

Testimony :: Hon. Lorne W. Craner

Assistant Secretary, Bureau of Democracy, Human Rights, and Labor - U.S.

Department of State

Chairman Smith, Co-Chairman Campbell and Members of the Helsinki Commission, it is a pleasure to appear before you to discuss the serious situation of democracy and human rights in Uzbekistan. The attacks of September 11 have linked Uzbekistan and the United States together into a common battle against global terrorism. The most manifest symbol of this new relationship was the March 12, 2002 visit of Uzbekistan's President Karimov. The White House, the State Department and the Pentagon saw this visit as an historic opportunity to deepen cooperation not only on security matters, but also on human rights and political and economic reform. From the very beginning we have regarded all of these areas as essential elements of the robust and lasting relationship we hoped to build.

It is particularly appropriate that I should be speaking before the Helsinki Commission today because the OSCE also represents this belief that long-lasting security can only be founded on a bedrock of respect for human rights and democracy. Since September 11, we have come to appreciate the role of the OSCE in Uzbekistan even more, as a forum in which questions of both security and human rights are brought together. We want to support the OSCE and its various mechanisms wherever possible, as a vehicle for strengthening human rights and democracy in Uzbekistan. For this reason, the U.S. hopes that the OSCE and the Uzbekistani government can reach agreement soon on an outstanding new Head of Mission for the OSCE Center in Tashkent who will work firmly and cooperatively to help the Government of Uzbekistan meet its OSCE commitments to promote democracy and human rights.

During the March 2002 visit of President Karimov, our two countries signed the Strategic Partnership and Cooperation Framework. With that document, we enshrined in our bilateral relations our conviction that true security can only be founded on an open market-based economy and a transparent and democratic political system. In this historic document not only did the Government of Uzbekistan reaffirm its commitment and intention to further intensify the democratic transformation of its society, but the U.S. also underscored its intention to provide advice, aid, and assistance in that area. As a result, we expected progress in all areas of democratic reforms, including in ensuring respect for human rights freedoms, establishing a genuine multi-party system, ensuring the independence of the media, and strengthening civil society.

In 2001, at the start of our expanded relations, we stood before a monumental task: Parliamentary and presidential elections since independence had not been free nor fair. There were no registered human rights groups, and internal security forces abused human rights activists. Opposition political parties were not registered nor were they allowed to operate freely or publish their views. Censorship was widely practiced and the Government tolerated little, if any, criticism of its actions. Approximately 7,500 persons were in detention for political or

religious reasons. And during the year, the International Committee of the Red Cross (ICRC) had suspended its newly begun program to visit prisons because it had not been able to get the Government to agree to pretrial detention visits.

So where do we stand nearly three years after our deepening our cooperation? Has our increased engagement brought satisfactory results?

The United States has 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 are maintaining our increased levels of support for human rights and democracy organizations, especially to assist those groups who are promoting a peaceful transformation of Uzbekistani society.

We have championed human rights by closely observing the Government of Uzbekistan's record, bringing abuses to the attention of the Government. And most importantly, we have addressed any acts of repression by aggressively urging the Government of Uzbekistan to undertake meaningful reform. We have 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 have used increased, high-level U.S. Government visits and interaction to pursue a human rights and democracy agenda across the board. In fact, in November last year, Assistant Secretary for Europe and Eurasia Beth Jones and I traveled together to Uzbekistan to underscore in a joint effort our firm conviction that democratic reform and respect for human rights are an integral part of our bilateral relationship.

And we have put our money where our mouth is. Our democracy assistance in the three-year period after September 11 doubled in comparison to our assistance in the three-year period prior to September 11. In my written testimony before the HIRC on June 15, I elaborated in detail our democracy and human rights assistance programs in Uzbekistan. Allow me to discuss one of those many projects in greater detail to highlight how our programs can complement the efforts of the OSCE. With the American Bar Association's Central European and Eurasian Law Initiative (ABA/CEELI) as our implementing partner, we have funded a Human Rights Clinic at the Tashkent State Law Institute, the first ever in Central Asia, with a second to open in the Fergana Valley this fall. The program introduced a human rights curriculum at the law school to train young lawyers in human rights law as well as give them practical experience by providing pro bono consultations to Uzbekistani citizens on human rights civil law issues. Graduates of the program have already formed Uzbekistan's first law firm devoted exclusively to human rights. I am pleased to announce that ABA/CEELI will now be cooperating with the OSCE Center in Tashkent to implement human rights legal education training for law professors and law students. This summer ABA/CEELI and the OSCE will work together on a summer school for interactive teaching methodologies for law professors as well as a summer school for some of the law school students.

In judging the success of our policies of the past three years on the Uzbekistani side, we cannot overlook some important gains we have made in helping a nascent sector of civic activists. There have been winners as a result of our engagement. The people of Uzbekistan have benefited. Political space has marginally opened – for example, in the past year independent opposition

parties have been holding national meetings and have taken the bold steps of trying to register. After years of moribund opposition activity, parties are at least hopeful that they can compete in upcoming parliamentary elections as individual candidates. And human rights activists are able to meet and advocate for change.

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 suicide, not police mistreatment, as had been reported widely in the Human Rights community. The Uzbekistani government stated this cooperation was 'precedent setting.' While genuine democratic reform with full respect for human rights may seem far off at the moment, hope among the courageous citizens of Uzbekistan remains alive. The Foreign Ministry and the Ministry of Interior are to be commended for their invaluable collaboration in ensuring that the independent monitoring of the investigation into the recent death in detention proceeded in a professional and cooperative manner. We are also encouraged by the dialogue between Interior Ministry officials and the Coalition Against Torture. I note, too, the efforts of Ambassador Kamilov to address our concerns and seek means of resolution. These are constructive steps that we welcome.

But we see much that remains troubling. Uzbekistan's human rights record remains very poor; serious abuses and deaths in detention continue – at least four suspicious deaths since last year's certification. Successive 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 detentions of suspected Islamic extremists continue, often based on such flimsy evidence as the individual praying five times a day. Just as many observant Muslim individuals live in fear of being perceived as potential religious extremists, many evangelical Christians live in fear and harassment, unable to register or import reading materials. The faithful may not share their religious views with others in contravention of international agreements and standards. Although Uzbekistan took the commendable step to submit its restrictive law on religion to the OSCE's panel of experts on religion for analysis over a year ago, the Government has yet to follow through, making the changes necessary to bring the law into compliance with its OSCE commitments and international norms.

While Uzbekistan took the commendable step to invite the United Nations Special Rapporteur on Torture, the Government has not taken any meaningful steps on implementing his recommendations after concluding that torture is systematic in Uzbekistan. Habeas corpus legislation, which could do much to prevent torture in pretrial detention, has not been passed by parliament despite assurances to the contrary.

Despite repeated attempts, none of the four opposition parties has been able to register, which will preclude them from participating in parliamentary elections this winter. While prepublication censorship of the media has been abolished, new amendments to the media law encourage self-censorship. While independent journalist Ruslan Sharipov has been paroled from prison, others remain imprisoned or are harassed and some journalists have been forced to flee the country. While two independent human rights organizations have been registered, others have been denied.

We held high hopes that this year's parliamentary election, scheduled for December, could represent a step forward for Uzbekistan to meet its OSCE commitment to promote democratic pluralism. We were pleased when ODIHR sent election advisors to Uzbekistan in December last year to assess what would be needed for OSCE to mount an election monitoring mission for the upcoming elections. The team concluded that Uzbekistan's newly revised law on elections fell short of OSCE commitments and other international standards for democratic elections. ODIHR highlighted specific shortcomings in the hope that the law could be revised at the Spring 2004 legislative session. Unfortunately, the GOU chose not to revise its law, and instead refuted 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 of civil society in the elections, and participation of independent political parties. We urge the Government of Uzbekistan to cooperate with the OSCE to address continuing deficiencies in its election legislation and electoral process in order to fully meet its OSCE commitments.

We were also disappointed to learn that the OSCE Center in Tashkent had to cancel its training courses on election campaigning for political parties as a result of the new law on financing political parties. The law is unduly restrictive in that it does not even allow technical assistance, including training, seminars, and conferences, inside or outside of the country.

The OSCE Center in Tashkent does continue to provide one ray of hope for improving respect for human rights. The U.S. is pleased to be providing financial support for the Center's long-term prison reform program. One goal of the project is to exercise public control of the situation in Uzbekistan's prisons, guaranteeing that the country's penitentiary system runs in a transparent, violence-free and accountable manner. With the support of the OSCE Center, two local NGOs have monitored the human rights situation in the country's places of detention and juvenile prison facilities in early 2004. Roundtables are being held in Uzbekistan to discuss the results of the prison monitoring initiative with the objective of developing recommendations for the Uzbekistani parliament to address. Despite this constructive engagement by the GOU, it must be noted, however, that, at the request of the GOU, the OSCE Center had to cancel a conference planned for May 24 on transparency in the use of the death penalty.

In the past few months we have seen serious setbacks, especially the backward trend of harassing and hampering the work of U.S. implementing partners. The Open Society Institute was denied re-registration, and a new banking regulation is crippling our efforts to provide assistance to local NGOs, and communities. In April parliament passed a law banning any foreign assistance for political parties, including training and study tours abroad. NDI, IRI and Freedom House have been publicly accused by the Government of Uzbekistan of engaging in "unconstitutional activities."

In sum, the Government of Uzbekistan has a disappointing record in fulfilling its political and human rights commitments made in our bilateral strategic partnership framework, and has not yet taken advantage of the opportunity offered it to become a full-fledged partner of the United States. The Government of Uzbekistan as a whole has chosen not to institutionalize 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. We look forward to working with the Commission to encourage Uzbekistan to adhere to internationally recognized human rights standards and norms.