

UZBEKISTAN:
STIFLED DEMOCRACY,
HUMAN RIGHTS IN DECLINE

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
ONE HUNDRED EIGHTH CONGRESS
SECOND SESSION

JUNE 24, 2004

Printed for the use of the
Commission on Security and Cooperation in Europe
[CSCE 108-2-6]



Available via the World Wide Web: <http://www.csce.gov>

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 2006

26-093 PDF

For sale by the Superintendent of Documents, U.S. Government Printing Office
Internet: bookstore.gpo.gov Phone: (202) 512-1800 Fax: (202) 512-2250
Mail Stop SSOP, Washington, DC 20402-0001

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

LEGISLATIVE BRANCH COMMISSIONERS

HOUSE	SENATE
CHRISTOPHER H. SMITH, New Jersey Chairman	BEN NIGHTHORSE CAMPBELL, Colorado Co-Chairman
FRANK R. WOLF, Virginia	SAM BROWNBACK, Kansas
JOSEPH R. PITTS, Pennsylvania	GORDON H. SMITH, Oregon
ROBERT B. ADERHOLT, Alabama	KAY BAILEY HUTCHISON, Texas
ANNE M. NORTHUP, Kentucky	SAXBY CHAMBLISS, Georgia
BENJAMIN L. CARDIN, Maryland	CHRISTOPHER J. DODD, Connecticut
LOUISE McINTOSH SLAUGHTER, New York	BOB GRAHAM, Florida
ALCEE L. HASTINGS, Florida	RUSSELL D. FEINGOLD, Wisconsin
MIKE McINTYRE, North Carolina	HILLARY RODHAM CLINTON, New York

EXECUTIVE BRANCH COMMISSIONERS

LORNE W. CRANER, Department of State
VACANT, Department of Defense
WILLIAM HENRY LASH III, Department of Commerce

UZBEKISTAN: STIFLED DEMOCRACY, HUMAN RIGHTS IN DECLINE

JUNE 24, 2004

COMMISSIONERS

	PAGE
Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe	1
Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe	3
Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe	4
Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe	4

WITNESSES

Hon. Lorne W. Craner, Assistant Secretary for Democracy, Human Rights and Labor, U.S. Department of State	5
Hon. Lynn Pascoe, Deputy Assistant Secretary for European and Eurasian Affairs, U.S. Department of State	7
His Excellency Abdulaziz Komilov, Ambassador of the Republic of Uzbekistan to the United States	18
Martha Olcott, Senior Associate, Carnegie Endowment for International Peace	28
Abdurahim Polat, Chairman, Birlik Party and Representative, Human Rights Watch	31
Veronika Leila Szente Goldston, Advocacy Director for Europe and Central Asia, Human Rights Watch	34
Frederick Starr, Director, The Central Asia-Caucasus Institute at the School of Advanced International Studies, Johns Hopkins University	38

APPENDICES

Prepared Statement of Hon. Christopher H. Smith	47
Prepared Statement of Hon. Lorne W. Craner	49
Prepared Statement of Hon. Lynn Pascoe	54
Prepared Statement of Martha Olcott	57
Prepared Statement of Abdurahim Polat	63
Prepared Statement of Veronika Leila Szente Goldston	70
Prepared Statement of Frederick Starr	76
Letter from Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, dated July 2, 2004	81
Response Submitted for the Record	82

**UZBEKISTAN: STIFLED DEMOCRACY,
HUMAN RIGHTS IN DECLINE (CONT'D)**

Letter to President Islam Karimov of the Republic of Uzbekistan from Members of the Commission on Security and Cooperation in Europe, dated August 27, 2003	83
Response, dated September 10, 2003	85
Letter to President Islam Karimov of the Republic of Uzbekistan from Members of the Commission on Security and Cooperation in Europe, dated April 14, 2004	89
Letter to Secretary of State Colin L. Powell from Members of the Commission on Security and Cooperation in Europe, dated December 19, 2003	91
Comments on the Compatibility of the Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations (1998) with the ICCPR	93
Statement Submitted for the Record by Miriam Lansky, Ph.D., Program Officer for Central Asia and the Caucasus, National Endowment for Democracy	105

UZBEKISTAN: STIFLED DEMOCRACY, HUMAN RIGHTS IN DECLINE

JUNE 24, 2004

COMMISSION ON SECURITY AND COOPERATION IN EUROPE
WASHINGTON, DC

The Commission met in room 2203, Rayburn House Office Building, Washington, DC, at 11:30 a.m., Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe, presiding.

Commissioners present: Hon. Christopher H. Smith, Chairman, Commission on Security and Cooperation in Europe; Hon. Benjamin L. Cardin, Ranking Member, Commission on Security and Cooperation in Europe; Hon. Joseph R. Pitts, Commissioner, Commission on Security and Cooperation in Europe; and Hon. Mike McIntyre, Commissioner, Commission on Security and Cooperation in Europe.

Witnesses present: Lorne W. Craner, Assistant Secretary for Democracy, Human Rights and Labor, the U.S. Department of State; Lynn Pascoe, Deputy Assistant Secretary for European and Eurasian Affairs, the U.S. Department of State; His Excellency Abdulaziz Komilov, Ambassador of the Republic of Uzbekistan to the United States; Frederick Starr, Chairman, The Central Asia Caucasus Institute, The School of Advanced International Studies, Johns Hopkins University; Martha Olcott, Senior Associate, Carnegie Endowment for International Peace; Abdurahim Polat, Chairman, Birlik Party and representative of Human Rights Watch; and Veronika Leila Szente Goldston, Advocacy Director for Europe and Central Asia, Human Rights Watch.

HON. CHRISTOPHER H. SMITH, CHAIRMAN, COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Mr. SMITH. This hearing of the Commission of Security and Cooperation in Europe will come to order. I would like to welcome all of you to this hearing on democratization and human rights in Uzbekistan.

With more than 25 million people, Uzbekistan is the most populous country in Central Asia. It has significant natural resources and is strategically located. President Karimov has pursued a pro-American foreign policy and does cooperate closely with the United States in the fight against international terrorism. Since 2001, the United States has significantly stepped up assistance to the Uzbek Government and has a military base in southern Uzbekistan. President Karimov himself, as I think most of us know, signed the Helsinki Final Act in 1992, voluntarily accepting all OSCE commitments.

After September 11, 2001, he signed the March 2002 agreement on strategic partnership with Washington in which Uzbekistan pledged to establish a multiparty system, hold free and fair elections, and respect media freedom and basic human rights.

But Uzbekistan remains an authoritarian police state, with little liberalization over the last decade. President Karimov has headed Uzbekistan since 1988 and contrived to remain in power by any means necessary. Print and electronic media remain under government control, despite the formal lifting of censorship. Basic rights, such as the freedom of assembly and association, are routinely violated.

Since 1992, there has been no legal political opposition activity in Uzbekistan. Recently Uzbekistan's Ministry of Justice announced that Erk and Birlik, two opposition movements that have not been able to function legally in over a decade, would not be able to participate in December's scheduled parliamentary elections. I might add here that the Helsinki Commission sent President Karimov a letter in March urging the registration of those parties.

Uzbek and international human rights groups, echoed by the U.S. Government, estimate that there are more than 5,000 people in prison for their religious or political beliefs. And torture in prison, according to last year's report by the United Nations, is systemic.

Uzbekistan, in my view, is also a candidate for designation under the 1998 International Religious Freedom Act as a Country of Particular Concern for particularly severe violations of religious freedom.

Human trafficking is also a serious concern in Uzbekistan. After receiving a Tier-3 ranking in last year's Trafficking in Persons report issued by the State Department, Uzbekistan developed several anti-trafficking initiatives such as new legislation, a national action plan for combating trafficking, and increased prosecutions of traffickers. These actions gave Uzbekistan a Tier-2 ranking in the 2004 report issued last week.

But even so, the Uzbek Government still fails to meet minimum standards to fight trafficking.

Because of these continuing problems, the State Department decertified Uzbekistan last December for aid under the Cooperative Threat Reduction Program. Now the department faces an even more dramatic decision.

The Consolidated Appropriations Act of 2004 conditions foreign aid to the Uzbek Government on State Department certification that Tashkent is making "substantial and continuing progress in observing commitments on democratization and human rights." These include establishing a genuine multiparty system, ensuring free and fair elections, freedom of expression and the independence of the media.

This is a tough choice. If we decertify Uzbekistan, will we promote or harm prospects for a democratization down the road? If we use this weapon now, will we deprive ourselves of its potential effectiveness? In short, do we risk making things worse by deciding to decertify? Moreover, Uzbekistan has been cooperating more closely with the United States in the war on terrorism. If we decertify, what will happen to our close ties with Tashkent in the security sphere?

But if our laws mandate the certification of human rights progress and we do not decertify states that make no progress or even regress, do we seriously damage our own principles and hurt those in the country who are laboring on behalf of human rights? Will we now render

meaningless the pledges undertaken by foreign leaders to open up their societies? And do we not risk undermining the concept and practice of good faith agreements among states in general?

These are very serious questions. I do not want to minimize their difficulty. To examine it from different perspectives, we have assembled a group of unusually expert witnesses.

I would like to yield to my good friend and colleague, Mr. Cardin, for any opening comments that you might have.

**HON. BENJAMIN L. CARDIN, RANKING MEMBER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. CARDIN. Thank you, Chairman Smith. And let me thank you for holding this hearing. I would ask unanimous consent on my entire statement be ...

Mr. SMITH. Without objection.

Mr. CARDIN. ... put in the record. And let me just make a couple observations, if I might.

The dilemma we have in Uzbekistan is not dissimilar to other foreign policy dilemmas that we have had in recent years. It is not unusual to find a country in which we have a strong tie in regards to a foreign policy objective, but which fails in many of our other interests. Uzbekistan is helping us in our war against terrorism, and it is a critical state in the region of the world in which it is located, and it has very difficult neighbors.

All that points out the fact that it is important for the United States to maintain a relationship with Uzbekistan and to try to improve that relationship.

At the same time, we know that it is a police state that imprisons its opposition, tortures the people that it puts in its prisons, fails to adhere to standards on religious freedom. The list goes on and on and on about violations of OSCE commitments.

And, therefore, what do we do?

Now, I can pretty much predict that unless it makes progress on these human rights issues and its respect for its own citizens, it will not succeed in its transition to join countries in normal relationships, including the United States, and it will work to the disadvantage not only of the political leadership of Uzbekistan but also to the people of that country.

So, to me, there's no choice. They must make progress in these areas, and I mean demonstrable progress. We do not expect miracles overnight, but we do expect constant and consistent progress.

And the Chairman points out the dilemma you have about certification. It is not a nuclear bomb to fail to certify. It is a clear message that progress has not been made as it should. Deferring certification is another option. But I do think we do a disservice to the country and to its people if we just routinely go forward with the certification process that will allow for certification when minimal standards of progress have not been made. I think we have that obligation to the people of Uzbekistan as well as to the people of this country.

Again, I agree with the Chairman. These are difficult decisions. But we must insist upon demonstrable progress on the fronts that we have mentioned in order to be able to continue to build a relationship with this country that has credibility and importance in that region.

And, with that, I do look forward to hearing from our witnesses today as we try to sort out this very difficult situation.

Mr. SMITH. Thank you, Mr. Cardin.
Mr. Pitts?

**HON. JOSEPH R. PITTS, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. PITTS. Thank you, Mr. Chairman, for holding this important hearing entitled "Uzbekistan: Stifled Democracy and Human Rights in Decline."

I think it is vital, as we deepen our relationships with various nations around the world, particularly in relation to the war against terrorism, that we do not ignore human rights violations. It would be to our peril as a nation if we did not continue to advocate for those whose fundamental rights are being violated in any country. Numerous reports reveal that the Uzbek people, particularly Muslims, have endured repression and imprisonment for the peaceful practice of their most basic rights.

In addition, although there have been some improvements, the concerns remain about Uzbekistan as a source country for trafficking in persons. We just came from another hearing on the trafficking in persons issue. So I look forward to hearing from our witnesses and would like to thank them for sharing their expertise and insight with us today.

Thank you, Mr. Chairman.

Mr. SMITH. Thank you.

Mr. McIntyre?

**HON. MIKE MCINTYRE, COMMISSIONER,
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Mr. MCINTYRE. Thank you, Mr. Chairman. Thank you for this opportunity today.

I had the opportunity to visit Uzbekistan the summer before last as part of a trip to Central Asia and also en route to visit our troops in Afghanistan. I was very appreciative of the hospitality of the president, who had us in his palace and who spent quite a bit of time talking with us about issues in Uzbekistan. The hospitality of the Uzbeks was very gracious. And our delegation, who went from Congress, appreciated that.

I also appreciated very much the military cooperation, having troops from Fort Bragg, which is an area that I represent in North Carolina, and the military security issues we have obviously in this very tough region of the world. We are grateful for the Uzbek cooperation on the military front.

I know today's hearing has other concerns and other purposes that will be discussed. I will look forward to that discussion and further testimony to be submitted. Also, I'll probably submit a more fuller opening statement to the record. In the interest of time, though, I thank you for this opportunity and look forward to the testimony.

Mr. SMITH. Thank you, Mr. McIntyre.

I'd like to introduce our first panel, beginning with Secretary Lorne Craner, Assistant Secretary of State for Democracy, Human Rights and Labor. In this position he coordinates U.S. foreign policy and programs that support the promotion and protection of human rights and democracy worldwide.

Secretary Craner is also a member of the U.S. Helsinki Commission. He has testified before us, and he's actually joined us up here as well, on U.S. policy toward the OSCE.

Prior to his appointment, Mr. Craner was president of the International Republican Institute, a position he had held since 1995. Between 1992 and 1993, he was Director of Asian Affairs at the National Security Council. Between 1989 and 1992, he was Deputy Assistant Secretary of State for Legislative Affairs.

Secretary Craner also has much Hill experience. Among other positions, he was Senator McCain's foreign policy adviser from 1986 to 1989.

I would just add a personal note. I recently spent time in Geneva at the U.N. Human Rights Commission there. I want to say how proud I was of the work that he and Ambassador Williams did in fighting on behalf of those who are suffering in Darfur, fighting for a resolution dealing with China, and the ongoing egregious human rights issues related to the People's Republic of China, for the fine work he did on the Tuba Resolution, which did pass by one vote.

The hands-on approach that the secretary employs is very much appreciated by this Commission. I say up front, as usual, and personally I deeply appreciate your work. Thank you.

I'd like to also introduce Lynn Pascoe, Deputy Assistant Secretary of State for Europe and Eurasia. His area of responsibility includes countries in the Eastern Mediterranean, the Caucasus and Central Asia.

A career minister in the Senior Foreign Service, Ambassador Pascoe served most recently as American ambassador in Malaysia. Before that he was the U.S. Special Negotiator for Nagorno-Karabakh and Regional Conflicts and the U.S. Co-Chair of the Organization for Security and Cooperation in Europe's Minsk Group. And with more than 3 decades in the Foreign Service, he has held positions on the Soviet and China desks and has been posted to Moscow, Hong Kong, and Bangkok, as well as Beijing and Taipei. Secretary Pascoe has testified before this Commission on several occasions in the past.

I note, by the way, that we do not expect to see him again soon at this table. This summer he will be taking up his assignment as U.S. ambassador to Indonesia. We wish him good luck in a very challenging part of the world.

Secretary Craner?

**HON. LORNE W. CRANER,
ASSISTANT SECRETARY FOR DEMOCRACY, HUMAN RIGHTS
AND LABOR, U.S. DEPARTMENT OF STATE**

Sec. CRANER. Well, Mr. Smith, members of this Helsinki Commission—

Mr. Smith, thank you, first of all, for your very kind words. It is a pleasure to appear before you for a timely discussion on democracy and human rights in Uzbekistan.

September 11 linked Uzbekistan and the United States together in a common battle against terrorism. The United States also viewed our renewed security relations as an opportunity to deepen cooperation on essential elements of a robust and lasting relationship we hoped to build, and those included human rights and political and economic reform.

In signing the Strategic Partnership and Cooperation Framework during the March 2002 visit of President Karimov, the United States underscored its willingness to provide advice and assistance to Uzbekistan. The Government of Uzbekistan, in turn, affirmed its commitment to intensify the democratic transformation of its society.

So where do we stand nearly 3 years after deepening our cooperation?

Well, the United States, we believe, has kept its end of the bargain. We expanded support for democracy and human rights dramatically, both in a diplomatic and a material sense, from President Bush and Secretary Powell on down. We used our new closer relations to expand not only our agenda, but also the range of government officials with whom we have a dialogue on democracy and human rights. We aggressively addressed any active repression, structural or individual, by the Government of Uzbekistan. And we put our money where our mouth was.

Our democracy assistance in the 3-year period after September 11 doubled in comparison to the 3 years before. I have appended to my testimony an illustrative list of the kind of programming we have been doing.

We also came to appreciate the role of the OSCE in Uzbekistan even more. We want to support the OSCE and its various mechanisms whenever possible. For this reason, the United States hopes that the OSCE and the Uzbek Government can reach agreements soon on an outstanding new Head of Mission for the OSCE Center in Tashkent.

In judging the past 3 years on the Uzbek side, we cannot overlook some important gains that had been made. There have been winners as a result of our engagement. Political space has marginally opened. For example, in the past year, previously more political parties and human rights activists have been allowed to hold national meetings. There is hope that some people can compete in upcoming parliamentary elections as individual, if not party, candidates. In May, the Government of Uzbekistan invited an independent forensic team working with Freedom House to investigate a suspicious death in custody. The team, observing Uzbekistan's own investigation, concluded that the death was a result of a suicide and not police torture, as had been widely reported in the human rights community. The Foreign Ministry and the Ministry of Interior deserve credit for ensuring that the investigation proceeded in a professional and cooperative manner.

We're also encouraged by the dialogue between Interior Ministry officials and the Coalition Against Torture. I note the efforts of Ambassador Komilov to address our concerns and seek means of resolution. These constructive steps by ministries and individuals are welcome.

But we see much that remains troubling. Uzbekistan's human rights record remains very poor. Serious abuses and deaths in detention continue. Success of presidential amnesties have lowered the number of political and religious prisoners to an estimated 5,300–5,800, yet many have been re-arrested. And detention of suspected Islamic extremists continues, often based on such evidence as the individual praying five times a day.

Uzbekistan submitted its restrictive law on religion to the OSCE more than a year ago, but the government has yet to follow through and bring the law into compliance with OSCE's standards and norms. Free publication censorship has been abolished, but new amendments to the media law encourage self-censorship. Two independent human rights groups have been registered, but others have been denied.

We have some hope that this year's parliamentary election in December could represent a step forward for Uzbekistan. We were pleased when ODIHR sent elections advisers to Uzbekistan last December. The team concluded that Uzbekistan's then newly-revised law and elections fell short of OSCE commitments and other international standards.

Unfortunately, the Government of Uzbekistan chose not to revise its law and instead attempted to refute ODIHR's negative assessment. The OSCE maintains that Uzbekistan does not meet the necessary conditions for free and fair elections, including lack of appropriate legislation, media freedom, participation in civil society, and participation of independent political parties. Despite repeated attempts, for example, none of the four opposition parties have been able to register to take part in elections this winter.

In the past few months we've seen additional serious setbacks. We were disappointed to learn that the OSCE Center in Tashkent had to cancel its training courses on election campaigning as a result of the new law on financing political parties. The new law, clearly intended to undermine efforts to help Uzbekistan toward the Strategic Framework objectives, forbids even technical assistance, including training, seminars and conferences inside or outside the country.

Since then, NDI, IRI and Freedom House, all of which began work in Uzbekistan after September 11, have been publicly accused by the government of engaging in unconstitutional activities. A new banking regulation is also crippling our efforts to provide assistance to local NGOs. And the Open Society Institute was recently denied registration.

In sum, the Government of Uzbekistan has a disappointing record in fulfilling political and human rights commitments and has not yet taken advantage of the opportunity offered to become a full-fledged partner of the United States. The Government of Uzbekistan has chosen not to institute and implement real political reforms, reforms that are badly needed in order to ensure long-term stability and security. Again, thank you for holding this hearing, and I look forward to answering your questions.

Mr. SMITH. Mr. Craner, thank you for your testimony.
Ambassador Pascoe?

**HON. LYNN PASCOE,
DEPUTY ASSISTANT SECRETARY FOR EUROPEAN AND
EURASIAN AFFAIRS, U.S. DEPARTMENT OF STATE**

Amb. PASCOE. Mr. Chairman, Mr. Cardin, Mr. Pitts, Mr. McIntyre, it is a great pleasure to be here today. And, Mr. Chairman, I should say in response to your very kind words that in my time here I very much appreciated the cooperation with the Commission. I think we've dealt with a lot of very hard questions. But each time, the discussion has been very serious and very good. I think we try to promote what is our mutual interest in helping these countries since we live up to their own potential.

So thank you again for all of the kindnesses that you have shown me in these last 3 years.

The primary strategic goal of the United States in Central Asia is to see the development of independent, democratic and stable states, committed to the kind of political and economic reform essential to modern societies, and on the path to integration and to the world economy. The strategy that we followed is based on simultaneous pursuit of three related goals.

The first of these goals is security. Our counterterrorism cooperation bolsters the sovereignty and independence of these states and provides them the stability needed to undertake the reforms that are in their long-term interest. However, in order for these nations to be truly stable over the long-term and to be fully integrated into the interna-

tional community, to achieve their potential, they must allow for greater transparency, respect for human rights and movement toward democratic policy.

Finally, the development of Central Asia's economic potential, including its extensive natural resources, requires free market economy reforms and foreign direct investment. This is the only way to improve the well-being of the region's people, diversify world energy sources and facilitate the movement of these countries into the global economy.

Central Asia has a major strategic importance for the United States, and Uzbekistan inevitably plays a key role in our policy toward the region. It occupies, as we all know, a core position in Central Asia. It has, by far, the largest population, and it is the guardian of a century's long tradition of enlightened Islamic scholarship and culture. And it boasts the largest and most effective military among the five countries.

Uzbekistan suffered the pain of terrorism once again with the attacks in late March and April in Tashkent and Bukhara. It has long understood the need to confront the danger of extremist elements, who induce violence to further their goals.

The United States and Uzbekistan enjoy strong security cooperation. Uzbekistan was an early and outspoken supporter of the war on terrorism. It has played a critical role in Operation Enduring Freedom in Afghanistan and provided a military base at Khanabad, now home to roughly 1,500 U.S. service men and women without rent or as part of a new broader defense scheme.

Over the past decade, we have developed a close working relationship with the Uzbek military, and that has allowed it to bolster its own capabilities and professionalism.

But as we all know, Uzbekistan has some real problems. It has, unfortunately, not lived up to either its economic or political potential. On the economic side, after independence, Uzbekistan adopted a slower, more cautious approach toward economic reform than its neighbors in order to avoid or at least postpone the inevitable economic dislocations. The cost of this approach, as we view it, has now become more and more evident as the difficult economic issues arise one by one.

There have been some recent developments that provide some hope on regional cooperation. One is the signing of the Trade and Investment Agreement of all five countries in the region with the United States. The second is the proposal for a movement toward a free trade zone with increased regional cooperation. This is essential if the country is really going to move forward—the countries of the region are to move forward.

The promotion of reforms in the areas of human rights and civil society is, in our view, equally critical to the long-term stability of Uzbekistan. As Assistant Secretary Craner just pointed out, Uzbekistan's record on human rights and civil society reform remain quite poor. We have, however, seen some progress over the past few years, but certainly not at the rate that we had hoped for.

To recap a couple of items, Uzbekistan is the only country in Central Asia to host a visit by the U.N. Special Rapporteur on Torture. The Ministry of Internal Affairs has done some welcome initiatives engaging in dialogues with human right activists and NGOs. We believe that the ministry has also, in working with the OSCE, initiated a program of non-governmental prison monitoring and is beginning to train prison officers on the human rights standards.

As Mr. Craner pointed out, Uzbekistan has broken new ground recently in the Freedom House investigation. We certainly hope that is a precedent and will become a norm as these issues and questions arise.

Finally, I should point out that after the March-April bombings, the government's response in rounding up suspects, where approximately 150–200 remain in custody, stands in sharp and quite good contrast to the aftermath of the 1990 bombings in which thousands were arrested.

Since independence, political reform has proceeded quite slowly. There seems to be some positive movement in the last couple of years by allowing independent parties to organize, hold conventions, press conference and move forward. But, as we know, none of the parties in the end were registered. And one of the reasons clearly was that the November 2003 events in Georgia had effect and the government actually moved to halt further progress on democratic reform.

So new rules were put into force for all domestic and international NGOs to go through an onerous new registration procedure. We insisted that the registration of U.S. NGO implementing partners be carried in compliance with our bilateral agreements. And as a result of that, all of those except the Open Society Institute were registered.

But although even some of the ones—as we know, OSI was not registered in the end, and even some of the ones that were registered, such as NDI, the IRI and Freedom House, received quite strong warnings about the procedures that they could do and were told not to continue working with unregistered political parties. And new banking regulations have made it quite difficult for our NGOs to carry on their normal operations.

We all know that sustaining long-term stability will require the Government of Uzbekistan to do more and to provide the people with the ability to express their political views and to participate more fully in the civic life of their country. Long-term stability also requires the government and people of Uzbekistan to develop a way to advance religious freedom while restraining extremism.

Fortunately, the traditions of cultural and religious tolerance have been indigenous to Uzbekistan for over a millennium. Our challenge is to help our friends in Uzbekistan allow the faithful to rekindle these traditions, which had been suppressed during Uzbekistan's incorporation into the Soviet Union.

And a final word, Mr. Chairman. As you know, and as it has been discussed here, the Secretary is required to make a determination on Uzbekistan's progress in implementing the Strategic Partnership Framework before some \$18 million of this FY 2004 assistance money to the central government can be released.

This framework—which if people have not read it recently, I recommend it to them—is a quite remarkable document, really laying out over the next set of long-term—20 years or so—the kind of changes that need to be made.

It outlines the progress of Uzbekistan that the United States would like to see made in areas of human rights, national security cooperation, economic reforms, civil society, law enforcement cooperation and freedom of expression in the media. There is no deadline in the legislation, but a decision must be made obviously before the obligations of funds for this year, fairly soon.

As I have said elsewhere and will say again, it is unfortunate that there is no national security waiver included into legislation, which would allow us to have a more nuanced approach to encourage compli-

ance. Our concern is the many programs potentially affected by this legislation—since it applies to all money to the central government, the legislation cuts into efforts supporting nonproliferation programs, and programs on respect for human rights, in addition to our military and other programs.

I would not predict what the Secretary will decide, but I assume the decision will be made in the next few weeks.

Finally, sir, once again, let me just say I appreciate the opportunity to be here today. We think that Uzbekistan and the Uzbek people have an extremely bright future ahead of them and strong potential. We are also confident that a firm basis for closer and stronger U.S.–Uzbek bilateral relationships exists, but very much remains to be done. And we are here to work with the Commission on these issues. Thank you very much.

Mr. SMITH. Thanks very much, Mr. Ambassador.

Let me just begin the questioning by raising a very important case, one that I have a very personal and deep concern about. A couple of days ago, Henry Hyde held a hearing in the International Relations Committee on child abductions and talked about some draft legislation that he hopefully will soon be marking up, dealing with this crime of child abduction.

I became very aware of this case, and I have actually met with the father. I am a father, and I think every parent, every non-parent, can relate to this: a family member or former family member—in this case, an ex-wife, who happens to be the daughter of the president of Uzbekistan—absconds and steals the children away so that the father, in this case a man by the name of Mansur Maqsudi, cannot see his own children. If he were to travel to Uzbekistan, he would do so at great risk, of not only being arrested, but probably of being arrested and tortured and grossly mistreated by the government.

Unfortunately, the Uzbekistan Government has used this case, as you know so well, to put Mr. Maqsudi on the Interpol Red Notice List, which Ambassador Beth Jones and Ambassador Purnell had said are politically motivated and violated the Interpol Constitution. Thankfully, we have not honored that miscasting and this misuse of law enforcement apparatus, but other countries might do so as he travels.

If you could, my first question is, what are we doing? It seems to me—very often like what Natan Sharansky and some of the other people that we have dealt with, a big question, in this case child abduction, very often, can be more readily understood when there is an individual whose face we can see, whom we can talk to, and get to know.

In this case, at the highest levels, the president of the country, or in this case, his daughter, steals these children away, so much so that a court in New Jersey, my home State, has issued a ruling and has claimed, based on the evidence that is gathered before that court, that this was a child abduction.

So my question is, what are you doing to try to get this government to realize that this is an international embarrassment? It grows worse by the day, especially in light of new legislation that will take even more seriously—as we did recently with religious freedom, as we did recently with cases like human trafficking—child abduction. Even though we have international covenants, enforcement is very spotty at best. Are we now as a country going to take this much more seriously? What are you doing to try to get this resolved?

Amb. PASCOE. Thank you, Mr. Chairman. As you know, we have been deeply involved in this matter for a long time. It is really a tragic child custody case. We all understand that. It is also a very serious question of an American citizen's right to see his American citizen children being abroad.

We have worked it at virtually every level that we can. We worked with it at the government level. We have certainly tried to be very helpful to Mr. Maqsudi and his people. As you pointed out on the issue of the Red Notice, we have been very careful to make it clear here that we do not support it in the United States and Justice Department. The people who do this have an agreement, and we do not enforce it in the United States.

We have given assistance to the family and to his lawyers on how to go to Interpol and get the Red Notice removed in general. When he was caught on one of these issues in Bahrain, I believe it was, we made a major effort to make sure that all of his rights were followed and he got his passport back and all of that.

On the other side, early on we have been pursuing, with the mother and the children, ways to get them together, to get them to meet, to get the father to be able to see the children again. Most recently we pressed this in Moscow. She is, as you know, assigned as the number two diplomat now in Moscow, and the children are there. We talked both with the Uzbek Government and with the Russian Government to be helpful in figuring out ways to set up meetings and to help the current efforts by the father and others to come up with some neutral setting. It has been something we have encouraged and we have been proposing on the other side.

So let me say, on this one we agree that this is a tragic case. These family cases always are horrible. This one is particularly bad. I think that there is no question that the American citizen should have rights to see his children, and to see them in a normal fashion. We have been working to see what we can do to help bring that about, sir.

Mr. SMITH. I appreciate that very much, and the Commission does.

You just testified on the issue of the waiver, or the lack of a waiver, in the range of human rights under this appropriations bill. As you know, in most human rights law, we usually have a waiver. It stipulates that it is not targeting or sanctioning the country—it actually aids the intent of the bill itself, the human rights promotion, or a national security waiver, which is what you would have preferred be in there.

How do you resolve this dilemma, since it was an appropriations bill? It did not go through the long and arduous process that we go through when we write an authorizing bill, like a trafficking law that took 2 years to write, and have everybody and his brother weighing in, and for good, because that vetting is good.

I understand your dilemma. I am not sure how you—even if you were to come down on the side that it is in our best interests—how if the evidence is there that things have actually deteriorated how you're both going to take that next move.

Secondly, will Uzbekistan be designated as a Country of Particular Concern in this next round, which also has a series of potential sanctions, starting with a *démarche* to more serious sanctions?

Amb. PASCOE. OK. One of the great advantages, Mr. Chairman, is having two of us here. We'll try to double time you on the answers to the questions so we can both do part of it.

Let me say that, as everyone up here knows, they never met an administration that likes sanctions and likes particularly inflexible sanctions that have come out and say, "this is the way it is going to be" if this certain thing is not met. Let me say very quickly that on this case you had a broad agreement between two governments on the direction they wanted to go, and the things that they wanted to do.

There was nothing in that agreement that said, "you have to do such and such by so and so time or you're going to lose this or that's not going to happen." That was, of course, as you said, put into the appropriations bill some months later. So you have a very strange sort of problem here to begin with.

We have been pressing hard to have this kind of positive movement, because we could not agree with you more. We think it is essential. We think it needed to be done in all areas. The problem is when we have a certain time limit—it has got to be done in this period of time. A certain thing has to be done at this point. That, of course, makes it much more difficult to employ.

The other thing that I would like to point out, which is a constant frustration that all of us have, is that there is no program out there that is not very much in the U.S. Government's interest, too, because they are using U.S. taxpayers' dollars for doing it.

So what we have is this very broad thing, that does in fact include some border protection money. It includes some of the WMD efforts that we do. We spend a fair amount of effort on going around to universities and such, trying to get very bad weapons of mass destruction or parts of those weapons, biological things, that might be around as part of them.

We have—in fact, even some of our human life programs—because the way the law reads, it says, "to the central government," so our torture programs, for example, which we think they are actually having some good successes, would be affected by this legislation.

Also, and finally, people would say, "Well, the least it does is the military." Well, the military programs are designed for the transformation of this military into a modern force, which observes human rights, which does all of the good things that we want it to do.

So this is our dilemma, as you pointed out. It is a very difficult one when we deal with it. We are totally conscious of the fact that we follow the law and we do what the law says, but that's where my thought is, if we had a security waiver we could at least affect it in some ways.

As people know, the Secretary—and it was very much noted in Tashkent—ruled that you could not certify in the CTR [Cooperative Threat Reduction] legislation last—was it December or January? December. Again, all of those programs are directly of interest to us.

So we had made a very strong political point, but had preserved programs that had a very long standing and clearly were in the U.S. Government's interest.

Sec. CRANER. Mr. Chairman, on the CPC [Country of Particular Concern] designation, John Hanford will be recommending renewal, and I expect some new CPCs this summer. I know that Uzbekistan is one that he is looking at closely. I also know Turkmenistan is one that he is looking at very closely.

Mr. SMITH. Mr. Cardin?

