



HELSINKI COMMISSION HEARING

UNITED STATES COMMISSION ON
SECURITY AND COOPERATION IN EUROPE

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Thank you, Mr. Chairman, Commission members and representatives, for inviting Human Rights Watch (HRW) to address you today and for convening a hearing on the pressing topic of the ongoing human rights crisis in Uzbekistan.

The Events In Andijan

I would first like to focus on the May 13 events in Andijan, during which Uzbek government forces killed hundreds of unarmed people. HRW researchers were deployed to the region within days of the massacre and interviewed more than 50 witnesses to the violence in Kyrgyzstan and in Andijan. In addition to our office in Tashkent, we have had staff based in the region ever since monitoring developments in Uzbekistan, as well as the treatment of Uzbek refugees in Kyrgyzstan.

The May 13 killings began when thousands of people participated in a rare, massive protest in Bobur Square in the center of Andijan, voicing their anger about growing poverty and government repression. The protest was sparked by the freeing from jail of twenty-three businessmen by a group of armed people. The twenty-three were being tried for “religious fundamentalism,” a charge often made by the Uzbek authorities against anyone they consider a threat to their power.

The attackers who also took over government buildings, took hostages, and used people as human shields, committed serious crimes, punishable under the Uzbek criminal code. But neither these crimes nor the peaceful protest that ensued can justify the government’s response.

Based on our research, it is clear that the overwhelming majority of people in Bobur Square at all times were unarmed protesters. While some armed men were also in the square, they remained on the fringes of the crowd. This is confirmed both by eyewitness testimony and photographs reviewed by HRW. Despite the overwhelming presence of unarmed civilians, Uzbek government troops never made an announcement to the crowd to disperse and gave no warning of the impending attack. They did not make any attempt to use crowd control measures or otherwise minimize the risk to unarmed

protesters.

Instead, armored personnel carriers and military trucks, as well as snipers, fired indiscriminately into the crowd during the day and into the evening on May 13. In fact, our research revealed that security forces did not target the few gunmen in the square, but instead randomly shot into the crowd. During the night of May 13-14, after the shooting was largely over, no ambulances were allowed into the area to collect the wounded. Instead, the wounded were simply left in the streets to die. What is more, HRW received testimony that soldiers summarily executed some of the wounded who were still lying in the streets during the morning of May 14.

The scale of the killings was so extensive and unjustified that we have characterized it as a massacre. Eyewitnesses told us that about 300-400 people were present at the worst shooting incident, which left few survivors. There were several shooting incidents that resulted in casualties during the day.

The Uzbek Government's Position

The Uzbek government has denied all responsibility for the killings. It claims the death toll was 173 people and that the only ones who died were law enforcement officials and civilians killed by the attackers, along with the attackers themselves. It has never acknowledged explicitly any casualties inflicted by government forces. The government says the attackers were "Islamic extremists."

Not surprisingly, the Uzbek government has sought to justify its acts by casting the events in the context of terrorism. For nearly a decade, the Uzbek government has cast nearly all of its domestic critics as "terrorists," "extremists," and "Islamic fundamentalists." The government has faced serious incidents of terrorism and insurrection, but it has also used threats of terrorism to justify essentially banning nearly all political opposition, religious or secular. Human Rights Watch research found no evidence that the protesters or the gunmen had an Islamist agenda. Interviews with numerous people present at the demonstrations consistently revealed that the protesters spoke about economic conditions in Andijan, government repression, and unfair trials—not the creation of an Islamic state.

The Post-Andijan Cover-Up

Uzbek authorities have done everything possible to hide the truth behind the massacre. In the hours after the violence, government forces removed most of the bodies and washed away the evidence of the violence from the streets. At the same time, the city was virtually closed to obvious strangers. There was a strict clampdown on media coverage effectively banning journalists from entering the city. Journalists who happened to witness the killings in Andijan had their materials confiscated and were threatened.

The Uzbek authorities have also tried to ensure that other witnesses to the May 13 events keep silent. People in Andijan reported that police had explicitly warned them not to talk to journalists or other "outsiders." Government agents also went from house to house trying to identify those who were missing and confiscating their papers to further intimidate families of the protesters.

Since the May 13 events authorities have arrested at least ten human rights defenders and opposition activists in Andijan and other cities on trumped-up charges. Others have been beaten by unknown assailants, threatened by local authorities, set upon by mobs, and placed under house arrest. In Tashkent and Jizzakh, in central Uzbekistan, numerous human rights activists have been questioned about the events in Andijan and threatened with arrest or criminal charges should they engage in demonstrations or other public activities. More than six weeks after the massacre, Andijan's residents continue to live in deep fear of government retribution for speaking about the events. The city remains essentially closed to journalists and human rights investigators. Just two weeks ago, on June 15, a four-person delegation from the Vienna-based International Helsinki Federation visiting Andijan was detained by police late at night and forced to leave the province.

The OSCE Report

Despite the Uzbek government's best efforts to hide the truth behind the killings of May 13 and to block any independent inquiry into the events, authoritative accounts on what happened in Andijan do exist, including the excellent report released last week by the OSCE's Office for Democratic Institutions and Human Rights. The OSCE report is consistent with our own findings as to the sequence of events and the undeniable responsibility of Uzbek government forces for the large number of killings of unarmed civilians. The OSCE report concluded that "force was used repeatedly against unarmed civilians throughout the day, that it was indiscriminate and disproportionate, and that many unarmed civilians were wounded or killed."

The Need For An International Investigation

Our respective investigations are only a first step toward setting the record straight, however. Many questions remain unanswered, including the precise death toll and the government troops responsible for the killings. For this reason, the main recommendation flowing from both our and the OSCE's report is that an independent international investigation into the Andijan events is needed. Only a full-fledged international investigation, with access to official records, can give a true picture of what actually happened and provide the basis for the start of an accountability process.

While the international community appears to have reached a near-total consensus on the need for an independent international investigation, the Uzbek government has rejected it as groundless. Instead, earlier this month it invited a number of governments with diplomatic presence in Tashkent, including the United States and France, to monitor a commission of inquiry underway by the Uzbek parliament. Both the United States and France rightfully declined, while others, including Russia, China, India, Pakistan, and Uzbekistan's Central Asian neighbors, are taking part.

It is imperative that the international community not drop its call for a truly independent, international investigation. It is imperative not only for the purpose of establishing, as closely as possible, the facts surrounding the events, but also for the sake of addressing the culture of impunity that exists in Uzbekistan under President Karimov's rule.

Uzbekistan's Human Rights Record

As everyone in this room is well aware, the Uzbek government's appalling human rights record has been a longstanding and well-documented problem well before the Andijan events. President Karimov presides over an increasingly restrictive and abusive government, which exercises tight control over most aspects of public life and imposes restrictions on all avenues of peaceful civic participation. It has a long record of formal and informal censorship of the media, intimidating independent civil society activists, severely restricting public demonstrations, and banning political parties that are not loyal to the government. Torture and ill-treatment remain pervasive throughout the Uzbek criminal justice system, and authorities have failed to take any meaningful steps to implement the U.N. Special Rapporteur on Torture's recommendations.

The government's campaign to arrest so-called Islamic fundamentalists, which it argues is an important counterterrorism measure, has resulted in wide-spread persecution of religious and secular dissidents. Throughout the past ten years, the Uzbek government has imprisoned as many as 7,000 people on charges of religious "extremism" or "attempt to overthrow the constitutional system."

The government repression that has attended this campaign against "independent Muslims"—those who practice their faith independent of government-sanctioned mosques and other government religious institutions—has included illegal arrest and torture, sometimes resulting in death. The accused have faced unfair trials and lengthy terms in prison under inhumane conditions. Family members of those targeted have also been detained, tortured, threatened, and stigmatized. There is widespread impunity for government authorities who commit such abuse.

Cities in the Fergana Valley, including Andijan, have been particularly hard-hit by government repression of religious and political dissent. Worsening economic conditions throughout the country have further exacerbated people's suffering and discontent.

Given the government's overall poor human rights record, and in particular its record of impunity for human rights violations, it is unlikely that any government-led investigation would be credible. This makes an independent, international investigation, led by the United Nations High Commissioner for Human Rights, imperative for the establishment of a true record of the killings and the start of an accountability process.

The Kyrgyz Refugee Crisis

I would also like to highlight another very troubling situation related to the events in Andijan. More than 500 Uzbek citizens, who fled their homes after the events on May 13, have sought refuge in

Kyrgyzstan. Many are currently sheltered in a camp near Sasyk, Kyrgyzstan and there is growing international concern that the Kyrgyz government, which is itself under intense Uzbek pressure, may not be willing to provide them with adequate protection.

Twenty-nine Uzbek citizens are currently in Kyrgyz custody and at high risk of being returned to Uzbekistan in the next days. Another 40 Uzbeks currently living in the Sasyk refugee camp may be transferred to Kyrgyz custody, apparently also in preparation for their extradition to Uzbekistan. Already on June 10, the Kyrgyz authorities extradited four Uzbek asylum seekers back to Uzbekistan, although they clearly face a serious risk of torture. No international monitor has had access to the four since their return. To date, the Uzbek authorities have requested the extradition of 133 individuals who fled Andijan after the May 13 violence.

There are numerous rights concerns related to the treatment of Uzbek citizens currently seeking refuge in Kyrgyzstan. But it is especially important to stress that everyone in the group, whether ultimately recognized as a refugee or not, is at great risk of torture if returned to Uzbekistan. The Convention Against Torture prohibits absolutely the return of any person to a country where he faces a serious risk of torture. Uzbekistan has a well-documented record of torture. The UN Special Rapporteur on Torture found in 2003 that torture in Uzbekistan was “systematic.”

It should also be noted that Uzbek officials have been particularly eager to have these individuals returned to Uzbekistan, in part because, as noted above, it is trying to prevent anyone with details about the Andijan massacre from being able to tell his or her story. Uzbek security officials are operating in the area around the camp and pose a real danger to those who are sheltered there.

Recommendations

The government of Uzbekistan has a record of resisting serious investigation into human rights abuses by law enforcement and security forces agents. Statements by Uzbek officials to date indicate that the government’s investigation into the Andijan events will not include a serious examination of abuses by government forces. The commission of inquiry established by the Uzbek parliament is welcome, but is unlikely to be free of government pressure. For these reasons, the international community should press for and make possible an independent, international investigation into the events of May 13 in Andijan, and in particular, into the killings. The investigation should be lead by the United Nations High Commissioner for Human Rights and should have competent expertise in forensics, ballistics, and crime scene investigation. It must also include in its mandate a determination as to whether, and which, Uzbek troops used excessive force against unarmed protesters.

The international community must make sure that continued refusal on the part of the Uzbek government to cooperate with and support an independent international investigation into the events of May 13 carries real consequences, and set a clear timeline for compliance.

In a welcome move, the European Union has stated that it expects the Uzbek government to reconsider its position by the end of June, and that continued lack of cooperation will trigger a partial

suspension of its Partnership and Cooperation Agreement with Uzbekistan, the framework regulating the EU's relationship with the country.

With the EU deadline drawing near, the United States needs to follow suit. As a first step the administration should publicly announce that it is suspending discussions on a long-term military basing arrangement in Uzbekistan and explore alternative basing options in other countries in the region until the Uzbek government agrees to an international investigation into the Andijan events. Should the Uzbek government persist in its refusal to accept an international investigation, the United States should bring to an end its post-September 11 strategic partnership with Uzbekistan and discontinue its military presence in the country.

The administration should also urgently determine whether any of the Uzbek military units involved in the Andijan killings received U.S. military or counter-terrorism assistance, equipment, or training in the interest of ensuring that U.S. policy is in full compliance with the Leahy Amendment.

And finally, the United States should do its share as a NATO member state to suspend all military activities with Uzbekistan in the framework of the NATO Partnership for Peace program until the Uzbek government agrees to an international investigation into the Andijan events.

Thank you, Mr. Chairman, members of the Commission, for this opportunity to share with you our observations.