested access, allowing NGOs to register and operate without interference, and ending the crackdown on civil society.
- Call for the release of all those imprisoned on politically-motivated charges, such as human rights defenders and journalists.
- Push Uzbekistan up the agenda within the OSCE, which would encourage other member states, especially in Europe, to be more outspoken on broad issues and individual cases in Uzbekistan — including on violations related to torture, and freedom of expression and association.
- Welcome the US Ambassador's recent statements on Elena Urlaeva and encourage diplomats to make firm public messages on the need to respect human rights.
- Ensure that human rights, in particular the prohibition of torture and other cruel, inhuman or degrading treatment, are on the agenda in all appropriate bi-lateral and multi-lateral meetings involving Uzbekistan and adopt resolutions where appropriate urging the Uzbekistani government to bring its laws, policies and practices into full compliance with its international human rights obligations.
- Provide technical and other support to the government of Uzbekistan in an effort to amend the Criminal Procedure Code to expressly prohibit torture and other cruel, inhuman or degrading treatment; and to include the prohibition on the use of information or evidence extracted under torture in criminal and other proceedings.