

UZBEKISTAN:  
STIFLED DEMOCRACY,  
HUMAN RIGHTS IN DECLINE

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

JUNE 24, 2004

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# UZBEKISTAN: STIFLED DEMOCRACY, HUMAN RIGHTS IN DECLINE

JUNE 24, 2004

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## **UZBEKISTAN: STIFLED DEMOCRACY, HUMAN RIGHTS IN DECLINE**

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**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?



Mr. CARDIN. Thank you, Mr. Chairman. I thank both witnesses for their work in this area and their candor in their testimony before our Commission. Their testimony is very direct and very straightforward. It is interesting that you have the executive and legislative branches that are represented at this hearing. Were this a court, we would grant a summary judgment against certification. I mean, the evidence about how far they need to go and how little has been accomplished in this regard is very overwhelming. In the areas in which you found some progress, that progress is very modest, and the problems are very severe.

You made one statement, Mr. Ambassador, that I think points out the problem. You mentioned the fact that what happened in Georgia last fall was used by the Government of Uzbekistan to pull back on reform; I assume it was out of fear that reform could bring about a change in government, as what happened in Georgia.

And the jury is still out in Georgia. We have tried to encourage, and are encouraging, the economic and political and human rights reforms in Georgia, and we are trying to be as supportive as we possibly can, but we still know that Georgia has a long way to go.

I would like your view on my concern. It seems to me that expresses an attitude by the Government of Uzbekistan that they are going to hold on at all costs, and that holding on is more important than the people of their country or the path toward democratization. And the opposite should be true. If they want to move their country forward, if they want to maintain their control of the country, they have to move forward toward democratization. If Central Asia and Europe have taught us anything in recent years, that is a lesson that should have been learned.

So I am concerned about the attitude as a result of looking at what happened in Georgia and the reaction of their government. And any observations you have in that regard would be helpful for me.

Amb. PASCOE. No, I think your comments were right on, Mr. Congressman.

Let me say that, as always with these kinds of events, things are badly misinterpreted many times and around. Obviously, I respect Mr. Shevardnadze a lot. I have known him for years. I was actually in Tbilisi both just before and just after his resignation and was talking to him both times.

In his great frustration and anger in finding out that he was not as popular he thought he was, Shevardnadze started lashing out and sending the message to everyone that somehow it was everybody else's fault. And so, clearly the fault had to be either that of the Americans or the American-supported NGOs or OSI particularly. Somebody out there had to be responsible.

The fact that is not understood very well at all, it seems to me, is the importance that you pointed to so correctly: the development of these societies in a way that they have long-term stability, that they have long-term support of the populations.

We are not in the business of overthrowing governments. We never are. We are not trying to do that. None of these programs are designed to do that. These programs are designed so that when that particular political system or other is changing, and transitions are made, that there is a basis, a structure out there that fits with what the people want and provides a strong, stable country for the long term.

It is often not an easy sell. Having tried to sell it myself repeatedly, I can say that with some honesty, sir. But it is essential because, from our point of view, when people try to make a dichotomy between defense and human rights or democracy, we say it is a false dichotomy. We're talking about security, and that means that the country has to have a long-term stable basis to operate.

Mr. CARDIN. I appreciate that, Mr. Secretary?

Sec. CRANER. While Lynn was in Tbilisi that weekend, Beth Jones and I happened to be in Uzbekistan that weekend. We made the point that what was happening in Georgia was not happening because Georgia had an election. We were making the point that it was happening because Georgia had a bad election. That's why people were coming out on the streets.

I agree with everything Lynn said about thinking through the long term. There was a time in this country not so many decades ago when we did not think that way, and we earned ourselves some penalties because of that. I think for about the last 20–25 years we have been thinking that way. We have earned ourselves many friends because of it.

Amb. PASCOE. I agree completely. We had a meeting in the OSCE Parliamentary Assembly on Georgia, and that was exactly the message that we heard about what happened. So I appreciate your pointing that out.

I am looking at the aid that is in question here. It seems to me that a large part of this aid is directly aimed at trying to build the type of democratic institutions in the country and the future leadership in the country in order to carry out these institutions. Of course, some deal with security issues.

I am curious as to whether Uzbekistan really wants some of these dollars, by the way. I understand the security dollars are important, but the dollars that are going directly toward democratization—maybe they want you to decertify those dollars.

Sec. CRANER. On my issues, I would say that there may be some people in the country who think like you do, even in the leadership. I would have to tell you that in a number of the ministries with whom we had no relations 3 years ago—I think that they know that they have to move forward.

I think, frankly, it is extraordinary when you can get folks from the Interior Ministry in a room with dissidents. And they start giving them their cell phone numbers and saying, "If you're having trouble, call me." That is a product of what we have been able to do these 3 years.

I think it is extraordinary when dissidents who are out there, who 3 years ago couldn't be dissidents, come in and meet with us. I think clearly they want us to be able to continue all of our work there. But I suspect there are some in the country who wish that we would not.

Amb. PASCOE. Again, I want to see these funds continued. I want to make that clear. I want to see the United States continue to be a major player in Central Asia and to work with countries to further improvement of relationships between our country and their country. So, I am for this assistance. I'd like to see it larger, quite frankly, but it must be with progress on the OSCE commitments. That must take place. Otherwise, we will not have a successful transition in that country or that region. So I applaud your efforts and your patience.

Thank you, Mr. Chairman.

Mr. PITTS. Thank you, Mr. Chairman. One analyst has written that if Uzbekistan is decertified, Washington would alienate a secular Muslim government that fully supports us against international terrorism. Furthermore, Hizb-ut-Tahrir and similar groups would be emboldened to try to overthrow Karimov, and reformers within the government who would push for liberalization would be defeated by hardliners in the pro-Russia group.

What's your view of this assessment, Mr. Ambassador?

Amb. PASCOE. Well, Mr. Congressman, in the first instance, of course, is that you will have the opportunity to talk to Uzbekistan's very capable ambassador in Washington after a while about what might be the impact of it at home. He would be much better to answer that question than I.

But I do believe that the critical question here is that we are playing for both short-term programs that we are trying to get done and very much for the long-term. I would like to agree with Lorne—I was going to jump in—that very large portions, it seemed to me, of the Uzbek elite are hearing our message and understand the kinds of change that are necessary and that, frankly, are inevitable if the country is going to succeed in the areas ahead.

So again, the dilemma we certainly put forward to the Secretary, we'll make it very clear is he has to make the decision on this one on what needs to be done. But I think you lay it out well. What we really strongly believe is that engagement is the way to go. Isolation is not going to help, and we want to keep working in that direction.

Mr. SMITH. Mr. Secretary, would you like to comment?

Sec. CRANER. No, I think—as I said before, engaging with some of these people has helped. Just to be clear, we would not be cutting off all of our assistance to Uzbekistan. There would be large amounts of democracy work that we could continue, but the kind of work we've been able to do with the ministries, which I think has paid some dividends, would end.

The issue we are wrestling with—and I often say this overseas—is not where a country starts in terms of development on human rights and democracy. It is the question of whether it is moving forward, and there is the political will to have it move forward further. Those are the questions we are dealing with on the certification.

Mr. PITTS. My second question. President Karimov and other post-Soviet leaders in Central Asia and the Caucasus complain that Washington demands too much from them on human rights. They say that we should lower our expectations and slow down our timetable for democratic reforms.

Is this a reasonable argument, or is it simply a self-serving position by entrenched elite to monopolize power and economic advantages in these countries? If it is a reasonable argument, what kind of a timetable would be more realistic?

Sec. CRANER. Congressman, you and I have both seen what can happen in countries where the leader decides it is time to undertake change and reform and how rapidly that can progress. We have also seen countries—Lynn and I know very well—, places like South Korea and Taiwan, that have developed gradually. But I think the point is in all of those there is perceptible movement, important substantial perceptible movement over time. Again, that's the issue we are examining in Uzbekistan.

Mr. PITTS. Now, President Karimov is increasingly, I am told, disenchanted with Washington, which is pressuring him on human rights issues and, after years of a U.S.-oriented foreign policy, has begun to restore relations, especially economic ties, with Moscow, which never criticizes Uzbekistan on human rights.

What are the implications for U.S. interests in this trend? How does it affect prospects for democratization and human rights in Uzbekistan? Does Tashkent see close ties with Washington as an indispensable counter to Russia and China so that Uzbekistan can never stray too far from the U.S. alliance? Or can you imagine us having to hold a hearing here one day on "who lost Uzbekistan?"

Mr. Ambassador?

Amb. PASCOE. Well, I am always happy to come back to your hearing, sir, at any time. I would prefer not to come to that one, but I am always available.

[Laughter.]

One thing that we have made very clear, and I have repeated this in every speech that we have made and been out in the region, there's nothing zero-sum about relations in Central Asia as we see it. There are some very real problems in Central Asia in terms of economic development, in terms of political development, in terms of their security.

What should be the least of their problems is any great game issues about whether they are a little more Russia, a little less America, a little more China. This is basically a mug's game, and we've always said that. This is, after all, the 21st century, not the 19th. We do not see that this as an issue. We've said the same thing to every country in the region. We have said the same thing to every leader. We have said the same thing to the Russians and to the Chinese.

We want them all to have better relations in the region because the countries of the region need their investment. They need the ties. They need the support.

The largest market of almost all of these countries is going to continue to be Russia for the foreseeable future. So what we need is the right kind of engagement by everyone around. This is not to say that you cannot pick up newspapers almost anywhere that like to play the great game and talk about this, but it is a game that we do not play, and it is one that we are not very interested in anybody talking about.

Mr. PITTS. Secretary?

Sec. CRANER. On the last couple of words you had on who lost Uzbekistan, we do think about that. We think about what would happen if we remained very, very close to authoritarian governments all over the world. We had examples of that early in the Cold War, in places like Iran and South Vietnam and Nicaragua, all for varying reasons. But we learned some lessons from that, and one is that people inevitably want more freedom and they want increased human rights.

What we worry about is when radical forces begin to attract those people because those people see no other alternative. We would like to see moderate change in Uzbekistan. We'd like to see moderate, peaceful political parties be able to operate there so that people do have a non-violent outlet for their political thoughts.

Mr. CARDIN. Thank you, Mr. Chairman.

Mr. SMITH. I have one final question. In March of 2002 when President Karimov came to Washington, he told the congressional leadership that the United States, by toppling the Taliban and its allies, had

eliminated Uzbekistan's worst enemies, the Islamic Movement of Uzbekistan. So clearly the cooperation in the war on terror is in Uzbekistan's self-interest. I think we should never fail to fully appreciate that because I think it couldn't be more clear.

You might want to comment on that, because when we talk about where we injure our relationship, Moscow—and although there are closer ties with Uzbekistan and we know that Putin and the Duma seldom criticize anyone for human rights or raise human rights issues. They are not known for that. So they get by with a relationship where you can act with impunity and there is no penalty.

But I think we should keep at center stage that it is in their self-interest to be part of this war on terror, which should mean that our hands should not feel too tied when we speak out and speak truth to power on all of this, as you do, these very important human rights issues.

And one issue that I think—in addition to the torture and the holding of 5,000 to 6,000 people in their prisons—is the registration of the two main opposition parties, as I said in my opening statement.

Why does Karimov not want to register those? Is it the obvious—that he wants no competition? Does he fear that they are a viable political force, even though he controls the media and everything else, and they are not likely, at least in the short term, to be able to demand a serious challenge? Why is he so fearful of opposition?

Sec. CRANER. Could we split this one again, Mr. Chairman? Let me take the first part.

I agree with you absolutely on the question of its being in both of our sides' interest. It is a mutual interest. The other side of that coin is it has got to be in their interest to develop their own changes, do their own reforms. And that is a point that is very clear. This is not an outside imposition of something. They have to be looking at this themselves to make the progress.

One last point I would also like to make on Mr. Pitt's comment too that while we are working and working very hard to have these positive moderate outlets, we cannot lose sight of the fact that there are real threats out there in Uzbekistan, that there are people out there that are trying to overthrow the system, both in terrorist ways and in terms of trying to develop a broad ideology and widely accepted ideology to overthrow all of the governments in the region.

So we are not operating in the vacuum on any of these issues. It seems to me it is a very complex mix. And, as you say, we will keep working on it. We'll try our best, sir. Thank you.

Amb. PASCOE. On the question of the political parties, there are a number clearly of personality issues that people have, and the government has, with some of the leaders of the older parties. What is bothersome is that newer parties are not allowed to register either. I think that's rather telling.

Mr. SMITH. I appreciate that. Thank you very much. Unless you have anything else to add, I want to thank both of you.

And good luck in Jakarta, Mr. Ambassador.

Sec. CRANER. Thank you.

Amb. PASCOE. Thank you.

Mr. SMITH. I'd like to welcome our second panel, a panel of one, Abdulaziz Komilov, who is Uzbekistan's ambassador to the United States. Prior to taking on this assignment in Washington, he was the State

Adviser to President Karimov. Before that he was Foreign Minister from 1994 to 2003. From 1992 to 1994 he was Vice Chairman of the National Security Service.

During Soviet times Ambassador Komilov was in the Diplomatic Service. He spent most of his time in the Middle East, serving in Lebanon and Syria, among other posts, and gaining fluency in Arabic. He received his Ph.D. in history in 1978 and specializes in the history of international relations and foreign policy.

Mr. Ambassador, welcome to the Commission. We thank you for being here.

**HIS EXCELLENCY ABDULAZIZ KOMILOV,  
AMBASSADOR OF THE REPUBLIC OF UZBEKISTAN TO THE  
UNITED STATES**

Amb. KOMILOV. Thank you very much. Mr. Chairman, members of the Helsinki Commission, it is a great honor for me to testify before such a respected institution as the Helsinki Commission. Please allow me to thank you for the invitation and for the opportunity to express our point of view on the development and perspectives of the Republic of Uzbekistan.

At the same time, allow me, Mr. Chairman, to object to the title of today's hearings, "Uzbekistan's Stifled Democracy, Human Rights in Decline." It seems unjust to render unilateral judgment prior to discussion of the issues at hand.

The Uzbek Government has always been completely open and ready for the dialogue on a whole range of questions. We are happy to have a transparent and candid discussion on any issue. In this endeavor, there has been exemplary cooperation between the United States and Uzbekistan. More than 100 U.S. Senators and Congressmen have visited Uzbekistan in the last 3 years. Dozens of American delegations from various U.S. Government agencies have come to Tashkent since the beginning of 2003.

Mr. Chairman, I am personally very grateful for your constant willingness to carefully consider and understand the complicated and sometimes controversial process occurring both in our country and Central Asia. We also appreciate the high level relations and deep trust that we have developed with the representatives of the Helsinki Commission. We have also been engaged in a fruitful dialect with the State Department's Assistant Secretary Lorne Craner.

Mr. Chairman, members of the Commission, it is not my intention today to speak at length on what we have achieved in the realm of democratic development and economic reforms. It is covered extensively in the materials that were handed out to you. This report gave a detailed picture of the dynamics of the developments in Uzbekistan.

However, I would like to state at the outset that Uzbekistan does not see any alternative to democratic development. We are working to build a rule of law state that guarantees basic rights to its citizens and respects the main principles of international law. I assure you that these are not empty statements.

Let me give you some examples.

Citizens of Uzbekistan are free to follow their religious beliefs. This right is guaranteed by the constitution and the laws. In 1990, only 200 religious organizations were registered in Uzbekistan, currently more than 2,000, including Islamic, Christian, Jewish, B'hai, Krishna and others.

As of today, more than 300 humanitarian and human rights NGOs and more than 3,000 local associations had been registered in the republic. Uzbekistan is the first country of the former Soviet Union to have invited and received the U.N. Special Rapporteur on Torture.

Based on your recommendations, the government has adopted a national plan on implementing articles of convention against torture. Institutions have become more open. For example, the number of visits to places of detention by representatives of the Red Cross International Committee has increased 10 times over the past 3 years.

As a result of our cooperation with NGOs and other organizations, we reached an agreement to allow independent human rights advocates to monitor places of detention.

We also see an active process of liberalization of the criminal legislation. We reduced the number of prisoners by half since 2000. Today, Uzbekistan has the lowest proportion of prisoners per capita among both former Soviet Republics and Eastern European countries. As a part of our nation's ongoing evolution of our legal system, Parliament has started discussions over a habeas corpus bill.

We admit that abuse of power by some representatives of law enforcement agencies is still an issue today. We conduct and assist a defined battle against it. Abuses of power are immediately terminated when uncovered, and their offenders are punished according to our criminal code.

At the same time, I must note that many accusations against Uzbekistan in this issue are unjustified. The recent finding of a commission investigating the death of Andrei Shelkavenko proves this.

In order to demonstrate this commitment to total transparency, Uzbekistan invited representatives from the United States embassies, both in Moscow and Tashkent, the international organization Freedom House and Human Rights Watch, forensic experts and criminal law specialists from Canada and the USA to conduct an independent investigation. The Commission showed that the Shelkavenko death was a result of suicide, that Shelkavenko was not abused or tortured.

I emphasize once again that our countries share similar views regarding the question of what should be done. Despite numerous challenges, Uzbekistan has decisively rejected the Soviet totalitarian past and is greatly moving forward to become a prosperous constitutional state based on a total commitment to the rule of law. These trends are in sync with the U.S. interest and values. And the reforms implemented since 1991 are not irreversible.

Members of the Commission, we acknowledge that much remains to be done to build a constitutional state. Problems exist, and we do not hide from them.

However, we must acknowledge that the ongoing political evolution of Uzbekistan strongly depends on a number of factors that cannot be ignored. Among these, I specifically point out Uzbekistan's history, heritage and the unique circumstances of its external environment. Contrary to the USA, where the history of democracy spans more than

200 years, Uzbekistan will celebrate only 13 years of its independence in December this year. Centuries of our colonial past have had serious effects on our country.

The scale of tasks we face speaks for itself: construction of democratic state, the fundamental transformation of our countries, the Soviet economic legacy, what is the emphasis on the production of raw materials, the recovery of Uzbek historic heritage, the restoration of the country's ecology, all of which were mangled or destroyed by 74 years of Soviet dictatorship.

Our external security situation also requires our unwavering attention. Despite the efforts of the U.S.-led anti-terrorist coalition, the level of threats to the regional security is still rather high.

I will mention one fact. According to the estimates of a specialist, during 1979-2001 about 100,000 people were trained in Afghanistan's trained camps. Today these well-trained terrorists have spread throughout the world, attacking peaceful nations, their independence, freedom and values

Where are they now? Some of them were involved in planning the attack on the United States on September 11. Others were responsible for the train bombing in Spain in March. Still, other groups remain active in different zones between Pakistan and Afghanistan. These forces continue to present a serious threat to stability and the security of Central Asia.

Unfortunately, unlike the United States, Uzbekistan is not separated from major terrorism centers by two oceans. The threat of international terrorism is an everyday reality to us.

More than 2 years before America's tragic September 11 encounter with fundamentalist fanaticism, extremists exploded several bombs in the heart of Tashkent. This attack was not planned half a world away. It was plotted next door. Had the terrorists succeeded and exported the fundamentalist revolution to Uzbekistan, then the entire Central Asia region could have become the heart of darkness, threatening the hopes, dreams and prosperity of the entire world.

Our people endured three generations of dictatorship in the name of building Communism. We are determined to prevent our nation from becoming a component of a similar utopian dream of establishing an Islamic califate. Such a fate would not be a dream. It would be a nightmare beyond imagination.

Mr. Chairman, in the last 3 years our countries have reached an impressive level of teamwork which has helped us to face modern challenges. Uzbekistan is a resolutely dependable partner of the United States.

Three years ago, Uzbekistan was the first of the former Soviet Republic countries to join the International Antiterrorist Coalition and put its military bases at the disposal of the United States. We supported our American partners in solving serious international problems: Iraq, nuclear non-proliferation, drug trafficking and so on.

It is critical now to preserve this spirit of our strategic partnership and utilize our wide potential. Any increase in distrust between us will only assist those interested in weakening our unity in the International Antiterrorist Coalition.



I would like again to remind you that our nation's biggest wish is to emulate your nation's great democratic traditions—traditions which not only inspire or motivate, but all the nations of the world yearning for peace and prosperity.

In conclusion, I'd like to thank you very much once again for inviting me. And it is not our first meeting, Mr. Chairman. I came as the ambassador to Washington at the end of the last year. My first meeting in Washington was the meeting with you, Mr. Chairman. I am not private. I am the representative of my president, of my government. It means that our government is always ready to have very good, open cooperation with the Commission, with you personally, and with your colleagues. Thank you very much once again.

Mr. SMITH. Mr. Ambassador, first of all, I want to say how grateful we are for your accessibility, for your willingness to come and be with our Commission today to provide your testimony, to answer questions. I do want to thank you for the meetings that we have had, all of us, with you and your staff. It is very helpful. I think it creates a more mutual understanding to get answers. You seek to provide answers to questions that we raised and vice versa, so I do appreciate that.

And let me ask a couple questions, first of all, beginning with human trafficking. As you know, the report was just issued, matter of fact, earlier today, and soon-to-be Ambassador John Miller, who runs the Trafficking in Persons office, testified and talked about a number of countries of the world.

One of the countries that has now been characterized as Tier-2 is Uzbekistan. I want to encourage you and congratulate you on the progress you are making. As you know, Uzbekistan is primarily a source country and, to some extent, a transiting country. Uzbek women are trafficked abroad for sexual exploitation to a number of countries.

And, frankly, it is in your interest, and it is in all of our interest—particularly when women are being exploited in serial rape, and that's what this is—that every effort is made from a protection point of view, and from a prosecution point of view, in every aspect, to stop this and to prevent this.

I did note in the report that in 2003 the Uzbek Government had drafted a comprehensive anti-trafficking piece of legislation. I wonder if you might now, or by way of the record, could give us a full update as to how that is proceeding. To the best of my knowledge, the 101 individuals who were prosecuted, 80 of whom were convicted as of February of 2004, were convicted on other statutes that are already existing in your legal code. But apparently this is moving through. Maybe it has already been adopted.

I also note from the report that the Uzbek Government does not have a budget for victim assistance. I am wondering if that is something that you are looking to create, because we have found that the prosecution is one side—and we have it here right in the United States, where we need to prosecute to the fullest extent—but also provide safe haven and protective services for the women who have been so horribly exploited.

Amb. KOMILOV. Thank you very much, Mr. Chairman. It is a very important question. I think that not only Uzbekistan has such problems, but many countries in the world do, including the United States.

And Uzbekistan has joined in many international agreements to coordinate policy in this sphere. We discussed this issue during our last meeting, Mr. Chairman.

I'd like to add only that the Government of Uzbekistan is paying very great attention to this problem. And our Interior Ministries and the Ministry of Justice and other institutions are now in touch with some international organizations and OSCE and NGOs also. We had recently some days ago a special meeting of our government to discuss this issue and to take necessary steps.

Mr. SMITH. If you could also get back to us as to how well-along that legislation is—Is it law? Because it is comprehensive. We think you are making the right move. We want to ...

Amb. KOMILOV. We are about to take some concrete legislation

Mr. SMITH. OK, thank you.

You know, I mentioned earlier to our previous panel that earlier Congressman Hyde, who chairs the International Relations Committee, began moving on new legislation dealing with the issue of abduction, to make that a much more serious part of our human rights portfolio and profile. I know you are aware because I have shared it with you and talked to you personally a number of times about Mr. Maqsudi.

The key here is finding some workable accommodation. The isolation of Mr. Maqsudi's children from him and I would ask you personally now if that Interpol Red Notice could be lifted by your government. To think that this man cannot travel about without some countries potentially arresting him is very disturbing. He wants to see his kids.

Yes, the marriage is broken. It is irreconcilable. Everybody accepts that. But these are his children. And just as the mother ought to have the ability to see and to love those children, it would seem to me that the father likewise ought to be able to do the same. So two things: Lift that Red Notice, if you would. I think that is a very real irritant, and it is wrong. And, second, let's work on some workable accommodation for the father.

Amb. KOMILOV. Mr. Chairman, this issue also is discussed not for the first time. All I can say is that this is a private issue between two persons and it should be resolved. I know that you pay very great attention to this issue. I know your personal concerns. But at the same time, people only pay attention to the one aspect of this issue; I mean the aspect of children. But at the same time there is the other aspect. We mentioned Interpol and other institutions. The other aspect is the criminal actions of the Maqsudi family. And that is why the Government of Uzbekistan sent all materials of the Ministry of Justice to the United States, to the prosecutor's office, and that is why, if it is necessary, we can also send you the copies of this document.

Mr. SMITH. Mr. Ambassador, I will look at anything you provide to us. But our own government, after a thorough search or study of those documents and others, has come to the conclusion that the Red Notice needs to be lifted—we reinforce it here in the United States So in a very real way that is our response to that documentation.

This is no longer a private matter when the government gets involved and so criminalizes the process that this man could be arrested and presumably extradited in a large number of countries around the world. That is where we would hope you would use your good offices to get that lifted or at least to attempt to.

Amb. KOMILOV. Yes, I'll inform...

Mr. SMITH. Thank you.

I have one other question before I yield to my friend, Mr. Cardin. As you know, we wrote to President Karimov in mid-April, asking for the release of some 60 prisoners. Eighteen have been released, and we are very grateful for that. But if you could convey back to Tashkent our hopes that the others could be released as soon as humanly possible, I think that would send a good message to all of us. Based on the information we have, these people are innocent and ought to be released.

Amb. KOMILOV. Mr. Chairman, you know that a lot of people were released recently. And we are working to continue this practice.

Mr. SMITH. Let me yield to Mr. Cardin.

Mr. CARDIN. Thank you, Mr. Chairman. Mr. Ambassador, I also want to join with our Chairman in thanking you very much for your accessibility and your presence here today on this very important subject. I can assure you that we share a common objective to improve the relationship between our two countries and to further our mutual objectives. So I thank you for your appearance here today.

I want to concentrate on a couple points in regard to OSCE commitments that are directly related to our interest. In your statement, you point out the fact that you have increased the number of registered religious organizations to 2,000, including many of the different faiths.

It is our understanding that hundreds of mosques have been closed and that individuals, solely because of the fact that they want to practice their religion, are looked upon as suspect and had been imprisoned. ODIHR recently visited and reviewed your laws on religion and made several recommendations. And it is our understanding that none of those changes have been made.

In addition, we have written to your country concerning the causes of several religious groups, asking that they be registered, and they still remain unregistered. So in regards to the attitude on religion, I would like to give you the opportunity to respond to a record that looks like that you are not open to religious tolerance.

Amb. KOMILOV. Thank you. Thank you very much, Mr. Congressman, for this very important question for Uzbekistan especially.

First of all, you know that we have very deep traditions of peaceful coexistence of living together between different religious groups. I mentioned some religious groups. The situation now, both the legislation and about the private mosques, I can say that sometimes there are speculations that a lot of Muslims were arrested and that there are no good conditions for study in private mosques and so on. I can say that, first of all, there are more than 3,000 mosques now in Uzbekistan. And during the Soviet Union the number was about some hundreds.

And we have special positions toward some private mosques. Why? First of all, we are not against religions or against religious beliefs. But at the same time we do not want illegal financing of these mosques from some well-known region. It is the first reason.

And the second is we have established an Islamic university in Tashkent. This is the only Islamic university for education. If somebody wants to learn to study Islam history, its civilization, please, we created all conditions for this. But we do not want our people and especially our young generation to study Wahhabism for example. And that's why. But at the same time we will continue to create all conditions for all religious groups in Uzbekistan.

Mr. CARDIN. I would point out that there are well-trained religious leaders within all faiths that are best qualified to help people practice their religion. When government intercedes in that, as well-intended as that intercession may be, it sometimes acts to oppress individuals in their following of their religion. We have heard that in regards to the attitude in your country in closing mosques that are believed to be peaceful, not the extremists.

I would also point out that ODIHR's recommendations deal with seeking more openness in religious registration and we would ask that you give very serious consideration to changing those laws.

I want to move to a second topic, torture, which is an appropriate topic for a U.S. Congressman to talk about because our country has experienced the blemish of torture in regards to the Iraq prisons. Our Congress this past week took very definitive steps in the defense bill to make it clear that we would not tolerate torture, and it is the U.S. policy against the use of torture in Iraq and anywhere in the world.

I mention that because, again, there have been concerns raised that torture is being used in your country I would like you to be able to at least clarify that for our record. And when I refer to torture, I refer to the internationally-accepted term torture, which I think is very clear, what is included for individuals under incarceration, what can be done and what cannot be done.

Amb. KOMILOV. Mr. Congressman, we have this problem in Uzbekistan, the problem of torture. And that's why we invited the U.N. Special Rapporteur on Torture. I met him several times in Uzbekistan. We have prepared an action plan. It was adopted by the government.

And now every ministry, every institution they know what should be done. And we have very good experience now with our American colleagues and some international organizations; I mean the last investigation. And it is the beginning of open cooperation.

I am sure that if something happens we will use this experience. We will use the same institution. And, of course, offenders will be punished I think it is absolutely and totally unacceptable mistreating prisoners and other people in special places.

And we are going also to put some changes in our laws. And the Parliament is studying now this problem. And all ministries who are responsible for this issue are involved in this process.

Mr. CARDIN. Well, I want to thank you for that answer because I think the first part about changes, to acknowledge that there's a problem and then to establish a game plan to deal with it—and I appreciate the answer that you have given.

The last question I would have, Mr. Chairman, is I want to give you, Mr. Ambassador, an opportunity to respond to the observation of our ambassador in regards to the events in Georgia and the impact it had on reform within your country. The observation was that because of what happened in Georgia that cooled the reforms, also slowed down reform in your country. I want to give you a chance to respond to what, if any, impact the experiences in Georgia have had on the reforms within your own country.

Amb. KOMILOV. First of all, I do not think there is some link between the revolution in Georgia and the situation in Uzbekistan. Uzbekistan is Uzbekistan. Georgia is Georgia. We're in very good, close cooperation with the former administration and with President Saakashvili. And we have some institutions, like the CIS, and others, where

Uzbekistan and Georgia are members. And, of course, it is impossible to have some schedule of democratization because it takes time. It takes dedication. It takes being prepared to make some mistakes, some flip backs. Democracy doesn't happen overnight.

And the first and the second I'd like to repeat once again that we have our view. We have our future. And we are going to be a democracy, not to demonstrate for the United States or for Helsinki Commission or to be at the same level with Georgia. We are building democracy, we are building an open society for our people, for ourselves, first of all.

And that's why, Mr. Chairman, I have received this question very often recently here in Washington. And at the same time I'd like to repeat once again that there's not any link and we have our own conception of development.

Mr. CARDIN. Thank you, Mr. Ambassador. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much. Let me ask a couple of final questions. First of all, to add my voice too on the issue of torture again, not the political prisoners who we are hoping will be released, but religious prisoners. But we do take seriously where we are accused, as we were. Matter of fact, the whistleblowers were military men and women themselves who found what was going on in Iraq to be unconscionable and spoke out. And they do not get punished. They get lifted up. We congratulate them. And as Mr. Cardin mentioned a moment ago, we are taking very serious steps to make sure in our law whenever and wherever this happens, and God forbid it happens again, those individuals will be prosecuted to the greatest extent.

And that leads me to the way to end torture: besides public officials, besides the enactment of new laws, is to prosecute the torturers. And in Uzbekistan those police or guards or others who engage in torture when there is a policy, even of zero tolerance but no prosecution of the torturers, it will be seen as a very shallow and symbolic statement rather than the real McCoy.

So I encourage you to take seriously that they need to be held to account. Those who torture go behind bars, period. And obviously their due process rights have to be respected, and the evidence has to have its way in court. But they need to be prosecuted.

I also say that we on this Commission will be offering in Edinburgh a resolution on torture to bring this whole issue to the forefront before our fellow members of Parliament at the OSCE Parliamentary Assembly. We do not want to hide anything under the table.

If we—and we have—have had individuals who strayed seriously and committed torture in prisons in Iraq and elsewhere, perhaps in Afghanistan, we acknowledge it, we repudiate it, and we will say we do not just talk the talk. We walk the walk. I want you to know that we do not hide it under the table. I myself will be offering that resolution in Edinburgh, Scotland, at the Parliamentary Summit.

I do have one final question. We have sent a letter to President Karimov on April 15. I'll read a part of that letter. We have yet to get a response.

I was with Speaker Hastert a year ago when President Karimov met with our congressional leadership, and the leadership raised some questions on human rights. And he made the point again that the greatest threat to Uzbekistan really has been mitigated by the U.S. war on ter-

ror. So, again, as I said to our previous panel, it is in your own interest to be good friends and partners in fighting this radical Islamic belief, which is not real Islam. It is a very cancerous spin-off or break-off.

President Karimov made that point to us. Why is not that seen as a window of opportunity to move ahead on democratization? As I said in my opening comments, for example, what about allowing opposition parties to register.

This is what we wrote in our letter: "Registering political parties in advance of this December's parliamentary elections has become critical. We have followed over the last several months the efforts by Birlik and Erk to hold the necessary congresses required for the registration process. It is our understanding that for the third time Birlik submitted in January all the requisite documents. Both parties had stated their democratic objectives and should be permitted to participate fully in the upcoming elections."

We also noted that the 1990 OSCE Copenhagen Document commits participating States to respect the right of individuals and groups to establish in full freedom their own political parties. We are waiting with great expectation that they will be allowed. What's going on there?

Amb. KOMILOV. Mr. Chairman, we are about to have parliamentary elections in December this year. I cannot say that there is no progress. Five parties are preparing to participate in this election: People's Democratic Party, Fidokorlar, Milliy Tiklanish, Adolat and Liberal Democratic Party.

And about the registration, I think you mean the registration of the Birlik Party. This issue was also mentioned in the statement of Mr. Polat here.

And the members of this party, they have received the conclusion of the Ministry of Justice. And there is no problem if they prepare their document according to the laws. And that's why they are in touch with the Ministry of Justice.

Mr. SMITH. Can we then reasonably expect that they will be registered in a timely fashion to participate fully in the elections?

Amb. KOMILOV. I am not the representative of the Ministry of Justice, and that's why it is very difficult to say.

Mr. SMITH. Could you convey to him our concerns and...

Amb. KOMILOV. Of course. I have to inform the Ministry of Foreign Affairs about this hearing. OK. Thank you.

Mr. SMITH. Thank you very much. Mr. Cardin, do you have anything?

Thank you, Mr. Ambassador, and thank you to your colleagues.

Amb. KOMILOV. Mr. Chairman?

Mr. SMITH. Yes.

Amb. KOMILOV. Once again, thank you very much. I mention that the first meeting in Washington as the ambassador I had with you.

Mr. SMITH. Right.

Amb. KOMILOV. Thank you very much for understanding us, for support, and we will be in touch. And despite all very sensitive issues in our agenda, Uzbekistan is open and Uzbekistan is ready to see cooperation with you to deal in a long-term strategic partnership with the United States. Thank you very much.

Mr. SMITH. Thank you so much, Mr. Ambassador.

Amb. KOMILOV. Thank you.

Mr. SMITH. I appreciate that.

I'd like to now ask our third panel if they would make their way to the witness table, beginning with Dr. Martha Olcott, who is the senior fellow at the Carnegie Endowment for International Peace in Washington and Professor Emeritus of the Department of Political Science at Colgate University, where she taught from 1974 to 2001.

In July 1994, Dr. Olcott was named by President Clinton to be director of the Central Asian American Enterprise Fund, on whose board she served until 2000, having been named vice chairman in 1999. Earlier she served as consultant on Central Asian affairs for former Secretary of State Lawrence Eagleburger. Dr. Olcott has also served as a consultant for a number of firms interested in Central Asia.

Dr. Olcott is the author of four books, including two on Kazakhstan and some 50 articles on Central Asia and in Russian politics. She has testified before this Commission several times in the past, and we are glad to welcome her back.

We will then hear from Dr. Abdurahim Polat, who was a professor of computer science in Uzbekistan before he became involved in politics.

Since 1989 he has been a leader of Birlik, an opposition party that we've spoken about a few times at this hearing today, which arose in the late 1980s. Dr. Polat had to leave Uzbekistan in 1993, after he was almost beaten to death on the street of Tashkent in June 1992. Since then, he has been an opposition activist in exile, first in Turkey, then in the United States, where he now resides. In February 1998, he received political asylum status here in the United States.

Finally, we are also pleased to welcome Veronika Leila Szente Goldston, Human Rights Watch's advocacy director for Europe and Central Asia. She designs and manages the organization's multiple international advocacy initiatives in Europe and Central Asia, meeting regularly with government officials in Europe and the United States. She represents the Europe and Central Asia Division before international organizations such as the U.N., Council of Europe, the EU, OSCE, World Bank, and the European Bank for Reconstruction and Development. Prior to joining Human Rights Watch in January of 2002, Ms. Goldston was advocacy director of the European Roma Rights Center, a Budapest-based international human rights NGO, which she helped establish in 1996 to monitor and defend the rights of Roma throughout Europe. She has written and edited numerous books, book-length reports and articles and served as associate editor of the quarterly newsletter "Roma Rights."

Finally we will hear from Dr. Frederick Starr, the director of the Central Asia Caucasus Institute at the School of Advanced and International Studies. Previously he was founding director of the Kennan Institute for Advanced Russian Studies at the Wilson Center in Washington, as well as president of Oberlin College for 11 years and president of the Aspen Institute. Dr. Starr founded the Greater New Orleans Foundation and is a trustee of the Eurasia Foundation. He is also rector *pro tem* of the University of Central Asia, an institution to foster economic and social development throughout Central Asia.

Dr. Starr is the author of 20 books and 200 articles, on subjects ranging from Central Asia to Russia, history to jazz. He is, in addition to everything else, an extremely accomplished jazz musician who plays concerts all over the world. Dr. Starr is a recipient of five honorary degrees and is a fellow of the American Academy of Arts and Sciences.

Dr. Olcott, if you could begin.

**MARTHA OLCOTT,  
SENIOR ASSOCIATE, CARNEGIE ENDOWMENT  
FOR INTERNATIONAL PEACE**

Dr. OLCOTT. Thank you so much. It is really a great privilege to be asked once again to testify before you.

I speak to you as someone who has been studying and traveling through Uzbekistan for the last 29 years. I will share with you part of my testimony, and the rest has been submitted to you for the record. The question of whether or not Uzbekistan should be certified as having made sufficient progress in its improvement of human rights is a critical one. A decision to cut off foreign assistance to the Government of Uzbekistan, even if only temporarily, would have a number of very negative effects.

By his actions in December, the Secretary of State put the Government of Uzbekistan on notice, and this action has led to some improvements that have been discussed in the preceding speeches. To cut off funds now would not "teach Uzbekistan a lesson," but, instead, would damage the cause of democracy building in Uzbekistan and would threaten the civil order of that society, endangering U.S. interests in Uzbekistan and Central Asia, more generally.

Briefly about the human rights situation in Uzbekistan, again, some general comments: I will not sit before you and pretend that Uzbekistan has a human rights record worthy of either praise or emulation. Certainly no nonpartisan observer of the situation of that country would make either claim. Uzbekistan is quite obviously not a democratic country, nor is it progressing toward becoming a democracy in what I would see as a satisfactory pace.

But, in my opinion, the human rights situation in that country is improving slowly, even though the improvement is not an even one.

Again, much of the detail is in my lengthier written testimony. But a brief comment on the law and decrees affecting NGOs: these new rules are, in my opinion, a step backward. I really believe, and someone has said, that this law was a direct product of Georgia's Rose Revolution, which many in Central Asia saw as the result of local NGOs in Georgia that received foreign funding, rather than drawing the accurate conclusion that it was a result of the displeasure of the Georgian population against the Shevardnadze government that pursued an increasingly more corrupt, undemocratic set of policies.

This said, however, I would like to stress that cutting off aid would strand reformers in Uzbekistan.

Just as was the case in Georgia, the displeasure of the Uzbek population with the undemocratic regime of President Islam Karimov seems to be growing, although I do not believe it is growing to the level that we saw in Georgia. It is growing due to a slow and erratic pace of both economic and political reform, which has left many people in Uzbekistan in increasingly dire economic straits and with little opportunity to channel this displeasure in either peaceful ways or ways that are essentially democratic.

Uzbek Government officials often like to remind us that traditional Uzbek culture is neither democratic nor participatory in nature. They remind us that this was reinforced by 70 years or so of Soviet rule. I would also argue that it was reinforced by the policies pursued by the Uzbek Government for the bulk of the years since independence.



But democratic practices are not antithetical to traditional Uzbek culture, and Uzbeks showed as much enthusiasm for the political opening of the 1980s and early 1990s as any other population in the region. They were very enthusiastic about the prospect of democratic political reform in general.

In fact, their great enthusiasm is one of the reasons the Karimov government initially chose a non-democratic path of development, preferring what they saw as the predictability of autocratic rule.

Although democracies often move in unpredictable directions, the power of dictators always waxes and wanes. They are dependent upon the perceived strength of the man at the center, although Islam Karimov was never a totalitarian leader in the fashion of Joseph Stalin or even Saparmurat Niyazov of Turkmenistan.

As Karimov has aged and has become increasingly more physically frail, his dictatorship has begun to decay as well. The population in Uzbekistan is much less frightened today of voicing its displeasure than was the case only a few years ago. This makes supporting the work of projects designed to build civic society in Uzbekistan all the more critical, projects that help reinforce the development of Uzbekistan as a secular state.

Let me say a few words about claims of the country's Islamic threat. One of the long-standing claims of the Uzbek Government has been that harsh measures are necessary to combat the spread of radical or militant Islam. The risk of Islamic extremism in Uzbekistan is not an abstract one. Radical Islamic groups have been actively recruiting members in the country since the late 1980s. Although traditional observers far outnumber those in fundamentalist groups, and even a majority of those in fundamentalist groups are peaceful and law-abiding citizens, there is a small minority of adherents to radical or fundamentalist Islamic teachings who do preach the violent overthrow of a secular Uzbek state.

For many years the repressive nature of the regime has made radical and militant Islamic ideals more appealing in the way that forbidden fruits always seem more attractive. Groups like Hizb-ut-Tahrir are using their illegal status as a demonstration of the corrupt and anti-Islamic nature of the regime. This does not mean that these groups should be legalized. But I would urge strongly that the United States continue to push, as we are doing, for a much greater separation of church and state in Uzbekistan.

Uzbek religious authorities are still answerable to the state's council on religion, which certifies all clerics, houses of worship and religious schools. And this authority has been used—or I would argue abused—to appoint religious leaders who are supportive of the existing regime rather than allowing religious communities to be self-governing.

I would argue that an aid cutoff, though, will hurt reformers most of all. The relatively small number of independent secular political outlets ensures that religious organizations will continue to draw young people to them.

But the position of these groups will only worsen if the United States restricts foreign assistance through Uzbekistan. For even if we continue to permit to give foreign assistance to non-governmental groups, they will come under much greater attack if we cut off funding to the Uzbek Government itself.

The presence of U.S. funding and other funding is a critical spur to the formulation of these groups. These groups have also helped to create and encourage—they find and create supporters in the Uzbek Government itself.

I would argue that over the last few years in particular the number of people in the government who believe that Uzbekistan has the need to institute political, as well as economic, reforms is increasing. Many of these people are using their official positions to quietly push the change. If the United States cuts off funds from Uzbekistan, the position of these people will be seriously undermined.

I want to emphasize as I move to conclusion that the environment for political reform in Uzbekistan is steadily improving, and that the past 2½ years have seen far more change for the better than they have for the worst.

This is really, in my mind, very striking from the pattern we saw from 1993 to 2002, when political openings were few and far between, and the arenas of political competition were sharply curtailed.

However, while the political environment is improving, the economic situation, I would argue, has grown worse because there is a refusal of the Uzbek Government to move fast enough on questions of economic reform. That's not our purpose here, but I think that this deepening economic crisis makes it more important for Uzbek citizens to find peaceful and secular outlets to make their displeasure known. I would even argue that if Uzbekistan begins to improve its human rights record, we should dramatically increase funding, especially for projects designed to achieve reform of the penal system or judicial sector.

Finally, in conclusion, I would like to leave you with the thought that cutting off aid works to the advantage of critics of the United States. It goes without saying that many of us in the United States expected a great deal more of Uzbekistan in the past 2½ years, especially given that there are bilateral documents that the Uzbek Government signed, pledging political and economic reform.

At the same time, though, there has always been a sense of frustration with the United States in Uzbekistan on both the part of—some in the government and some out of it—because many in Uzbekistan had highly unrealistic expectations of what the improved U.S.-Uzbek relationship would mean in terms of foreign assistance for Uzbekistan.

Their disappointment came at the very time that Vladimir Putin came courting. And this courtship has really continued over time and has intensified. Even a partial withdrawal of the United States from Uzbekistan, which an aid cutoff would represent, would likely be used by Putin to Russia's advantage and to the disadvantage of those seeking to develop a democratic society in Uzbekistan.

It would also come at a terribly unfortunate time in Uzbekistan's history, as Uzbekistan, like the rest of Central Asia, is beginning to prepare for its inevitable political transition. This is a period in which the United States must remain highly visible in the region, pushing for politically open systems rather than closing them.

And we must be sensitive to the pictures we convey. I mean, the discussion that you had on the whole question of the U.S. commitment to eliminating torture in our prisons is really critical. The entire world saw the pictures of Iraqi prisoners being abused by U.S. soldiers, and this occasioned great comment in Central Asia, where I was at the time that these pictures were made public.

Islamists claim this is a plot to humiliate all Muslims, which obviously it wasn't; but it also led to great disappointment on the part of secular supporters of the United States, who in their environment really saw this as showing that we, under pressure, behave much like they do.

The timing of an aid cutoff to Uzbekistan's penal institutions would be particularly tragic in this regard, because people there have worked so hard to create the opening, an environment that there is right now to begin dealing with these questions. Cutting off funds from Uzbekistan might silence critics in the United States who claim that Congress and the administration are too friendly with dictators, but we would be doing so at the cost of losing critical friends abroad, not just those in government, but in Uzbek society and Central Asian society more generally, the very people whose support and understanding we will need if the United States is to win the war on terror.

Thank you so much.

Mr. SMITH. Thank you very much for your testimony. Dr. Polat?

**ABDURAHIM POLAT,  
CHAIRMAN, BIRLIK PARTY AND  
REPRESENTATIVE, HUMAN RIGHTS WATCH**

Dr. POLAT. Thank you. Mr. Chairman, I am grateful for this opportunity to make this speech here at the U.S. Congress and participate in a discussion on issues of democracy and human rights.

No doubt, these issues have a vital significance to our country. I have a written text of my speech, but I want to present it for the record and now I will underline several points of my report. But I will read all of this speech. With my poor English it will take about 1 hour.

[Laughter.]

So I think it is not necessary to talk still more about the situation in Uzbekistan. Now everybody knows about the cruelty of Uzbek authorities against its own population. At the same time, many people do not know that the Uzbek police and official security forces are severe, often killing not only so-called Islamic extremists but also representatives of the democratic opposition.

From 1992–2001, three high-level chairmen of different regional organizations of Birlik were killed in Uzbekistan by police. The last occurrence was in July 7, 2001: Shohrukh Rozimuradov, chairman of Birlik Kashkadarya, an organization, and former deputy of the Uzbek Parliament, was killed at the Tashkent police department jail.

Yes, after the tragic events of September 11, 2001, when Uzbekistan became a partner of the United States in its war against terrorism, the situation has started to improve in the country. Local authorities became somewhat tolerant toward the democratic position and human rights activities. Pressure on Muslim communities is also slightly less than usual. To put it briefly, changes in this serious direction have started to accrue because of the presence of the United States in the region.

The United States has given immeasurable moral support to Uzbek democracy and human rights activists. Members of many official delegations, including members of Congress and representatives of the State Department, have met with them in Tashkent. They are extremely

grateful to Mr. Craner for his effort to strengthen democracy reform in our country. He consistently held meetings with local democrats in Uzbekistan during all of his visits.

It would help to understand that the Uzbek Government is not willing to deepen democracy reform and to stop the use of violence against local democrats at all. There is a lot of evidence, but I will give two of them.

At the beginning of May 2004—it is very recently—the Chairman of Birlik's Namangan region organization, Makhmadali Karabaev, was arrested by local police. Police charges against him are completely groundless, but he is still in jail.

Polat Ohunov, one of the leaders of the Birlik party and former member of Parliament of former Soviet Union during the Gorbachev era and the only Uzbek member of the famous Yeltsin-Sakharov group, had at that time blamed President Karimov for supporting the August coup in 1991.

After Uzbekistan became independent in 1992, Polat Ohunov was jailed. After the involvement of Mr. Yeltsin personally, he was then released in 1994, and he had to leave the country as a political refugee to Sweden.

He recently returned to Uzbekistan to continue political activity, but the government immediately seized his passport and is exploring ways of opening a criminal case against him because he left the country at that time unlawfully.

These examples are clear evidence that authorities are not willing to change, and will not acknowledge the opposition; nor will they cooperate with them.

There is no doubt today that furthering the development of the democratic process in Uzbekistan is possible only after registering democratic opposition parties and letting them function officially in the country.

One has to see the facts. And it is obvious that authorities will not want to make significant changes in this area. Therefore, only step-by-step changes can be made currently. And even small improvements at this time should be encouraged. Therefore, precedence in this area is important by means of requiring this government to register at least one of the political parties.

What is the situation now regarding the registration of political parties? Many people know, according to the report of human right organization and particularly the State Department's report, that Uzbek authorities consistently denied registration of four political parties: Agrarians, Party of Free Farmers, Erk Party and Birlik Party.

It has to be said that the first two parties have only been founded recently, and they are not really tried and tested in action. Both of these parties have passed in their registration documents, but after the first refusal by the Minister, they have given up the fight already.

The third party, Erk Party, was created in 1990, and at the beginning the party leadership favored pro-Karimov policies. Then it shifted its policies drastically later and even attempted to set up a military group against the government.

But now in 2003, the first attempt to conduct the party congress, after all of the events of the last 10 years, resulted in a split of the party. The old leadership was subsequently replaced because of suspicious ties with religious extremist groups and even the Taliban. New

leadership is making an effort to get its act together. Therefore, it has not even lodged registration documents with the authorities at this point.

Having said that, it is not clear as to why the Erk Party is always mentioned in the list of parties for whom the Uzbek government has refused registration.

This issue is very important and serving for the benefit of authorities. For example, during the Ministry of Justice briefing on May 21, 2004, very recently, Minister Polvonzoda said with gentle hinting about the State Department that many statements on the rejection of registration of above-mentioned parties are false. As a party, Erk Party has not even filed registration documents. And the other two parties did not correct, exposed by Ministry of Justice, shortcomings in filed documents.

The fourth party from this list is Birlik, the oldest opposition democratic organization in Uzbekistan. It remains the leading opposition party. It has seen a massive renaissance under the new conditions. It created extensive regional networks across the country and is currently making preparation to participate in the upcoming December parliamentary election.

During the past year, Birlik was fighting to obtain official registration. After the Ministry of Justice's third refusal, Birlik took the case to the Supreme Court of Uzbekistan. In the current conditions in Uzbekistan, this is a huge achievement.

In the past, the Supreme Court had consistently refused to consider our appeal against the Ministry of Justice. At last, the court process started on June 14, 2004, 10 days ago, but immediately it had to announce a break until June 24—until today—because of the request of Ministry of Justice.

The court process was to begin 10:00 this morning, but they delayed the process. And in the afternoon I called several times and could find nobody. And now I do not know. The process either is going on or they are in prison. I do not know.

The Birlik Party is well prepared by all criteria for receiving official registration. Therefore, for all who want to create precedence in registration to the political party in Uzbekistan, in my opinion, they need to persuasively, strongly request the government to register Birlik Party.

If such demands for the registration of Birlik Party were combined with requests to register other parties that have even not filed documents for registration (and some have given up the fight), it would undermine the seriousness of the demanding parties.

Let me put my thoughts in a different form. If someone will put pressure on authorities to register several parties in one go, most of which are not even ready at this stage, this will be taken by the Government of Uzbekistan as a sign that the demanding party has little knowledge of the current political situation in the country, and authorities will not honor such demands.

And finally, I wanted to make the following statement: Birlik has never appealed for international isolation of Uzbekistan because of dictatorial policies of Karimov's government and has never asked foreign countries to stop releasing financial aid to the country. On the contrary, we always called for the integration of Uzbekistan into international institutions, assuming that this would foster democratic society

in longer terms, but simultaneously put requirements to the Government of Uzbekistan to conduct democratic reforms seriously in exchange for financial support or in other forms of aid.

Proceeding from this core principle, I think that now, despite the government's refusal to register—and I am not thinking that they will register in the future—I think that now the State Department should certify Uzbekistan for broader assistance programs, but at the same time the U.S. Government should require democratic reforms in exchange, in particular, for registration of Birlik Party and substantially extend help to truly independent NGOs and pro-democratic forces in Uzbekistan. I think it will be a more effective attack on the policy of the Uzbek Government.

Thank you very much for your attention.

Mr. SMITH. Thank you very much for your testimony. I apologize to all of our witnesses. There is a call on the floor for four recorded votes on very important issues—budget issues. We will have to stand in recess for about a half hour, and then we will reconvene. Again, I apologize. It is always messy when we have a legislative day. So we will reconvene in about a half hour.

[Recess.]

Mr. SMITH. I apologize for the interruption. We cannot always plan on when votes will take place on the floor of Congress, so we apologize for that and the inconvenience to our witnesses. And we thank you very much for your patience and we thank you for remaining here.

We'll now hear from Ms. Goldston.

**VERONIKA LEILA SZENTE GOLDSTON,  
ADVOCACY DIRECTOR FOR EUROPE AND CENTRAL ASIA,  
HUMAN RIGHTS WATCH**

Mrs. GOLDSTON. Thank you for inviting me and for convening this very important hearing on this timely topic. I would like also to address you today.

I think it is important that I begin by noting that there appears to be no dispute as to whether or not the Uzbek government's human rights record matches the expectations spelled out in the legislation in question. Everyone seems to readily recognize that it does not, as we have heard from Assistant Secretary of State Craner as well as from Deputy Assistant Secretary Pascoe and their testimonies both last week and this week.

So it seems then that the question before us today is not whether or not the Uzbek Government has satisfied the human rights conditions required for continued U.S. assistance, since the overall agreement, including from the administrations, is that it clearly has not.

It continues to harass human rights defenders and has not registered a single independent domestic human rights group since the last certification. In fact, it has taken a significant step backwards by imposing new burdensome registration requirements on international NGOs and expelling the Open Society Institute.

Our Tashkent Office continues to receive credible reports of torture and ill treatment in custody. Not only has there been no movement toward media freedom, but there have been steps backward in the area of freedom of expression and assembly.

Less than 6 months before the elections, not a single, genuine opposition political party has been allowed to register, and their members face harassment and criminal prosecution.

So the question remains open: How will the administration handle the impending certification decision in light of the undisputed fact that the Uzbek Government has failed to meet the required standards?

So what should the administration do? On this question, our position could not be clearer.

If we are operating on the basis of legislation that makes U.S. assistance to the Uzbek Government conditional on that government's efforts to improve its human rights record and institute political and institutional reform, and the government in question has failed to make credible progress toward meeting these goals, then we simply cannot see how the administration could do anything but decertify. Not doing so would rob the law of its meaning and risk putting into question the administration's credibility as its objective implementer.

This is not to imply that we at Human Rights Watch consider such a decision an easy one to make, or that we would consider it a positive outcome of this process. Just as our colleague human rights defenders in Uzbekistan, we would much rather see conditions in the country that would permit the administration to certify that the government is making substantial and continuing progress in meeting its human rights commitments.

But as long as these conditions are not met, certifying would be wrong and counterproductive; wrong because it would be inconsistent with U.S. law; and counterproductive because it would indicate, incorrectly, that the United States was satisfied with the Uzbek Government's performance, and it will serve to enable a situation that everyone agrees is unacceptable.

But perhaps even more detrimental would be the undermining impact such a decision would have on recent serious efforts by other actors of the international community, to impress upon the Uzbek leadership the necessity of implementing credible human rights reforms.

The European Bank for Reconstruction and Development, the EBRD, deserves particular mention in this regard. In April this year, just 2 months ago, this international financial institution, in which the United States is a key shareholder, decided to limit its investment in Uzbekistan over the lack of progress in human rights.

This unprecedented decision was taken unanimously by the EBRD's board of directors. It had the full and enthusiastic support of the U.S. Government.

The decision followed a one-year deadline for the Uzbek Government to meet these sets of human rights benchmarks: greater political openness and freedom of the media; free functioning and registration of independent civil society groups; and implementation of the recommendations of the U.N. Special Rapporteur on Torture—areas largely coinciding with the key themes identified in the Strategic Partnership and Cooperation Framework.

Significantly, the EBRD decision on Uzbekistan also made clear that the bank will continue to monitor the developments in Uzbekistan, and it will continue to press the government to make progress on the benchmarks.

It was, therefore, not a passive declaration of failure followed by a retreat by the bank from Uzbekistan. On the contrary, the bank made clear that it was determined to continue to use the benchmarks as policy tools for reform and carry on with its dialogue with the Uzbek

Government in the hope of seeing through the required reform steps. The bank is scheduled to adopt a new country strategy for Uzbekistan in the spring of 2005.

We at Human Rights Watch firmly believe that if properly supported by resources and political will, the EBRD benchmarks carry a real potential to trigger human rights improvements in Uzbekistan. By staying firm on its course, and by following through on its reform demands, the bank has created an important momentum for human rights improvement in Uzbekistan that other actors engaged with the country, including in particular key shareholder governments like the United States, should take advantage of.

It is crucial that the international community speaks with one voice on these issues and that they send a strong and coordinated message to the Uzbek Government about the need to see tangible progress in human rights. And one key component of this effort is for the EBRD shareholder governments to make sure that a policy that they have adopted vis-à-vis Uzbekistan at the EBRD level is reflected in their own bilateral relations with that country.

Let us also not forget that in decertifying the Uzbek Government as making sufficient progress in human rights under the Cooperative Threat Reduction Program late last year, the administration already laid the grounds for the possibility of a decertification decision under the Consolidated Appropriations Act.

It conveyed an important message about dissatisfaction with the Uzbek Government's performance in the area of human rights and left no doubt about the need for the country's leadership to produce concrete, measurable progress. The ball has since been, and it continues to be, in the Uzbek Government's court.

So, to sum up, a decertification decision should not be conceived of as a declaration of failure and the United States walking away from Uzbekistan. It is about showing that the United States takes this process seriously and means what it says.

It is also consistent with the stance that the administration has taken on two important occasions, on which the Uzbek Government's human rights record has come up for scrutiny since the last decertification decision taken in May 2003: the certification decision on the CTR and the one year assessment undertaken in the EBRD context.

As is clear from the testimonies we have heard, the situation on the ground has not improved in any significant way since these decisions were taken. If anything, it has gotten worse in a number of respects, which really makes it hard to argue for the decision to certify.

Certifying only out of concerns of alienating those whom the administration has worked so hard to convince about the necessity of reform is an argument that simply does not hold. After all, that is a path that the administration already tried when it certified Uzbekistan as making progress last year. And more than one year later we can safely conclude that this strategy simply did not produce the desired outcome.

Also, the Uzbek Government has repeatedly declared—most recently, we just heard—encouraging statements to that effect from Ambassador Komilov just moments ago, that Uzbekistan values its relationship with the United States and sees the United States as a critical partner for its security.



In the past, it is when the United States has been firm on its reform demands that it has gotten concessions on human rights. Examples of such concessions include ICRC access to prisons, registration of the first-ever independent domestic human rights group and the invitation extended to the U.N. special rapporteur on torture.

Of course, we had no illusions that the Uzbek Government would democratize overnight just because it wants U.S. assistance, but it does not want a black mark of losing aid, either. If the administration uses this tool, it will gain leverage as the Uzbek authorities will be looking for ways to get recertified.

How then, more concretely, would decertification square with continued engagement on the part of the U.S. Government? In much the same way as the EBRD's conclusion that the benchmarks had not been met, and the subsequent decisions limiting investment in Uzbekistan did not imply the Bank's pulling out of Uzbekistan, are we convinced that continued U.S. engagement with the Uzbek Government is perfectly consistent with the decision to decertify.

Decertification decisions are part of an ongoing, long-term process of engagement between the United States and Uzbekistan. They are not isolated events or ends in and of themselves. Clearly the administration should continue to stay engaged and use its resources to support civil society, media and opposition political parties.

It should continue to push with specific reform steps, regardless of whether it certifies or not; if anything, even more forcefully in the event of a decertification decision, or with a very real, moving likelihood of such a decision, as seems clearly to be the case right now.

It should hold out as a carrot the prospect of recertification. If by the time of the next certification decision, the Uzbek Government has made credible and genuine efforts to meet such reform demands, the administration would, of course, be in its full right to reconsider its decision and, if warranted, certify the government as making substantial and continuing progress.

The list of urgently needed improvements in the area of human rights is obviously long. But looking strictly at the very short term, and as a bare minimum, among the specific reform steps that the government should be required to undertake, in our view, are the following:

- A. Rework the plan of action on torture to clearly reflect that it is a plan to implement the recommendations of the U.N. special rapporteur on torture as it had been in its initial version. There should be specific and reasonable time lines for implementation of each of the 22 recommendations that the special rapporteur formulated in his report and the government should begin actual implementation of the required reforms.
- B. The public condemnation at the highest level of torture and introduction of habeas corpus judicial review of detention—two of the key recommendations of the special rapporteur, neither of which form part of the Uzbek Government's current plan of action, would be a good place to start.
- C. Release arbitrarily detained human rights defenders, such as Ruslan Sharipov, and seize any further arrests or harassments

of human rights defenders, including the legal proceedings against Elena Urlaeva.

- D. Register independent domestic human rights groups and lift unjustified restrictions on the operation of international groups. Among domestic groups that have applied for registration in the last 12 months are Mazlum; Human Rights Society of Uzbekistan; and Mothers Against the Death Penalty and Torture. In terms of easing the climate for international organizations, the government should re-register the Open Society Institute's office in Uzbekistan, should repeal requirements that international organizations must coordinate all their activity with the Ministry of Justice and reverse provisions according to which Uzbek Government committee must approve all grants issued by international organizations to local groups. The government should also cease pressure on international organizations not to work with unregistered domestic groups.
- E. And last, but not least, the government should register opposition political parties, such as Erk and Birlik, and cease any harassment against opposition political activists. Opposition political parties should be granted airtime on television and allowed to organize peaceful demonstrations without burdensome permit requirements in the run-up to the elections.

In addition, it is crucial that the United States not be satisfied with false progress, programs and initiatives devised by the government that seem attractive in form, but are actually devoid of content.

Let me conclude by quoting from a letter that Chairman Smith and other members of the Helsinki Commission, addressed to President Karimov on the eve of his visit to the United States in March of 2002:

Nearly a decade after Uzbekistan joined the OSCE, a pattern of clear, gross and uncorrected violations of fundamental OSCE principles on democracy, human rights and the rule of law continues. Against this backdrop, recent pronouncements out of Tashkent about a renewed commitment to address long-standing issues of democratization and human rights will continue to ring hollow unless they are matched by concrete deeds.

Thank you.

Mr. SMITH. Thank you for that comprehensive presentation.

Dr. Starr?

**FREDERICK STARR, DIRECTOR,  
THE CENTRAL ASIA-CAUCASUS INSTITUTE AT  
THE SCHOOL OF ADVANCED INTERNATIONAL STUDIES,  
JOHNS HOPKINS UNIVERSITY**

Dr. STARR. Yes, sir, I would like to associate myself with the views expressed at the beginning of this session by Ambassador Pascoe, and then, today, in the third session by Dr. Olcott.

There are obviously serious problems in the area of human rights in Uzbekistan. It is also, and I want to stress this, obvious that this Commission and the various NGOs involved in this field have an absolutely

crucial role to play in addressing those matters. It is precisely because of the importance of that role that I would like to comment on the process.

There seems to be a general consensus on the larger policy issue.

I believe the process, sir, gives serious ground for concern. The collection of data on human rights violations anywhere is a very difficult matter. You have to admit that sources may be exposed to reprisal, and they have to be protected. At the same time, the collection process itself must be protected from special interests and from manipulation.

I would like to call your attention to the footnotes called from the five most recent reports on human rights in Uzbekistan. I quote, "An informed source; interview with a human rights activist name withheld; anonymous; a source; an e-mail."

Mr. Cardin, earlier you said, "If this were a judicial proceeding," and then you drew the conclusion and I respond to that, "If this were a judicial proceeding, these would be considered denunciations and would have no legal standing."

I am not saying that there is no place for such sources; I am saying that we have to take far more serious efforts than we have to assure that the collection of data on human rights abuses conforms with the same standards of evidence that we would expect if others were collecting data on us. This is rarely the case today.

There are no regular and independent processes for challenging and evaluating evidence on alleged human rights violations before they are accepted.

The very word alleged—I did a word search on this—it is used far more as a tool to discredit a governmental claim than to qualify a claim of a collecting organization.

The fact is, in this court, all charges are considered equally serious and equally valid. No prosecutor on earth would claim that his last 40 cases are all equally slam dunks. Some are, some aren't, but there's no indication in the reporting the degree of certitude on which a particular charge is based. This does not, sir, conform with American ideals of fairness and justice. And least of all is it appropriate that that difference should exist in an organization, in an entity, in a Commission focusing on human rights.

Let me proceed now to the question of interpreting the evidence. Here, also, there are problems. There have been two allusions in the course of these hearings today to peaceful, independent Muslims: people who have been charged with nothing more serious than the sin of wanting to pray five times a day. There is no question that many peaceful Muslims have indeed, been scooped up, especially after the bomb explosion several years ago, into the judicial system. That's not the question.

The question is what is the status of the larger movement which has been the major concern of the Uzbek Government, and I have in mind Hizb-ut-Tahrir. This is an organization which, it has been argued here, should be legalized—that, in fact, by suppressing it, the government itself has created an enemy.

This is the title of a recent report by Human Rights Watch, "Creating Enemies of the State." That is very similar to the charge that the United States is responsible for creating the enemies that produced September 11. We've heard that argument before. Life is more complicated.

Hizb-ut-Tahrir is militantly anti-Semitic; it calls for the expulsion of all Jews from Central Asia, as well as Christian and other non-Muslims, by force if necessary. Its preaching recalls the social ideals promoted by those infamous madrassas in Pakistan that we have taken such effort to get under control.

In other words, this is scarcely the kind of organization that one would want to get too enthusiastic about. It is curious that it is illegal in Germany, it is illegal in every Arab Muslim country, they obviously know something about this that we do not know.

Why am I concerned about the processes of our human rights study? Because it is so important; because it has to be done right. I am not in any sense saying that these reports are riddled with error. The fact is, we do not know and there is no way of knowing.

The recent Shelkovenko case that has been referred to twice here has very important implications. Let us be blunt: Human Rights Watch, in this case, proceeded on the principle that the Uzbek Government was guilty until proven innocent. It had announced many times that this was a clear-cut case of torture.

And yet, when an independent commission, among whom was a former U.S. ambassador to three countries including Bosnia, found that, in fact, the individual had died of suicide, Human Rights Watch bailed out its local informant and instead accused the chief forensic pathologist of the province of Ontario of manipulating the results.

Every instance of slipshod collection of evidence and biased analysis discredits the cause of human rights. I am not saying it is easy to do, I am not saying that it is a simple matter to protect sources, but we have got to do much better, and we certainly cannot base such important decisions on careless research, as I believe we are now doing.

Now, on the interpretation: I would like to say something also about political parties. It is true that there are two parties, including the one in which my friend has figured prominently from the very first day, that remain unregistered, and others potentially so. Let it be said that the five legally existing parties were indeed, four of them, created by the state. They never made any bones about it.

Now what's going on here? They decided that, in order to have political discourse, you cannot have amplitude from one remote extreme to another; and therefore, they literally barred both the Islamists and liberal reformers from participation.

Now, curiously, since the creation of these four—now five—legally existing parties, they have actually had an interesting evolution. I have met with the heads of them. I have met with them and discussed in detail what they are doing. Whatever their origins, which is not in doubt, they are noticeably beginning to behave like political parties. They have each defined a constituency; they have located specific issues that are their cause, and they are building up an organizational base.

For this reason, they have been approached by many European parliaments that now maintain regular contact with the Oli Majlis of Uzbekistan. These include Finland, Germany, Poland and France and seven other European nations. The United States, because of our rather dogmatic conclusion on these parties, has withheld contact from the Parliament there. I think it is a big mistake.

Now, why I am advocating contact? Because the evidence is overwhelming that it works. Is there a problem with the police? You bet there is and a very serious one, as there is with the police and with the

Ministries of Internal Affairs everywhere in the former Soviet Union. This is always the least reformed, the most recalcitrant, the most backward-looking part of the government.

Now, the United States long stood aloof from this, and as a result, we did not exercise the kind of influence that we might have had on the situation. By contrast, the other great center of anti-reformism in all post-Soviet states is the army. But there, thanks to the Partnerships for Peace Program of NATO, the United States engaged early and has done so steadily, quietly, and effectively.

As a result, in the year 2004, the Uzbek Army is a reformed army. It is much more appropriate to an open society than the army from which it evolved. It is headed by a civilian, an educated person, a former professor. It is trained using its training capacities to teach young Uzbek soldiers what is the proper role of state and society in the kind of country we want to be.

Now, this is what you get from engagement. What you get from disengagement is more of what we have been criticizing here. Uzbekistan is changing, albeit slowly. It has invested a lot more of its own money to send young men and women abroad than has, for example, Russia.

Its cautious authoritarian rule resembles that of Russia, but it has allowed greater diversity of views within its Parliament than exist in the Russian Duma today. And for the first time, it is entered into an agreement with the United States to begin reforms in the local police and law enforcement bodies. These would cease, or the basis for their credibility would cease, if decertification were to occur.

The United States should build on these developments. The alternative is to engage in finger pointing, political demonizing and moral posturing, while at the same time refusing to engage patiently and tenaciously with the messy problems that exist there. This is doomed to failure; it would not work.

It is especially at a time when America's own right to moral leadership is being so widely questioned. The best approach is to work quietly with Uzbekistan, not on it.

Thank you very much.

Mr. SMITH. Let me thank all of our witnesses on this panel.

Let me make an observation, and Dr. Starr, I do not disagree with your conclusion. I have not reached a conclusion, so I do not want you to interpret it this way. But quite frankly, if, as you know, we have many parties in this country, many political parties; I believe in our last presidential election we had somewhere around seven candidates who ran for president. I am sure President Bush would tell you that if the Democratic Party could not field a candidate, we would not have a free and fair election in this country.

To say that their political parties are able to operate in Uzbekistan, but the opposition cannot form a party and run is to hide the issue. They do not have free and open elections in Uzbekistan. That is a fact.

Dr. STARR. May I respond?

Mr. SMITH. Sure.

Dr. STARR. No argument on that. But I would suggest, however, that the very existence of political parties, in our own history, took a generation to be established. Recall in the election of 1796, when President Washington vehemently opposed, and considered it totally inappropriate that the Jeffersonians were behaving "like a party and the Federalist Papers are riddled with accusations against faction."

I am not disagreeing with your point, sir, but it does take time.

Mr. SMITH. I would suggest that U.S. democracy in the 18th century was a very enlightened democracy, but we are now in a different century.

Uzbekistan has clearly failed in its tests of OSCE commitments. There's no question about that in my mind. And whether it is on torture; whether it is on participation by political parties in free and open elections; whether it is in the way it respects religious tolerance; whether it is in how it handles the NGOs coming into their country: in every one of those cases they have not met the spirit, the letter of the OSCE commitment or the letter of the law on U.S. funding.

As the administration has indicated, this is going to be a very difficult legal issue for them to try to get around the language that is in the Appropriation Bill; they may not be able to because I think there is a bias toward engagement. I think there is. There is a bias toward working with Uzbekistan and the foreign assistance, we believe, is helpful in bringing about reform. So, it is a dilemma for us.

I want to question the panel. There have been some who believe that the Uzbekistan Government may, in fact, want the United States to cut off its aid; that, after all, it may get rid of some of these pesky groups that we are financing, or helping in their work and may, in fact, be used to finance reformers within the country that are a pain to the current government. Any comment as to whether, in fact, the government may even want to have these funds cut off?

Yes?

Dr. OLCOTT. For all the non-democratic nature of Uzbekistan, I think it is still a mistake to view the government as monolithic. I am sure that there are some in the Uzbek Government who would like to see funding cut off, precisely because of the points you make, but right now, I see the situation in Uzbekistan as one with areas of sharp struggle for power going on among potential successors to the president, people looking to secure their position—and I think there is a lot of support within the governing elite in Uzbekistan to see reforms go on and to see this funding stay in place.

I think the president himself probably has somewhat mixed feelings, but does not want the embarrassment of any aid cut off, especially since his main rival in the region, Kazakhstan's President Nazarbayev, has put Kazakhstan forward to be president of the OSCE.

It is not clear Kazakhstan will make the benchmarks it needs by 2006, but that is up there, and I think it would be incredibly humiliating for Karimov in this internal competition if U.S. assistance to Uzbekistan was cut off. Plus, I think it would really harm the chances of those people within, struggling at the top of the Uzbek elite, who really are pushing in their own quiet way for reform to move faster.

So, I think it is a real mixed bag.

Mr. SMITH. Appreciate that.

Dr. Starr?

Dr. STARR. A very curious development occurred—you're probably familiar with it—when the United States was negotiating for basing rights. In the middle of the negotiation, the Uzbeks had agreed.

Then, to the astonishment of the American side, the Uzbeks said, "Well, why don't we continue this and come up with a strategic partnership?" And the American response, as I understand from several people from both sides in the room was, "Well, that's a nice idea, let's

talk about it sometime.” The Uzbeks said, “No. Let’s talk about it now. Here’s a text.” Open the text and the first several pages of it have to do with issues of democratization.

Now, there’s a certain tendency here, and I am agreeing with Martha Olcott, to view this as a state totally controlled by one person. The *New York Times*, again, in the kind of reckless treatment of this issue, has used the term totalitarian, which is amazing, and did so in the news story—that is not the case.

What happened in this instance was one part of the government that had the grip on that part of the drafting process put the paragraphs in there on democratization. There was a certain skepticism among the Americans, understandable: “What are they doing? Is this the height of hypocrisy? What a game they are playing.”

A year after it, however, as an unofficial American, I received communications from several well-placed friends in Tashkent, asking, “Aren’t you going to hold a hearing on progress over the last year?” This was an invitation from their side to engage with us. Now, the they is obviously—and we are using party in a much different sense now—the reformist party within the government.

Now, I have tried to indicate that the other party is focused in the internal affairs ministry, police and so forth, and the value of this exercise is to stop talking about the Uzbek Government, or the government in a simpleminded and demonizing way and to become more sophisticated so that our responses in the policy level might be more effective.

Mr. SMITH. I want to engage Mrs. Goldston and Dr. Polat in a point raised by the administration witnesses, and that is when I was a young member of Congress, I met with my colleagues from the Soviet Union on these issues, and I was always amazed that whenever we would mention democratic issues or democratic institutions, they would say, “What are you talking about? We’re a very democratic country. Just look at our constitution. It is committed to all these principles.”

My question is, the administration seemed to indicate that the test—and I do not disagree with this—the test on whether they want to certify or not is whether they believe there is a good-faith intent here to reform; whether there is a commitment in good faith among the leaders of the country to try to move forward, admittedly at too slow a pace, but move forward on establishing democratic institutions within the country.

Do you believe that attitude is there within the government today that would want consideration of moving forward with foreign assistance?

Dr. POLAT. Can I?

Mr. SMITH. Yes.

Dr. POLAT. I want to say in order to help, somebody would have to know the nature of the government. And in my big speech I mentioned it. I have one joke. I will read it.

A man was almost drowning in the river, and many people started around and they all threw a hand in to save him. And they all shouted, “Give me your hand. Give me your hand.” And the man simply would not give his hand. All of a sudden, one person in the crowd recognized the drowning person and said, “Look, I know this man. He never gives away anything to anyone, including his hand. So tell him, ‘Take my hand,’ and he will do it.” That is what he did; he saved the man’s life.

It is very important, it is very philosophical joke. And Mr. Starr is right. We have Parliament and I heard of Mr. Starr 2 years ago and now Parliament is working. He will gain some exercise, experience and there is some Commissions of international relations. They will learn and step-by-step it becomes good parliament.

But I say, in the Soviet Union, maybe some people do not know about it; for 70 years there was a parliament. It was very nice—"very nice" in quotations. A committee, Commissions, they are working and they try to create some image they are working hard. But for 70 years, there was not made one step toward democracy until the power come to Gorbachev. For several years, of course, there is some negative, positive status of escalation, but everything was changing.

And about Uzbekistan, we have to understand, I brought this paper, not because I do not like Mr. Karimov or Karimov's government, because they want to several times kill me. Not because of it.

I know his nature. They do not want to do it. We have to understand because we have to understand nature of Karimov. If somebody knows last Communist Party Congress, Soviet Union—I am not saying about Communist Party of Uzbekistan, 28 Congress of Soviet Union, it was in 1989, May, it was announced that we will go to private property. It was revolutionary state actually.

And, after several days in Tashkent came the emergency call. The Tashkent City, Congress of Communist Party, and you have to understand that nobody will do any one step because of the order of Karimov. And this conference said, "Of course. If Russian wants to do it, they will do it. But we will not do it about property." So, that's why.

I talked with Mr. Karimov; we discussed this problem for about 3 hours and his understanding of the world. He thinks people have to try to come to power, good, that's all and democracy is a game of the West in order to control all the world. That's what he believes. It was very friendly talk. Now I know many statements by TV, in Uzbek Parliament, he openly said, maybe last time half year ago.

So everybody who wants to will create a political party? No. It is impossible.

If somebody creates bad party—for example, my party may be bad. So get us to participate in the elections, and after that, nobody supports them. I will resign and go out. It is the nature of this government now that they do not want it, but it doesn't mean that we have to stop anything. Together, we have to try to do something.

And another joke: A guy was very late to school and his teacher was very angry and said, "Every day you're late and everyday you create a new excuse for being late. And what happened today?" "No, I am not creating anything, but today was this very old lady and I helped her to cross the crosswalk." She says, "One hour?" He said, "Yes, because she didn't want to."

[Laughter.]

So you have to do like this guy. Guy was very smart. Karimov doesn't want to be democratic, but we are doing what we have to do now. Political parties we will do, but we need your help. So that's why, I told you, in order to help the good, you have to know our nature, his nature and the nature of the government.

Thank you.

Mr. SMITH. I can see that you'll be a very effective parliamentarian.



Mrs. GOLDSTON. If I could add a quick comment. I mean, commitment is obviously crucial, but the standard of the legislation says it is not commitment, it is progress, it is substantial and continuing progress. So commitment obviously is important. But in our view, the best way to measure to what extent there is genuine commitment, is to what extent there is genuine progress.

Mr. SMITH. That's going to get me to my final question. And that is, the administration's indicating it is going to make a judgment within the next several weeks. What one change would you like to see made at this time that would be the most impressive to you that Uzbekistan is on the right path toward reform?

I am going to limit you to one change that you would like to see made quickly.

And we'll start with you, Mrs. Goldston.

Mrs. GOLDSTON. And that one change would then...

Mr. SMITH. Now it may not mean...

Mrs. GOLDSTON. One change would not meet the requirement against...

Mr. SMITH. I understand that. We have to set priorities, but what one improvement would you like to see made? What would be your highest priority?

Mrs. GOLDSTON. I have given four specific...

Mr. SMITH. I have your four. You have to limit it to one right now.

Mrs. GOLDSTON. Choosing between them is very painful. But any one of them would be something that would cause Human Rights Watch to issue a press release, welcoming that step on the part of the Uzbek Government. All the while, we would, of course, be flagging other issues that would still be outstanding.

Mr. SMITH. Dr. Polat? I take it, it would be registration of your party?

Dr. POLAT. Uzbekistan now is politically important and very important too economically. And everybody says, and President Karimov too, that is why we have to sing first a lullaby about economic reform. I agree with him, but in this totalitarian system and the dictator system, political system maintains a tight hold on the economics. So without the political system there will not be any resultant economy.

So, that's why first what we have to do is achieve a multi-party system and multi-party Parliament and we have to go first do steps in political and then economic reform. The same was in Russia. Yeltsin, now everybody argues for Yeltsin because he did political reforms. Of course he didn't have time for economic. Now, other people will do it after.

Mr. SMITH. Thank you.

Dr. Starr?

Dr. STARR. There, as here, 95 percent of the population has 95 percent of its contact with the government through local administrators and police. This is the most unreformed part of the governmental system; it has not been the serious object of Western or U.S. interest, unfortunately. We have focused on NGOs, which often pay their people three times more than the local administrators and, therefore, seem to undermine them.

I would say the single step that would do most, right now, and which is attainable, is for the United States to establish with Uzbekistan, and perhaps in consort with other countries, an academy for local administrators and police, comparable to what we are doing in Afghanistan with great success.

Mr. SMITH. Dr. Olcott?

Dr. OLCOTT. If Karimov asked my advice, I would say to do something very quickly. Putting forward a law on *habeas corpus* is something he could do. I think that would be an important sign. Changing the new regulations law that restricted funding and registration of NGOs would also be an important symbol to send quickly.

Mr. SMITH. Thank you. Appreciate that.

Again, I appreciate all of your testimonies because, obviously, we are trying to be as helpful as we can to the people of Uzbekistan.

That will conclude our hearing today. Obviously, this will not conclude the issue; we have a continued interest in Uzbekistan and the administration, of course, has to make certain judgments, but we thank you all for your participation and attendance.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

**PREPARED STATEMENT OF  
HON. CHRISTOPHER H. SMITH, CHAIRMAN  
COMMISSION ON SECURITY AND COOPERATION IN EUROPE**

Ladies and Gentlemen, I welcome you to this hearing on democratization and human rights in Uzbekistan. With over 25 million people, Uzbekistan is the most populous country in Central Asia. It has significant natural resources and is strategically located. President Islam Karimov has pursued a pro-American foreign policy and cooperates 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 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 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 Minister 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 election. 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 over 5000 people in prison for their religious or political beliefs—and torture in prison, according to last year's report by the U.N., 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, developing a National Action Plan for combating trafficking, and increasing prosecutions of traffickers. These actions netted Uzbekistan a Tier-2 ranking in the 2004 Trafficking 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 de-certified Uzbekistan last December for aid under the Cooperative Threat Reduction Program. Now the Department faces an even more dramatic decision. The Consolidated Appropriations Act for FY 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 multi-party system, ensuring free and fair elections, freedom of expression, and the independence of the media.

This is a tough choice. If we de-certify Uzbekistan, will we promote or harm prospects for 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 de-certify? Moreover, Uzbekistan has been cooperating closely with the U.S. war on terrorism. If we de-certify, 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 de-certify states which make no progress or even regress, do we not seriously damage our own principles? Will we not 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 serious questions and I do not wish to minimize their difficulty. To examine them from different perspectives, we have assembled a group of unusually expert witnesses.

**PREPARED STATEMENT OF  
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 United States 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 United States 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 Ferghana 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 Government of Uzbekistan 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 United States 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 Government of Uzbekistan, it must be noted, however, that, at the request of the Government of Uzbekistan, 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.

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

Mr. Chairman, Co-Chairman Campbell and members of the Commission, thank you for the opportunity to appear today to discuss the state of democracy and human rights in Uzbekistan and U.S. policy towards Uzbekistan and the Central Asia.

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 into the world economy. This strategy is based on the simultaneous pursuit of three interrelated goals.

The first of these goals is security. Our counter terrorism 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, to be fully integrated into the international community, and to achieve their potential, they must allow for greater transparency, respect for human rights, and movement toward democratic politics. 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. We seek a balance among all three of these objectives, recognizing that they are interlinked, and that failure to achieve any one of them will likely prevent us from securing the other two.

Central Asia has major strategic importance for the United States, and Uzbekistan inevitably assumes a key role in our policy toward the region. It occupies a core position in Central Asia: it is the only country that borders all Central Asian countries as well as Afghanistan. It has by far the largest population, constituting roughly 46% of the region's total. It is the guardian of a centuries-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-April in Tashkent and Bukhara. It has long understood the need to confront the danger of extremist elements who would use violence to further their narrow-minded, misguided goals.

The United States and Uzbekistan enjoy strong security cooperation. Uzbekistan has been an early and outspoken supporter of the war on terrorism. Indeed, it has played a critical role in Operation Enduring Freedom in Afghanistan, and provided the military base at Karshi-Khanabad, now home to roughly 1,500 U.S. servicemen and women, without rent or as part of a broader defense agreement. Uzbekistan was one of the first countries to sign an "Article 98" agreement with us allowing U.S. nationals to be exempt from prosecution by the International Criminal Court. Over the past decade, we have developed a close working relationship with the Uzbek military that has allowed it to bolster its capabilities and professionalism.

But Uzbekistan also has some very real problems. The country with the most promise in the region at the time of the breakup of the Soviet Union, it has unfortunately not lived up to its economic or political potential. Following independence, Uzbekistan adopted a slower, more cautious, approach toward economic reform than its neighbors in an effort to avoid - or postpone - the inevitable economic dislocations.

There are some recent positive developments. In late May, Uzbekistan enthusiastically joined its neighbors in signing a Trade and Investment Framework Agreement with the United States. This will provide a forum for us to discuss trade issues and to work towards mutually beneficial solutions. These discussions, along with President Karimov's recently announced proposal for a free-trade zone in Central Asia, offer the possibility of increased regional cooperation, which is a vital necessity if Uzbekistan and its neighbors are to prosper and the region is to meet its economic potential.

The promotion of reforms in the areas of human rights and civil society are equally critical for long-term stability. Uzbekistan's record on human rights and civil society reform remains poor. We have, however, seen some progress over the past few years, although not always at the rate we had hoped. Uzbekistan was the only country in Central Asia to host a visit by the UN Special Rapporteur on Torture, and it has begun to implement a number of his recommendations. In August 2003, Uzbekistan began a process to bring Uzbek law on torture into conformity with international standards, and a number of police have been prosecuted under this law. The Ministry of Internal Affairs has shown welcome initiative in engaging in dialogues with human rights activists and NGOs. Working with the OSCE, the Ministry has initiated a program of non-governmental prison monitoring and is beginning to train prison officers in human rights standards. The Ministry has also taken important preliminary steps to ensure that people in detention have prompt access to legal representation.

At the end of May, Uzbekistan broke new ground by inviting independent forensic investigators associated with Freedom House to observe the investigation into a May 19 death in custody. The international team concluded the death was a suicide and that there were no signs of torture. Uzbekistan has said this open investigation marked an important precedent, and we are encouraged by measures the government is taking to adopt international standards in investigating custodial deaths. Following the March-April bombings, the government's measured response in rounding up suspects (approximately 150-200 remain in custody) stands in sharp contrast to the aftermath of the 1999 bombings when thousands were arrested.

Since independence, political reform has proceeded slowly, but there seemed to be some positive momentum in the past couple of years, with independent parties allowed to organize, hold party conventions and press conferences, and gather signatures in support of registration. After the November 2003 events in Georgia, however, the Government of Uzbekistan consciously moved to halt progress on democratic reform. It promulgated new rules to force all domestic and international NGOs to go through an onerous new registration procedure. We insisted that registration of U.S. NGO implementing partners be carried out in compliance with our bilateral agreements on the provision of assistance. As a result, almost all U.S.-funded NGOs except the Open Society Institute were reregistered. OSI was not allowed to continue its work in Uzbekistan.

Although they were registered, the National Democratic Institute, the International Republican Institute, and Freedom House received warnings that if they continued working with unregistered political parties they would lose their status. No opposition parties have been registered. New banking regulations severely restrict the ability of our implementing partners to provide assistance to NGOs, communities, and even former weapons scientists.

A strong and stable Uzbekistan depends on the political empowerment of all its citizens and on an opening of civil society. The Government does tolerate meetings of unregistered independent political parties and small political demonstrations. But sustaining long-term stability will require the Government to do more to provide the people of Uzbekistan the ability to express their political views and to participate more fully in the civic life of their country.

Long-term stability will also require the Government and people of Uzbekistan to develop a way to advance religious freedom while restraining extremism. Fortunately, 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.

Mr. Chairman, as you know, the Secretary is required by legislation to make a determination on Uzbekistan's progress in implementing the 2002 Strategic Partnership Framework, before about \$18 million in planned Fiscal Year 2004 assistance can be released to the central Government of Uzbekistan. This framework outlines progress that Uzbekistan and the United States would like to see made in the areas of human rights, national security cooperation, economic reforms, civil society, law enforcement cooperation, and freedom of expression and media. There is no deadline in the legislation, but a decision must be made soon to allow the expenditure of FY 2004 funds. It is unfortunate that no national security waiver was included for Uzbekistan in the legislation which would have allowed for a more nuanced approach to encourage compliance, since many of the programs potentially affected by this legislation support non-proliferation programs or are intended to increase respect for human rights. While I don't want to predict what the Secretary will decide, I do expect he will make his decision in the next few weeks.

Mr. Chairman, I appreciate this opportunity to address you on this important topic. We believe Uzbekistan and the Uzbek people have tremendous potential and a bright future. We are also confident that a firm basis exists for a closer and stronger U.S.-Uzbek bilateral relationship. But much remains to be done. I'll be pleased to answer any questions. Thank you.

**PREPARED STATEMENT OF  
MARTHA OLCOTT, SENIOR ASSOCIATE,  
CARNEGIE ENDOWMENT FOR INTERNATIONAL PEACE**

It is a great privilege to be asked to testify before you today.

The question of whether or not Uzbekistan should be certified as having made sufficient progress in the improvement of its human rights situation is a critical one. A decision to cut off foreign assistance to Uzbekistan, even if only for one year, is likely to have a major impact on U.S. relations with Uzbekistan and for the development of Uzbek society.

It also will have bearing on the future role that the United States will play in Central Asia more generally, an area which is on the "front lines" of the War on Terror.

There are no easy choices when deciding how to balance the use of "carrots" and "sticks" to attain the goals of U.S. foreign assistance, but I believe that in this case, the costs of cutting off foreign assistance to Uzbekistan far outweigh any benefits that would be derived from this action.

The decision by the U.S. Secretary of State to refuse to certify Uzbekistan as having made sufficient progress with regard to reforming human rights, got the attention of the government in Tashkent, and has already led to some small improvement, including a more open attitude toward the investigation of abuses in Uzbekistan's penal system.

By its actions in December the United States put the government of Uzbekistan on notice. To cut off funds now, especially given the rather small sums involved, would not "teach Uzbekistan a lesson" but instead would damage the cause of democracy building in Uzbekistan and would endanger U.S. security interests in Uzbekistan and in the Central Asian region.

**THE HUMAN RIGHTS SITUATION IN UZBEKISTAN**

Although at first glance it may seem simple, the question of whether or not Uzbekistan has made progress in human rights is really a very complex and highly subjective one, particularly if the conclusion reached determines whether or not Uzbekistan is barred from receiving congressionally-allocated U.S. foreign assistance funds.

The conclusion one reaches very much depends upon the chair on which one is sitting.

I will not sit before you and pretend that Uzbekistan has a human rights record worthy of either praise or emulation. Certainly no nonpartisan observer of the situation in that country would claim either to be the case.

Uzbekistan is quite obviously not a democratic country, nor is it not progressing towards becoming a democracy in what I would see as a satisfactory pace. I say that as a professional observer of Central Asia and as a lifelong student of political development more generally.

In my opinion, the human rights situation in the country is improving slowly, and the improvement is an uneven one.

Last week I heard very encouraging things about the work of Freedom House in Uzbekistan, both from the director of their Human Rights Training and Support Program in Uzbekistan, and the Senior Program Officer in charge of their Rule of Law Initiative here in Washington

D.C. For the first time the Uzbek government allowed independent investigators to probe the death of prisoners who were alleged victims of torture.

The fact that Freedom House is receiving cooperation from the Office of the Procurator and the Ministry of Interior is a very promising sign that the government of Uzbekistan is now preparing to confront some of the abuses of its penal system, abuses which have been documented by various human rights organizations and by the U.N.'s rapporteur on torture.

By contrast, the new law on non-governmental organizations seems an unfortunate step backward. It gives the government of Uzbekistan an ability to block foreign funding for non-governmental organizations, and has forced foreign NGO's to seek re-registration. Not all foreign funded NGOs have managed to gain re-registration, including most prominently the Open Society Institute.

This law seems to be the direct product of Georgia's Rose Revolution, which many in Central Asia saw as the result of work by local NGOs that had received foreign funding, rather than the displeasure of the Georgian population with the increasingly more corrupt and remote regime of former Georgian President Eduard Shevardnadze.

#### **CUTTING OFF AID STRANDS REFORMERS**

The displeasure of the Uzbek population with the undemocratic regime of President Islam Karimov also seems to be growing, given the slow and erratic pace of both political and economic reform in the country, which has left many people in increasingly more dire economic straits and with little opportunity to channel their displeasure in peaceful ways that policy-makers are forced to take account of.

Media remains under heavy government influence, and although formal censorship laws have disappeared, prudent journalists remain very reluctant to criticize the government. Those writing critically in foreign media outlets remain subject to intimidation—or worse—sending a clear message to Uzbekistan's domestic media establishment.

The current parliament is still a virtual rubber-stamp of the government. Talk of opening the political process through the creation of a political party system which will compete in the next election has been a highly controlled process. Local governors are still chosen by presidential appointment, and rule in a non-democratic fashion. It is only at the local-most level, that of "neighborhood" or mahalle, that participatory politics is at all practiced, and this in a very paternalistic style.

Uzbek government officials often like to remind us that traditional Uzbek culture is neither democratic nor participatory in nature, and that this was reinforced during the decades of Soviet rule. It has also been reinforced by policies pursued by the Uzbek government for most of the period since independence.

This doesn't mean that democratic practices are antithetical to Uzbek traditional culture. In fact the population of Uzbekistan showed as much enthusiasm for the political opening of the late Gorbachev years as any in the region. This in fact is one of the reasons that the Karimov government choose a non-democratic path of political development, at the time of the Civil War in neighboring Tajikistan, as they saw independent political groups as leading the Uzbek populace to move in unpre-

dictable directions, something that might threaten public order in the country and that would certainly threaten the consolidation of political power by President Karimov and his political and familial entourage.

Although democracies often move in unpredictable directions, the power of dictatorships always wax and wane. They are dependent upon the perceived strength of the man at the center. Islam Karimov was never a totalitarian leader in the fashion of Josef Stalin, or even Saparmurad Niyazov—Turkmenbashi the Great—in neighboring Turkmenistan. Karimov was, of course, an extraordinarily powerful figure at his prime, but political power was diffuse, and shared with a number of national and regional insiders.

As Karimov has aged, and become seemingly more physically frail, his dictatorship has begun to decay as well. The population in Uzbekistan is now much less frightened of voicing their displeasure than was the case only a few years ago.

This makes supporting the work of many Freedom Support Act projects all the more critical. This is the time for western governments to come to the aid of those in Uzbek society trying to work in the institutions that dominate in secular societies. Projects that help those organizing the populations at the grass roots level on social as well as political issues, projects that deal with legal reform, with reform of the penal system, that support education, and media training are all critically needed in Uzbekistan.

#### WHAT OF THE COUNTRY'S "ISLAMIC THREAT"?

One of the long-standing concerns of the Uzbek government has been that radical Islamic groups will take advantage of any political opening to gain recruits. But while it is true that Islamic groups would almost certainly use all the tools available in a democratic society to propagate their message, the appeal of these groups would be muted in a democratic society, for secular political alternatives would become increasingly more credible.

The risk of Islamic extremism in Uzbekistan is not an abstract one. Radical Islamic groups have been actively recruiting members in the country since the late 1980s, as the revival of Islamic fundamentalist thought occurred hand in hand with the revival of more traditional forms of Islam during the period of *perestroika* and the first years of independence. Traditional believers far outnumber those in fundamentalist groups, and even the majority of the latter are peaceful and law-abiding citizens. A small minority of adherents of fundamentalist Islamic teachings do support the violent overthrow of the secular Uzbek state.

For many youths the repressive nature of the regime has made peaceful radical and militant Islamic ideas more appealing, in the way that any "forbidden fruit" becomes attractive. Groups like Hizb-ut-Tahrir use their illegal status as demonstration of the corrupt and anti-Islamic nature of the regime. This does not mean that Hizb-ut-Tahrir, or groups like them should be legalized, but the Uzbek government which claims that this group is essentially seditious in nature, would be on far stronger grounds in denying them registration if independent religious groups were able to achieve registration.

Church and state are not separate in Uzbekistan. Religious authorities are answerable to the government's state council on religion, which certifies all clerics, houses of worship, and religious schools in the country, and the government has used its authority to appoint religious leaders who are seen as supportive of the existing regime.

The current situation is one which is problematic for religious believers and although defended as necessary to insuring that Uzbekistan remains a secular state, in the long run it is working to the detriment of the country developing into a strong secular democracy in the country.

#### **AN AID CUTOFF HURTS REFORMERS MOST OF ALL**

The relatively small number of independent secular political outlets insures that religious organizations will continue to draw young people to them. Independent groups have great difficulty in organizing in Uzbekistan, and many who participate in non-governmental organizations that receive US or other western forms of funding are not independent actors, but are in some way tied to the existing political order.

But the position of these groups will only worsen if the United States restricts foreign assistance to Uzbekistan. The presence of U.S. and other forms of foreign funding serves as a spur to the formation of such groups, and in many cases keeps organizations alive that would otherwise fold for lack of financial support.

There is obviously a down-side to such foreign dependence. Some NGOs are more reflective of foreigner's agendas than those of local citizens, and this is particularly true of groups dealing with "gender" issues. A professional class of NGO workers is also developing, whose members are more interested in perpetuating their own income than promoting activities that would lead to the perpetuation of other (and potentially competitive) informal groups. Some NGOs are as corrupt as the government that they are criticizing, while others are little more than a privatized form of government.

Yet for all these flaws, taken as a group non-governmental organizations in Uzbekistan remain the only real arena of political competition in the country, and collectively they have played an enormous role in pressuring the Uzbek government to be more responsive to the norms of rule by law.

The position of people serving in the Uzbek government is also not static, and over the past few years in particular, the number of people who are eager to see the Uzbek government institute political as well as economic reforms has increased. Most of these people are not interested in becoming political activists, but are willing to use their official positions to quietly push for changes. If the United States cuts off funding from Uzbekistan, the position of these people will become more difficult and then will have little or no incentive to push for democratic reforms in the country.

#### **THE ENVIRONMENT FOR POLITICAL REFORM IN UZBEKISTAN IS IMPROVING**

Getting the Uzbek government to take seriously the need for political as well as economic reforms has been an uphill battle, filled with occasional successes and then generally with relatively long periods of decline.



The development of a closer strategic relationship between the United States and Uzbekistan in the aftermath of September 11 led to the Uzbek government committing itself to making steady progress towards political and economic reforms. The goals the Uzbeks set for themselves were very ambitious, and unfortunately they have not been met.

This said it is important to note that the political environment in Uzbekistan is steadily changing, and over the past two and a half years it has changed far more for the better than it has for the worse.

This is quite different from the pattern in 1993-2002, when political openings were few and far between, and the arenas of political competition were sharply curtailed.

In my opinion, progress in economic reform since 2002 has been more disappointing than political reform, as the government of Uzbekistan chose to introduce greater currency convertibility but did not eliminate restrictive trade policies. This has served as a real damper on the development of a market economy in the country, and is leading to considerable economic hardship, which in turn is creating greater political dissent.

That makes it all the more important for the United States to continue to support the process of civil society building in Uzbekistan, without interruption. For now more than ever it is important that ordinary Uzbek citizens find peaceful and secular outlets to make their displeasure known.

Moreover, if the government of Uzbekistan makes satisfactory progress towards improving the human rights situation in the next six months, I would strongly urge that the U.S. Congress increase funding for civil society projects in Uzbekistan in the coming years. I would especially urge that there be substantial increases in funding for projects relating to the reform of the penal and judicial sector, as ending corrupt practices in this sector and introducing strong western-style professional norms would create a dramatic reduction in human rights abuses.

Furthermore, this is an area that the Uzbek government now realizes must be reformed, and they appear to be strongly supportive of foreign-supported efforts in this sector. The United States should take advantage of this opening, rather than slam shut a "door" that so many inside and outside of Uzbekistan worked so hard to open.

#### **CUTTING OFF AID WORKS TO THE ADVANTAGE OF CRITICS OF THE UNITED STATES**

It goes without saying many of us (Uzbeks and non-Uzbeks) expected more of the government of Uzbekistan in the wake of improved U.S.-Uzbek relations that occurred in the aftermath of September 11.

In a series of bilateral documents the government of Uzbekistan made a series of pledges about the pace of political and economic reform that it has been very slow to keep.

In this context it is easy to understand the current level of frustration felt by many in Washington with the government in Tashkent.

But for their part, there is also a sense of disappointment with Washington in Tashkent. Many in Uzbekistan, both in government and in the country more generally had unrealistic expectations of what the new improved U.S.-Uzbek relationship would mean in terms of the amount of U.S. foreign assistance that would be earmarked for the country.

Moreover, their disappointment comes at a time when Vladimir Putin has come courting, in Uzbekistan and in the Central Asian region more generally. Geopolitics in Central Asia is not a zero-sum game.

But Russia does not have the same interest in either economic or political reform of the Central Asian states that the United States does. Even the partial or seeming withdrawal of the United States from Uzbekistan that an aid cut-off would represent, would likely be used by Putin to Russia's advantage, and to the disadvantage of those seeking the development of a democratic Uzbekistan.

The Central Asian societies, including Uzbekistan, are all beginning to prepare for the political transitions that must inevitably occur. Kyrgyzstan has a presidential election scheduled for 2005, Kazakhstan in 2006, Uzbekistan in 2007, and only President Nazarbayev of Kazakhstan has announced plans to run for an additional term in office.

This is a particularly critical time for the United States to be highly visible in all three countries, pushing for opening political systems rather than closing them. And we must be sensitive to the pictures that we convey.

Traveling in Central Asia one frequently hears complaints that the United States has a double standard, that Washington holds some states to norms that other allies are not required to meet, or to standards that the United States occasionally falls short of as well.

The entire world saw pictures of prisoners being abused by U.S. soldiers or employees in Iraq. This occasioned a great deal of comment in Central Asia, by Islamists who claimed that it was a plot to humiliate all Muslims. It also led to a sense of disappointment by secular supporters of the United States in these countries as well. Now, obviously, it would be a mistake to equate the abuse by a few to the systematic abuse of prisoners that has occurred in Uzbekistan (and in much of the former Soviet Union). But understanding the difference is easier here than where abuse of prisoners is more systemic.

The television images make us look more like them, which is all the more reason why United States sponsored programs designed to eliminate such abuses in Uzbekistan are particularly important to continue. Cutting off funds from Uzbekistan might silence some critics in the United States that claim that Congress and the Administration are too friendly with dictators. But the cost of doing so will be losing a number of critical friends abroad. Not just government officials but ordinary citizens in Central Asian states, the very people whose support we will need to win in the War on Terror.

**PREPARED STATEMENT OF  
ABDURAHIM POLAT, CHAIRMAN, BIRLIK PARTY**

Mister Chairman, distinguished members of the Commission,

I am grateful for this given opportunity to make this speech here at the U.S. Congress and participate in discussion of issues on democracy and human rights in Uzbekistan. No doubt these issues have a vital significance for our country.

I would like to particularly emphasize there is legal foundation for the United States and other members of OSCE to participate in the process of building democracy and civil society in Uzbekistan. Firstly, Uzbekistan, just as the United States, is a member of the OSCE, and adherence to democracy and human rights principles is a must. Secondly, Uzbekistan has signed the Declaration on Strategic Partnership and Cooperation with the United States, under which our country's authorities have taken commitment to develop democratic society in Uzbekistan.

I am putting this hearing into this context and again let me thank you for your efforts in assisting Uzbekistan to foster democratic reforms.

If we want correctly to evaluate what is going on in Uzbekistan, we have to separate the events before 9/11 and after. Let's look at some facts. I was here in similar hearing five years ago and said Uzbek Official Security Services are severe and often killing not only so-called "Islamic extremists" but also representatives of democratic opposition. During 1999 they killed Chairman of Birlik's Namangan City branch Ahmadkhon Turakhonov and activist Birlik's Andijan region organization Zhurahon Azimov.

What happened after that Hearing of this Commission in 1999? Did Uzbek regime become somewhat softer towards democratic opposition in Uzbekistan? No. The same trend continued with heavy-handed approach against independent Muslims, opposition and human rights activists.

As result, Shohrukh Rozimuradov, Chairman of Birlik's Kashkadarya Region organization and former Deputy of the Uzbek Parliament was killed at the Tashkent Police department's jail in July 7, 2001. Simply, Uzbek Authorities were continuing heavy-handed physical abuse towards democratic opposition members as well.

About the same time, Birlik made an attempt to increase its activities. At the time, Birlik decided to hold a conference of the regional organisation in Ferghana, at which point the local head of Birlik was invited to the prosecutor's office and was warned about not conducting such event and that it would be unlawful event if it went ahead. Simply, the ordinary conference was predetermined and branded by the authorities as an unlawful event.

After the tragic events of 9/11, when Uzbekistan has become a partner of the United States on war against terrorism, the situation has started improving in the country. Local authorities became somewhat tolerant towards the democratic opposition and human rights activists. Pressure to Muslim community was also slightly less than usual. To put it briefly, changes in the serious direction have started to occur because of the presence of the United States in the region.

Steps of Uzbek authorities at the time seemed logical. After the collapse of the Taliban regime Uzbek government has ran out of excuses in favour of their heavy-handed approach. Up until that point, President Islam Karimov attempted to demonstrate himself as a "guarantor"

of stability in the region against so called danger of Islamic extremists, in particular, Islamic Movement of Uzbekistan, which was closely linked to Taliban. Since this danger has disappeared, it was about time to start democratic reforms.

However, Uzbek democrats were well aware of the fact that danger of extremism was always a main excuse to do away with democratic opposition forces in the country. The main goal of Karimov's regime is not to let the opposition to play a part in the society, which may result a democratic change of the government. It has to be said that any softening of heavy-handedness of the government towards opposition has always been a result of the political pressure of the United States, which requires political reforms in the country.

So, year 2002 was indeed a year of Renaissance for democratic opposition movements in Uzbekistan, namely Birlik party. During the year, Birlik's regional conferences were conducted throughout the country and in 2003, for the first time over the past 11 years, Congress of Birlik took place.

We cannot say that it all happened smoothly during the above-mentioned period. Although there were no reported deaths and mass arrests as in repressive previous years, authorities made every effort not to let the mass renaissance of Birlik to take place. Special Security Forces representatives (ex-KGB), Police and local authorities kept threatening our activists and members across the country, including their families. Usual threats included job dismissals and arrests. But our activists were brave enough to carry on towards set goals and objectives.

The United States has given immeasurable moral support to Uzbek democrats and human rights activists. Members of many official delegations, including members of the Congress and representatives of the State Department have met with them in Tashkent. We are extremely grateful to Mr. Craner for his efforts to strengthen democratic reforms in our country. He consistently held meeting with local democrats in Uzbekistan during all of his visits. Starting at the end of 2002, several NGOs, namely Freedom House, IRI, NDI started operating in the country. Their support to Uzbek democrats is also invaluable.

I said that Uzbek authorities had to reduce the abuse and heavy-handedness toward Uzbek democrats because of the pressure by the United States. Of course, it all had to come at a price, for such steps authorities received significant aid from the United States. But now we are seeing they are not going to let any further development of democratic reforms in the country.

This has become obvious again during the registration process of the opposition parties. It has to be said that official registration of the parties will allow such groups formally to participate in the political process, mainly, in upcoming parliamentary elections in December 2004.

Ministry of Justice is responsible for registering political parties in Uzbekistan. Birlik Party has filed its registration documents with the Ministry in October 2003. Ministry has already refused registration of the party in three different occasions giving different groundless reasons. I don't think one needs to prove that preparation of documentation for the political party registration is not a rocket science. Birlik Party's documents are fully in compliance with existing legislation. Unfortunately, Ministry of Justice, instead of following the laws of the country, is strictly following orders of President Karimov not to register truly opposition party. We have appealed to the Supreme Court of Uzbeki-

stan against the ruling, which is currently considering our complaint against the Ministry of Justice. Obviously, in any normal democratic society, we would have won this case. But in Uzbekistan, it is well known that Courts also follow strict orders of President Karimov's regime. Regardless of this, we are continuing our efforts.

We clearly need an assistance of the United States and OSCE in this respect. Uzbekistan has taken several obligations in accordance with above-mentioned treaties with OSCE and the United States, which clearly state that authorities have to allow the activities of democratic opposition. USA and OSCE could be more demanding in this matter.

Yes, asking to be demanding is somewhat broad in definition, so, let me state what exact assistance we need at this point.

In order to make my point clear, let me tell you short anecdote. Man was almost drowning in the river, and many people started running across the bank to save him, and they all shouted "give me your hand, give me your hand." The man would not simply give his hand, full stop. All of a sudden, one person in the crowd recognised the drowning person and says: "Look, I know this man, he never gives away anything to anyone, including his hand, so tell him TAKE MY HAND, and he will do it. That's what people did, and saved his life.

Philosophical meaning of this joke is that the help is only effective when we understand the nature of the one whom we trying to help. In the case of Uzbekistan it is necessary to understand that Uzbek government is not willing to conduct democratic reforms and stop to use violence against local democrats. There are a lot of evidences, but to follow are just a few of them:

- The authorities have been rejecting to register most of truly independent NGOs, Human Rights groups, and most importantly, all democratic political parties. The arguments of authorities, including President and the Ministry of Justice are so ridiculous that they really undermine the prestige of such a significant country like Uzbekistan.
- At the beginning of this year, Chairman of Birlik's Djizzakh region organisation Mukhiddin Kurbanov was arrested after the local police has found 19th century hunting gun at the unlocked garage of his apartment house. Only thanks to the pressure of international organisations and personally by the Ambassador of Great Britain Mr. Craig Murrey and the U.S. Embassy, abuse against this democrat was stopped. He was released but fined for a hefty sum by Uzbek leaving standards.
- At the beginning of May 2004, Chairman of Birlik's Namangan region organisation Makhamadali Karabaev was arrested by the local police. Mr. Karabaev was organising a membership campaign for the party, where he was beaten by so called "volunteers of order" of local authorities in the community. Actually, these are local agents of National Security forces. Appeal by Mr. Karabaev to the police regarding this incident caught no attention, but he was arrested subsequent to the statement of those who beat him up.

- Polat Ohunov, one of the Leaders of the Birlik Party and Former MP of the USSR during the Gorbachev era, and the only Uzbek member of the famous Eltsin-Sakharov group, has at that time blamed President Karimov in supporting August Coup (1991). After Uzbekistan became independent in 1992, Polat Ohunov was jailed. After the involvement of Mr. Eltsin personally, he was then released in 1994 and he had to leave the country as a political refugee to Sweden. He recently returned to Uzbekistan to continue political carrier. But the government has immediately seized his passport and exploring the ways of opening a criminal case against him because he left the country unlawfully at the time.

These examples are clear evidence that the authorities are not willing to change, and will not acknowledge the opposition nor will they cooperate with them.

At the same time, as I understand, at least by the statements of high-ranking staff at the State Department that the United States is of an opinion that the government of Uzbekistan is showing signs of sincere willingness to reforms. Especially amusing to see some warm words given to the address of the Ministry of Interior Affairs (Police), which, in due course, alongside with the National Security Service does carry out all abuses and rape orders given by Karimov's regime.

There is a reason for emphasizing this issue. It is obvious that Uzbek authorities clearly understand the role of the United States in today's world as a superpower. And they need its economic aid and hence they surely care about what the United States thinks of them. There is no doubt in my mind that authorities read the statements coming from the State Department as a following signal: "OK, carry on doing cosmetic improvements of your backyard, and we will criticise you a little, but at the same time we will consider your steps as a sign of sincere political will to make fundamental reforms and we will continue to support you."

It seems to me that the United State should be more forthcoming in requiring from the Government of Uzbekistan to honour its obligations in accordance with the treaties of OSCE and strategic cooperation pact with the United States. By issuing similar type of statements, it should not give Karimov's regime false signals of approving his policies.

This is a very important issue and therefore I agreed to come here today to make this point bluntly clear.

Another issue that I wanted to touch is the following.

There is no doubt today that furthering development of democratic process in Uzbekistan is possible only after registering democratic opposition parties and letting them function officially in the country. But one has to see the facts and it is obvious that authorities will not want to make significant changes in this area. Therefore, only step-by-step changes can be made currently, and even small improvements at a time should be encouraged. Therefore, precedence in this area is important by a mean of requiring the government to register at least one of the political parties.

According to the reports of the State Department, it is obvious that Uzbek authorities consistently denying registration of four political parties. These are: Party of Agrarians and Entrepreneurs, Party of Free Farmers, Erk Party and Birlik Party.

It has to be said that first two parties has only been found recently, and they are not really tried and tested in action. These parties, except some small number of individuals, have no known individuals/figures as their leaders. Both of these parties have also passed their registration documents, but after the refusal by the Ministry they have given up the fight already.

Erk Party was created in 1990, and at the beginning the party leadership favoured pro-Karimov policies. It shifted its policies drastically later on and even attempted to set up military group against the government. Over the past decade, there has been a number rumours about linking leadership of the party to the religious extremist groups, and even with Taliban. In 2003, first attempt to conduct the Party congress resulted in split of the party. Old leadership was subsequently replaced because of the above-mentioned doubts and new leadership is making efforts to get its act together. Therefore, it has not even lodged registration documents with the authorities at this point. Having said that, it is not clear as to why Erk party is always mentioned in the list of parties that the government is refusing registration.

This issue is actually very important and serving for the benefit of authorities. For example, during the Ministry of Justice briefing on May 21, 2004, Minister Polvonzoda said with gentle hinting about State Department that many statements on rejecting of registration above mentioned parties are false as Erk Party has not even filed registration documents and other two parties did not correct exposed by Ministry of Justice shortcomings in lodged documents.

Birlik is the oldest opposition democratic organisation in Uzbekistan. For the part 15 years, Birlik went through a lot of developments. Party has started the fight for country's independence at the beginning. It is worthwhile to state the fact that first program of the party has clearly stated our core belief—"To independence through democracy." Birlik has never moved from its democratic core values, and always remained the same even during the years of repression, when Uzbek authorities took a course of physical rape and abuse of our members.

Birlik party still remains as a leading opposition party. It has seen a massive renaissance under new conditions, it created extensive regional network across the country, and currently making preparations to participate in the upcoming December parliamentary elections. During the past year, Birlik is fighting to obtain official registration. After Ministry of Justice's latest refusal, it took the case to the Supreme Court of Uzbekistan. In current conditions in Uzbekistan, this is a huge achievement. Court has consistently refused to consider our appeals against the Ministry of Justice in the past. At last, court process has started on June 14th. However, it had to announce a break until June 24th because of the request of the Ministry of Justice. We would like to hope that Supreme Court would favour Birlik and force the Ministry to register the party. This would have been a real progress that deserves high attention. If this is the case, then it could be said that the authorities of Uzbekistan have a sincere political will to conduct democratic reforms.

I would like to point out another area of activity of Birlik. Everyone understands that without an independent media from the government it is impossible to talk about democracy. Birlik is not waiting for the formal approval of the authorities to register independent media. Group of pro-democratic activists, majority of whom members of Birlik Party have been publishing economic/political/human rights bi-monthly periodical journal *Harakat*. There have already published 47th issue re-

cently. To name the few, only this periodical published materials of the UN's Committee on Torture about Uzbekistan and the full text of the Declaration on Strategic Partnership and Cooperation between Uzbekistan and USA. I am very pleased to announce that American organisation National Endowment for Democracy has become the sponsor of the periodical in recent years.

Birlik Party is well prepared by all parameters for receiving official registration. Therefore, for all who want to create precedence in registration truly political party in Uzbekistan, in my opinion, they need persuasively request the government to register Birlik Party. If such demands for the registration of Birlik party were combined by requests of registering other parties, which have even not filed documents for registration and some have given up the fight, it would undermine the seriousness of the demanding parties.

Let me put my thoughts in a different form. If someone will put a pressure to authorities to registered several parties in one go, most of which are not even ready at this stage, this will be taken by the government of Uzbekistan as a sign that the demanding party has a little knowledge of the current political situation in the country, and authorities will not honor such demands.

At the same time, it should not be considered that Birlik wants to monopolise opposition field in the political stage. We understand perfectly that government will start registering other parties fearing the consolidation of democratic forces around one registered opposition party. They would want to create a similar situation like in Azerbaijan and distribute the power across many parties.

Let me emphasize the following in conclusion:

I also fully recognise the fact that integration of Uzbekistan into the Shanghai Cooperation Organisation, where top member-countries do not adhere democratic principles at all, and the recent Russian-Uzbekistan strategic cooperation agreement puts democratic reforms and efforts of the United States to help create stabile states in the Central Asian Countries in a serious danger.

Birlik Party has given repeated backing to the foreign policy of the Karimov's government oriented to be close to USA and West. However we are closely following developments in Shanghai Organisation and Russian-Uzbek relations. Yes, at this stage, there are more discussions there than real action here. But, if serious steps will be taken in these areas, which will undermine pro-western policies, we will be strongly speaking against it.

Finally, I am not aware that how much this hearing will affect to the approval of the next tranche of US's financial aid to Uzbekistan. In any event, I wanted to make the following statement in this regard:

Birlik has never appealed for international isolation of Uzbekistan because of dictatorial/totalitarian policies of Karimov's regime, and has never asked foreign countries to stop releasing financial aid to the country. On the contrary, we always called for integration of Uzbekistan into international institutions, assuming that this would foster democratic society in a longer term. But simultaneously, put a requirement to the government of Uzbekistan to conduct democratic reforms seriously in exchange of financial support or any other forms of aid.

Proceeding from this core principle, I think that now State Department should certify Uzbekistan for broader assistance programs, but at the same time, the U.S. Government should require democratic reforms



in exchange, in particular, registration of Birlik Party and substantially extend to help to truly independent NGOs and pro-democratic forces in Uzbekistan.

Thank you for your attention.

**PREPARED STATEMENT OF  
VERONIKA LEILA SZENTE GOLDSTON,  
ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH**

Thank you, Mr. Chairman, Commission members and representatives, for inviting Human Rights Watch to address you today and for convening a hearing on the important and timely topic of the Uzbek Government's progress toward meeting its human rights commitments required for continued U.S. assistance and the impending certification decision to be taken by the Department of State.

I think it is important that I begin by noting that there appears to be no dispute as to whether or not the Uzbek Government's human rights record matches the expectations spelled out in the legislation in question. Everyone seems to readily recognize that it does not. As Assistant Secretary of State Lorne Craner noted in his testimony before the House International Relations Committee last week, [I quote] "we remain deeply concerned by the poor observance of internationally recognized human rights standards by the Government of Uzbekistan and by its disappointing record in fulfilling its commitments made in our bilateral strategic partnership framework." Deputy Assistant Secretary Lynn Pascoe's testimony at the same hearing likewise makes clear that in his assessment, "Uzbekistan's record on human rights and civil society reform remains poor." Even the title of today's hearing—"Uzbekistan: Stifled Democracy, Human Rights in Decline"—leaves no doubt as to what is the generally held view on the issue of the Uzbek Government's performance in this regard.

It appears, then, that the question before us today is not whether or not the Uzbek Government has satisfied the human rights conditions required for continued U.S. assistance, since the overall agreement, including from the administration's side, is that it clearly has not. It continues to harass human rights defenders and has not registered a single independent domestic human rights group since the last certification. In fact, it has taken a significant step backwards by imposing new, burdensome registration requirements on international nongovernmental organizations, and expelled the Open Society Institute. Our Tashkent office continues to receive credible reports of torture and ill-treatment in custody. Not only has there been no movement toward media freedom but there have been steps backward in the area of freedom of expression and assembly. Fewer than six months before the elections, not a single genuine opposition political party has been allowed to register and their members face harassment and criminal prosecution.

The question that remains open is how will the administration handle the impending certification decision in light of this undisputed fact? I would like to emphasize that this situation is quite unprecedented. While our role in fora like these has traditionally been to present facts about a particular human rights situation for legislators and policy makers to factor into their decisions, in this case it seems a moot point. I will therefore not take up further time giving you a more detailed assessment of recent human rights developments in Uzbekistan, since we are clearly beyond that point.

Let us instead turn directly to the question of what the administration should do. On this question, our position could not be clearer. If we are operating on the basis of legislation that makes U.S. assistance to the Uzbek Government conditional on that government's efforts to im-

prove its human rights record and institute political and institutional reform, and the government in question has failed to make credible progress toward meeting these goals, then we simply cannot see how the administration could do anything but decertify. Not doing so would rob the law of its meaning, and risk putting into question the administration's credibility as its objective implementor.

This is not to imply that we at Human Rights Watch consider such a decision an easy one to take—or that we consider it a positive outcome of this process. Just as our colleague human rights defenders in Uzbekistan, we would much rather see conditions in Uzbekistan that would permit the administration to certify that the government is making substantial and continuing progress in meeting its human rights commitments. But as long as these conditions are not met, certifying would be wrong and counterproductive—wrong because it would be inconsistent with U.S. law, and counterproductive because it would indicate, incorrectly, that the United States was satisfied with the Uzbek Government's performance and serve to enable a situation that everyone agrees is unacceptable.

Perhaps even more detrimental would be the undermining impact such a decision would have on recent serious efforts by other actors of the international community to impress upon the Uzbek leadership the necessity of implementing credible human rights reforms. The European Bank for Reconstruction and Development (EBRD) deserves particular mention in this regard. In April this year, this international financial institution—in which the United States is a key shareholder—decided to limit its investment in Uzbekistan over the lack of progress in human rights.

This unprecedented decision was taken unanimously by the EBRD's board of directors. It had the full support of the U.S. Government. The decision followed a one-year deadline for the Uzbek Government to meet three sets of human rights benchmarks—greater political openness and freedom of the media, the free functioning and registration of independent civil society groups, and the implementation of recommendations by the U.N. Special Rapporteur on Torture following his 2002 visit to Uzbekistan—that largely coincide with the key themes identified in the Strategic Partnership and Cooperation Framework. The Bank concluded that “[a] year after calling for improvements of the political and economic situation in Uzbekistan [...] there has been very limited progress and the Bank is no longer able to conduct business as usual.” It decided to limit investment to the private sector and stay involved in public sector projects only to the extent that they directly affect the well-being of the general population, or involve neighboring countries.

Significantly, the EBRD decision on Uzbekistan also makes clear that the Bank will continue to monitor developments in Uzbekistan and press the government to make progress on the benchmarks. It was therefore not a passive declaration of failure followed by a retreat by the bank from Uzbekistan. On the contrary, the Bank made clear it was determined to continue to use the benchmarks as policy tools for reform, and carry on with its dialogue with the Uzbek Government in the hope of seeing through the required reform steps. It is scheduled to adopt a new country strategy for Uzbekistan in spring 2005.

We firmly believe that if properly supported by resources and political will, the EBRD benchmarks carry a real potential to trigger human rights improvements in Uzbekistan. By staying firm on its course and

following through on its demands, the Bank has created an important momentum for reform in Uzbekistan that other actors engaged with the country, including in particular key shareholder governments like the United States, should take advantage of. It is crucial that the international community speak with one voice on these issues and send a strong and coordinated message to the Uzbek Government about the need to see tangible progress in human rights. One key component of this effort is for EBRD shareholder governments to make sure that a policy they have adopted vis-à-vis Uzbekistan at the EBRD level is reflected in their bilateral relations with that country.

Let us also not forget that in decertifying the Uzbek Government as making sufficient progress in human rights under the Cooperative Threat Reduction Program late last year, the administration already laid the ground for the possibility of a decertification decision under the Consolidated Appropriations Act. It conveyed an important message about dissatisfaction with the Uzbek Government's performance in the area of human rights and left no doubt about the need for the country's leadership to produce concrete, measurable progress. The ball has since been, and continues to be, in the Uzbek Government's court.

So, to sum up, a decertification decision should not be conceived of as a declaration of failure and the United States walking away from Uzbekistan. It is about showing that the United States takes this process seriously and means what it says. It is also consistent with the stance that the administration has taken on two important occasions on which the Uzbek Government's human rights record has come up for scrutiny since the last certification decision was taken in May 2003—the certification decision under the Cooperative Threat Reduction Program in late 2003, and the one-year assessment undertaken in the context of the EBRD in April. As is clear from the testimonies we have heard, the situation on the ground has not improved in any significant way since these decisions were taken—if anything, it has gotten worse in a number of respects, which makes it hard to argue for a decision to certify.

Certifying only out of concern of alienating those the administration has worked so hard to convince about the necessity of reform is an argument that simply does not hold. After all, that is a path that the administration already tried when it certified Uzbekistan as making progress last year, and more than one year later, we can safely conclude that this strategy simply did not produce the desired outcome. Also, the Uzbek Government has repeatedly declared that it values its relationship with the United States and sees the United States as a critical partner for its security. In the past, it is when the United States has been firm on its reform demands that it has gotten concessions on human rights. Examples of such concessions include ICRC access to prisons, registration of the first-ever independent domestic human rights group, and the invitation extended to the U.N. Special Rapporteur on Torture to visit the country. Of course we have no illusions that the Uzbek Government would democratize overnight just because it wants U.S. assistance. But it does not want the black mark of losing aid either. If the administration uses this tool, it will gain leverage, as the Uzbek authorities will be looking for ways to get re-certified.

Anticipating the other commonly-made argument, that Uzbekistan is a critical ally on the war on terrorism that the United States cannot afford to alienate by decertifying, our position is that if the United States wants to make progress in the fight against terrorism, if it wants to

discourage the spread of violent ideologies, it should be more worried about alienating the Uzbek people than alienating the country's leadership. It is dangerous for the United States to be associated in the minds of Muslims in Central Asia with the governments that oppress them.

How, then, would decertification square with continued engagement on the part of the U.S. Government? Much the same way as the EBRD's conclusion that the benchmarks had not been met and the subsequent decision to limit investment in Uzbekistan did not imply the Bank's pulling out of Uzbekistan are we convinced that continued U.S. engagement with the Uzbek Government is perfectly consistent with a decision to decertify. The certification decisions are part of an ongoing, long-term process of engagement between the United States and Uzbekistan, not isolated events or ends in and of themselves. The administration should continue to stay engaged and use its resources to support civil society, media, and opposition political parties. It should continue to push for specific reform steps regardless of whether it certifies or not—if anything, even more forcefully in the event of a decertification decision, or with a very real, looming likelihood of such a decision in the near future, as seems clearly to be the case right now. It should hold out as a carrot the prospect of re-certification. If by the time of the next certification decision the Uzbek Government has made credible and genuine efforts to meet such reform demands, the administration would of course be in its full right to reconsider its decision and, if warranted, certify the government as making substantial and continuing progress.

The list of urgently needed improvements in the area of human rights is obviously long, but looking strictly at the short-term, and as a bare minimum, among such specific reform steps that the government should be required to undertake are the following:

- Rework the Plan of Action on torture to clearly reflect that it is a plan to implement the recommendations of the U.N. Special Rapporteur on Torture, as it had been in its initial version. There should be specific and reasonable timelines for implementation of each of the 22 recommendations that the Special Rapporteur formulated in his report, and the government should begin actual implementation of the required reforms. A public condemnation of torture and introduction of habeas corpus (judicial review of detention)—two of the key recommendations of the Special Rapporteur, neither of which form part of the Uzbek Government's current Plan of Action, would be a good place to start.
- Release arbitrarily detained human rights defenders such as Ruslan Sharipov, and cease any further arrest or harassment of human rights defenders, including the legal proceedings against Elena Urlaeva.
- Register independent domestic human rights groups and lift unjustified restrictions on the operation of international groups. Among domestic groups that have applied for registration in the last twelve months are Mazlum, Human Rights Society of Uzbekistan, and Mothers against the Death Penalty and Torture. In terms of easing the climate for international organizations, the government should re-register the Open Society Institute's office in Uzbekistan, repeal requirements that international organizations must coordinate all their activity with the Ministry of Justice, and reverse provisions according to which an Uzbek Govern-

ment committee must approve all grants issued by international organizations to local groups. The government should also cease pressure on international organizations not to work with unregistered domestic groups.

- Register opposition political parties such as Erk and Birlik and cease any harassment against opposition political activists. Opposition political parties should be granted airtime on television and allowed to organize peaceful demonstrations without burdensome permit requirements in the run-up to the elections.

In addition, it is crucial that the United States not be satisfied with false progress and programs and initiatives devised by the government that seem attractive in form but are devoid of content.

Mr. Chairman, let me conclude by quoting from a letter you and another seven members of the Helsinki Commission addressed to President Karimov on the eve of his visit to the United States in March 2002: "Nearly a decade after Uzbekistan joined the OSCE, a pattern of clear, gross and uncorrected violations of fundamental OSCE principles on democracy, human rights, and the rule of law continues. Against this backdrop, recent pronouncements out of Tashkent about a renewed commitment to address long-standing issues of democratization and human rights will continue to ring hollow unless they are matched by concrete deeds."

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

**PREPARED STATEMENT OF  
FREDERICK STARR, DIRECTOR,  
THE CENTRAL ASIA-CAUCASUS INSTITUTE AT  
THE SCHOOL OF ADVANCED INTERNATIONAL STUDIES,  
JOHNS HOPKINS UNIVERSITY**

Mr. Chairman:

These comments are offered in a spirit of respect both for the work of the Helsinki Commission and for the various non-governmental bodies that monitor human rights in Uzbekistan and throughout the world. Properly done, their work should be an essential element in the formulation of principled U.S. policies.

Precisely because of this, it is important that the work of this Commission be based on the rigorous collection of basic information; that those data be judiciously and dispassionately evaluated prior to their being accepted as evidence; that those evaluations be informed by a wise appreciation of the context in which alleged events occur; and that the resulting policies be designed so as to be effective in a practical sense. Unfortunately, with respect to Uzbekistan, there are serious shortcomings in each of these areas.

#### **I. THE EVIDENCE**

The collection of data on possible human rights violations is rendered difficult by the very nature of the issue. Sources may be exposed to reprisal and must be protected. At the same time, the collection process must itself be protected from manipulation by special interests.

Inevitably, not all evidence of alleged violations is equally authoritative. It is therefore crucial to indicate the degree of veracity of a given source. In reports on Uzbekistan, however, this basic rule of evidence is not always observed.

In citing sources, published human rights reports on Uzbekistan regularly employ one or more of the following vague formuli:

- "an informed source"
- "interview with a human rights activist, name withheld"
- "anonymous"
- "a source"
- "an e-mail"

How, one might ask, do they differ from the anonymous denunciations that were taken as proof during the Stalin era? The fact is, we don't know. In few, if any cases, is the degree of certitude of a source indicated. Contrary to the normal rules of journalism or of legal evidence, no standard of multiple sourcing of information is indicated or regularly observed. Worse, the serious reader is not informed of any means by which an unnamed source can be verified.

These practices offer no protection against biased reporting. Yet bias there is, and it is manifest in the very language used. Note that the main human rights reports employ qualifying terms like "alleged" far more frequently to discredit evidence offered by the Government of Uzbekistan than to temper anonymous evidence offered by the human rights monitors themselves.

The point here is obvious: Americans should observe the same strict rules of evidence when reporting on human rights in Uzbekistan that we would expect Uzbeks to observe if they were scrutinizing us. At the very least, one should admit a degree of uncertainty when it exists. Neither happens.

## II. THE EVALUATION OF EVIDENCE

In a court of law, such assertions as those contained in human rights reports on Uzbekistan would be challenged by the defense and subjected to rigorous scrutiny. But in practice one hears far more from the prosecution than from the defense, which, if it is allowed to respond at all, does so only after the charges have been aired publicly and the damage done.

There is no regular and independent process for challenging and evaluating evidence on alleged human rights violations before it is accepted as fact. Ideally, this process would be formalized in every organization collecting such evidence. Whether or not they do it, such bodies as the Helsinki Commission should bend over backwards to do so. Such a process would separate evaluator from prosecutor, expert witness from partisan. Such a process would also protect the organizations and the Commission itself from being used by interested parties with agendas of their own, be they staff members, consultants, or local activists. The alternative asks us to accept the naive and dangerous assumption that all those involved in generating evidence on human rights abuses are dispassionate and without interests of their own, while the accused are ipso facto scoundrels.

The very recent Shelkovenko case offers striking evidence of how the collection and evaluation of evidence can go badly wrong. The family of one Andrei Shelkovenko was convinced that their son had been killed under torture while detained by the Uzbek police. Human Rights Watch announced this as a case of government-sponsored torture—no qualifications. Its Tashkent staff was so convinced of its claims that they actually hid the body in their apartment to protect the evidence, an act that would be grossly illegal if it were done here. Freedom House, to its credit, brought a highly qualified team of forensic experts and also three-times U.S. ambassador Victor Jackovitch to Tashkent to join Uzbek officials in examining the case. They found no evidence of torture and concluded that the death was almost certainly caused by hanging, i.e., suicide, as the government had declared. When this was announced, the Uzbek activists who had peddled the case to human rights monitors then proceeded to attack the findings of the Forensic Pathologist of the Province of Ontario and other experts who concurred in this finding.

Let us be blunt: Human Rights Watch in this case proceeded on the principle that the Uzbek Government was guilty until proven innocent. I would like to think that this case is a rare exception. But the system is so lacking in transparency and in checks and balances that there is absolutely no way to be sure.

Every such instances of slipshod collection of evidence and biased analysis discredits the cause of human rights. Why? Because it violates Americans' sense of fairness and justice, and undermines the confidence in which people abroad hold those American NGOs claiming to advanced those values.



### III. THE INTERPRETATION OF EVIDENCE

That there have been serious violations of human rights in Uzbekistan is not in question. The government itself admits it.

The question concerns how we interpret the evidence. It is true that several thousand persons are held in Uzbek prisons on charges of religious extremism and terrorism, some doubtless unfairly, and that many have been subjected to brutal and unacceptable punishment. But is it reasonable to conclude, as the State Department did in its infamous report of 1999, following the lead of several NGO reports based largely on secondary sources, that those being held then were "peaceful independent Muslims" guilty of nothing more than being "especially pious" or of "the sin of praying five times a day"? Or that Uzbekistan is out of bounds in declaring illegal the Hizb-ut-Tahrir organization to which many of them belong?

Never mind that this organization is militantly anti-Semitic, calling for the expulsion of all Jews from Central Asia, as well as Christians and other non-Muslims, and that its preaching recalls the social ideals promoted by those infamous madrassas of Pakistan whence came the Taliban. How would Congress treat an American organization committed to the expulsion of Jews and Muslims? Never mind, too, that this organization is illegal not only in Egypt and most other Muslim Arab countries but also in Germany. Instead of asking what these countries and Uzbekistan might know that we don't know, the human rights community grandly advises the Uzbeks to legalize the Hizb-ut-Tahrir, and thereby stop "Making Enemies of the State," to cite the title of a report issued by the International Crisis Group. Blaming Uzbekistan for the existence of Hizb-ut-Tahrir can be compared with blaming the United States for September 11.

In interpreting data on religion in Uzbekistan the United States has too often assumed that all those supporting the moderate and officially-sponsored mainstream faith are pawns of the government and therefore not truly pious. This formulation, which is adapted from analyses of religion under the Soviet Union, clashes with reality. For a millennium Central Asian states have presented themselves as the protector of religion, as did European states down to the last century. To assume that adherents of any religion who consider such protection normal and acceptable must therefore have prostituted their faith, or that only those excluded by such arrangements are truly pious, reflects culture-bound notions that are exclusive to post-Enlightenment Europe.

Like it or not, the current arrangements in Uzbekistan accord with Uzbek history. If we seek to change them it will be a project of many years, and will involve much discussion and education, in other words, the kind of sustained contact and engagement that many now seek to cut off.

Let me now turn to another issue that involves the interpretation of evidence. The pace of democratization in Uzbekistan has been what can only generously be called deliberate. On what seem to many to be illegitimate grounds, Uzbekistan has banned liberal parties, extreme nationalist parties, and Islamic parties. Instead, it registers only five parties, all sympathetic to the government, to sit in the Oli Majlis or parliament. The parliament itself has extremely limited powers. Considering all this, many conclude that democratization is a lost cause in Uzbekistan.

This interpretation, too, is flawed.

First, the parties. You will recall that the authors of *The Federalist* took a dim view of political parties, as did George Washington. Americans today are comfortable with the fact that our Republicans and Democrats reflect a limited part of the possible spectrum. We place a fairly high threshold of support for public funding of campaigns. Uzbeks, too, worried that political life would break down if the spectrum was too broad. Rightly or not, they cut off both ends of the political spectrum. The five legal parties were all creations of the state itself.

However, the story does not end there. Having recently met with four of these parties, I can assure the Commission that they have each developed distinctive programs, social bases, and constituencies. Their programs range from welfare state socialism to liberalism to religious-nationalist. The constituencies range from the intelligentsia to entrepreneurs, rural folk, and pensioners. Whatever their origins and however restricted their power, Uzbek political parties are gradually coming to view themselves as independent forces. Recognizing this, the parliaments of Finland, Germany, Poland, France and seven other European nations have opened up contacts and exchanges with them.

So far, the United States, driven by its flawed conviction that all seeds of future democratization in Uzbekistan have been stifled, has refused to engage in this way. The nascent Uzbek parties suffer from this, but so does the United States itself. Once more, our self-righteous and self-justifying interpretation ends up damaging the cause we purport to champion.

Against this background, I would like to ask whether this Commission is itself showing basic fairness in announcing a hearing on "Uzbekistan: Stifling Democracy, Human Rights in Decline," without even ending its title with a question mark? Again, guilty until proven innocent. Since the Commission has prejudged the matter, why the charade of holding a hearing?

#### IV. EFFECTIVE VS. INEFFECTIVE RESPONSES

One might cite many other instances where the United States has in hand important evidence but has interpreted it without regard for the context, thereby drawing the wrong conclusions. Let me focus on just one, the issue of the Uzbek police, because until very recently our misinterpretation of this issue led to counterproductive policies.

Even the most skeptical reader of human rights reports cannot doubt that Uzbekistan's police are often a law unto themselves. Their primitive practices have alienated many loyal citizens, not to mention terrorists who singled them out in recent bomb attacks.

Seeing this, American aid programs and foundations long kept their distance, focusing their assistance instead on such sympathetic entities as unregistered political parties and NGOs, and treating local officialdom and the police as unredeemable pariahs. Not surprisingly, police behavior remained as bad as ever.

What is going on here is not unique to Uzbekistan. Across the former Soviet Union the police and the Ministries of Internal Affairs that control them are the most unreformed part of the governments, alone with the military. In Uzbekistan they represent a powerful and backward-looking faction or party, which is locked in struggle with reformist elements concentrated in other parts of the government. To assume that

President Karimov's powers are so unlimited that he can simply ignore so powerful a faction within his government, is to deny one of the core realities of Uzbek political life today.

The United States's disengagement from the Ministry of Internal Affairs and police contrasts sharply with America's decade-long engagement with the Uzbek military, carried out through NATO's Partnership for Peace. As a result, the Uzbek military today is headed by a professorial non-soldier, human rights violations have sharply diminished, and it is training young recruits on their proper role in an open society.

By engaging with the Ministry of Defense, the United States exercises a positive influence on the Uzbek military. By its disengagement from the Ministry of internal Affairs and police, the United States helped perpetuate the very practices this Commission rightly decries. Fortunately, on June 1 of this year the United States changed course and agreed to provide technical assistance and training to Uzbekistan's law enforcement bodies. The goal is to help Uzbekistan meet international standards in the treatment of arrested persons. Needless to say, decertification will jeopardize this and all other programs that might address issues of concern to us.

Practical engagement with Uzbekistan works, but requires patience and tact. The military has vastly improved its human rights record because we chose to work with it over many years, because we based our relationship on enduring human contacts, and because we refrained from humiliating its leaders through public hectoring. The Ministry of Internal Affairs remains unreformed because we have until recently adopted a prissy aloofness towards it and, while doing nothing to change it, preached incessantly about its ills. But it is a poor missionary who offers no concrete help to those he wishes to convert, and then blames them for failures for which he, the missionary, by his own ineffectiveness, bears a share of responsibility.

Uzbekistan is a complex land. Heir to ancient irrigated oases, it inherited traditions of top-down authority, strict social hierarchy, and great caution in decision-making that stretch back unbroken for two millennia. By comparison, the new states based on formerly nomadic peoples—Kazakhstan and Kyrgyzstan—inherited more horizontal organizational traditions and more open political habits. It is right that we praise Kazakhstan and Kyrgyzstan for their reforms but it is not right for us to heap endless blame and public opprobrium on the Uzbeks—simply for being Uzbek. And it is certainly not effective.

Uzbekistan is changing, albeit slowly. It has invested far more of its own money to send its young men and women abroad for study than has Russia. Its cautious authoritarian rule, which resembles that in Russia, has allowed greater diversity of views in its parliament than exist in the Russian Duma today. And for the first time it has entered into an agreement with the United States to begin reforms in the local police and law enforcement bodies. The International Center for Prison Studies reports that the numbers in prison per 100,000 population in Uzbekistan during 2003 was barely a third of the number for Russia; that 192 prosecutors who violated criminal procedure legislation were disciplined and 22 dismissed; and that 408 investigators of the Ministry of Internal Affairs faced disciplinary penalties, of whom 38 were discharged.

The United States should build on these developments. The alternative—to engage in finger-pointing, political demonizing, and moral posturing, while at the same time refusing to engage patiently and tenaciously with the messy problems that exist there—is doomed to failure. Especially at a time when America’s own right to moral leadership is being so widely questioned, the best approach is to work quietly with Uzbekistan, not on it.

Every piece of biased and sloppy research on human rights violations there, every accusation against Uzbekistan that itself violates our own principles of justice and fairness, and every instance of self-righteous hectoring, may enable some of us to feel good but in the end serves only to damage America’s own credibility and effectiveness. Wise policies do not arise from such a process.

LETTER FROM HON. CHRISTOPHER H. SMITH, CHAIRMAN,  
COMMISSION ON SECURITY AND COOPERATION IN EUROPE,  
TO VERONIKA LEILA SZENTE GOLDSTON,  
ADVOCACY DIRECTOR FOR EUROPE AND CENTRAL ASIA,  
HUMAN RIGHTS WATCH,  
DATED JULY 2, 2004

**COMMISSION ON  
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July 2, 2004

Veronika Leila Szente Goldston  
Advocacy Director for Europe and Central Asia  
Human Rights Watch  
350 Fifth Avenue, 34th floor  
New York, NY 10118-3299

Dear Ms. Goldston:

Thank you for participating in the Commission's June 24 hearing on "Uzbekistan: Stifled Democracy, Human Rights in Decline."

During that hearing, specific criticisms of Human Rights Watch's work were voiced by one of the witnesses. As time constraints did not permit you to respond to those criticisms, I invite you to do so now, for the record. For this purpose, I will hold the hearing record open until July 16, and I ask that you submit your response in electronic form.

Sincerely,



Christopher H. Smith, M.C.  
Chairman

**ADDITIONAL STATEMENT  
SUBMITTED FOR THE RECORD  
BY VERONIKA LEILA SZENTE GOLDSTON,  
ADVOCACY DIRECTOR, HUMAN RIGHTS WATCH**

Mr. Starr claims that our Tashkent staff hid Shelkovenko's body in their apartment. We did no such thing. Shelkovenko's body remained in the control of his family who refused to bury him until his death had been investigated. To that end, we assisted the family to find a morgue to store the body. The autopsy the international team observed could not have taken place had the body not been properly stored in a morgue.

We have publicly acknowledged that we erred in attributing Shelkovenko's death to torture. We did so as soon as the international forensic team confirmed that the cause of death was by hanging. At the same time, given the number of documented cases of torture, the number of suspicious deaths in custody, the lack of transparency regarding prison conditions in Uzbekistan, and the specific circumstances of Mr. Shelkovenko's death, fears about his mistreatment were not groundless.

Before Shelkovenko's death, Human Rights Watch had been concerned about his treatment in custody. We interviewed the family well before his death, and received credible testimony about his mistreatment. We stand by our concern that Shelkovenko may have suffered mistreatment while in custody, and urge the interdepartmental commission of inquiry into the death, established by the Uzbek Government, to thoroughly investigate these allegations. We also call on the commission to investigate how the hanging could have occurred in a cell with three other inmates present. It should also take appropriate measures to prevent such deaths in the future.

We further remain concerned about the harassment and intimidation to which Shelkovenko's family was subjected by representatives of local authorities in the aftermath of Shelkovenko's death, and call on the interdepartmental commission to investigate these incidents and hold accountable those found responsible.

The Uzbek Government's allowing the international forensic experts access to observe a portion of the investigation undertaken into the death was obviously a welcome step, but it remains to be seen whether this becomes an institutionalized practice, and that is where the focus should be now.

Our mistake in attributing Shelkovenko's death to torture was regrettable, but it would be even more regrettable if as a result the international community shifted away its much-needed focus on the problem of torture in Uzbekistan, and lessened its efforts to improve conditions for detainees in custody.

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

COMMISSION ON  
SECURITY AND COOPERATION  
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August 27, 2003

His Excellency Islam Karimov  
President of the Republic of Uzbekistan  
Tashkent, Uzbekistan

Dear President Karimov:

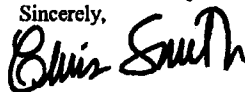
I write in anticipation of Uzbekistan's Independence Day. While Uzbekistan and the United States have cooperated well in the war on terrorism, your country's poor human rights record remains an impediment to the full development of our bilateral ties. When we met in the Capitol in March 2002, I handed you a letter requesting the release of the Bekjanov brothers and Mamaduli Mahmoudov. Since then, I was pleased to note that one of the Bekjanov brothers has been freed. But much more remains to be done.

In that connection, your government has in the past amnestied imprisoned individuals as part of Independence Day celebrations. While recent amnesties have been criticized for placing conditions on release, I urge you to unconditionally release the attached a list of persons currently in jail.

The U.S. Commission on Security and Cooperation in Europe, which I chair, is planning to hold a congressional hearing this fall to review Uzbekistan's progress on observing its OSCE human rights commitments. Once the date has been decided, an invitation will be extended to your ambassador in Washington requesting his participation or that of another official of your government. The hearing will examine Uzbekistan's human rights record broadly, and the issue of political and religious prisoners will be examined, along with general political reform, torture, and religious freedom.

Mr. President, I urge you to positively address these and other longstanding issues in advance of the hearing and respectfully request that the persons listed in the attached document be unconditionally amnestied.

Sincerely,



Christopher H. Smith, M.C.  
Chairman

Enclosure

SD

*The immediate and unconditional release of the following individuals is respectfully requested.*

Furkat Yuldashev  
 Mirzarahmat Aminov  
 Bahodir Khashimov  
 Davron Rashidov  
 Odiljon Ziiaev  
 Rustam Nigmatov  
 Shoakbar Azimov  
 Gairat Mekhliboev  
 Adyljon Ziyayev  
 Musaeva Shahnoza  
 Rahmonova Ulfatoy  
 Erbalaeva Kimiyo  
 Abbashojaeva Nafisa  
 Muhammad Bekjanov  
 Rashid Bekjanov  
 Hakimova Nilufar – Tashkent  
 Muydinova Ominahon – Namangan  
 Gofurova Kunduzhon – Namangan  
 Usupova Dilbar – Namangan  
 Mirzarahimova Mukaddas – Tashkent  
 Ahmadalieva Rahima – Tashkent  
 Hoshimova Nigora  
 Uzokova Nasiba – Tashkent region  
 Usmonova Nargiza – Tashkent region  
 Hamdamova Mastura  
 Isokova Zulfiya  
 Mirzaahmedova Suraya – Tashkent  
 Etiborhon Hajmiddinova  
 Sultonova Ibodat  
 Sarvar Masudov  
 Komil Masudov  
 Imam Yuldash Tursunbaev (a Kyrgyz citizen)  
 Imam Abdurahim Abdurahmonov  
 Tavakaljon Akhmedov  
 Imam Akhad Birnboyev  
 Abdullo Murazimov  
 Nakhmiddin Juvashov  
 Idrisbek Umarkulov  
 Nodir Aliev  
 Abdurashid "Rashid" Isakhodjaev

Umarhon Nazarov (Kyrgyz citizen)  
 Abdurashid Nasriddinov  
 Abdumalik Nazarov (Kyrgyz citizen)  
 Shukhrat Abdurakhimov  
 Komoliddin Sattarov  
 Bahodir Hasanov  
 Hojiakbar Ergashev  
 Meli Kolibov  
 Ruslan Sharipov  
 Jura Muradov  
 Musulmankul Khamraev  
 Norpulat Rajapov  
 Tursunbai Utamuratov  
 Kobil Dierov  
 Mamadali Mahmudov  
 Ne'mat Sharipov  
 Iusuf Ruzimuradov  
 Abdulakhad Madmarov  
 Avaz Tokhtakhojaev  
 Turakhon Jodjaev



State Adviser to the President of the Republic of Uzbekistan  
on foreign policy  
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Tel.: (998 71) 139-5422  
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September 10, 2003

Honorable Christopher Smith,  
Chairman,  
Commission on Security and Cooperation in Europe,  
US Congress, Washington, D.C.

Copy: Embassy of the Republic of Uzbekistan to the United States

Dear Mr. Chairman,

I would like to inform you that your letter dated August 27, 2003 pertaining to granting an amnesty to 59 citizens of Uzbekistan has been thoroughly considered by us with the participation of relevant government agencies.

In addition we have considered a similar request made by US Embassy in Tashkent with regard to 49 citizens.

It has been determined that 24 persons are included in the both lists.

Consequently, both lists comprise 84 people, from which: 6 (S.Mirzaakhmedova, N.Khoshimova, D.Yusupova, Ch.Uljaev, J.Murodov, G.Mekhlilboev) have never served sentences in penitentiaries of the Main Directorate on Enforcing Punishment of the Ministry of Internal Affairs of the Republic of Uzbekistan; 9 (A.Mirazimov, R.Isokhodjaev, M.Kobilov, M.Khamroov, N.Uzakova, N.Aliev, N.Rajabov, Kh.Ergashev, Yu.Rasulov) have been earlier released according to an amnesty; criminal cases with regard to two persons (R.Sharipov accused on pedophilia, M.Rashidov – on infringement on the constitutional system) are being considered in court, and one case (R.Tojiev – on robbery) is in a stage of preliminary investigation.

Among the rest of 66 convicts 52 are males and 14 – females.

64 persons are convicted for committing crimes against the constitutional system, 1 – for sale of illicit drugs, 1 – for official forgery.

Among convicts for committing crimes against the constitutional system 47 people are active members of the religious-extremist organization Hizb ut-Tahrir that openly appeals for terrorist acts, including hijacking airplanes for these purposes, and 17 – members of Islamic Movement of Uzbekistan, the terrorist organization, which closely cooperated with Al-Qaida.

Currently in accordance with an order of the head of state the next amnesty is being considered, which may be applied also with respect to a number of persons mentioned in your list and Embassy's one.

Given our mutual interest, I hope for the continuation of constructive cooperation with you on this issue.

Mr. Chairman,

Taking this opportunity, I would like to inform you on the state of democratic reforms, political transformation, and measures that are being undertaken on creating the foundation of civil society in Uzbekistan.

In Uzbekistan we attach significant importance to the enhancement of democratic and market reforms. In this regard, a special attention is paid to implementing the provisions of the

Declaration on Strategic Partnership between the Republic of Uzbekistan and the United States.

We consider this process closely intertwined with issues of ensuring peace, stability, and security.

Over the 12 years of the independence the Parliament of Uzbekistan has adopted more than 120 laws and ratified more than 60 international treaties on protection of human rights. Universal norms of international law have been incorporated into national legislation.

Uzbekistan has ratified without reservations the six main UN treaties on human rights and presents its reports to conventional bodies of the United Nations on regular basis. So far six reports of Uzbekistan have been considered at UN committees.

In the Republic of Uzbekistan work to institutionalize the mechanism of protecting human rights is being carried out.

The Institute of Ombudsman operates within the Parliament of Uzbekistan, the National Center on human rights and the Institute for monitoring of current legislation effectively function. Recently, according to the resolution of the Government of Uzbekistan with a view to increase the efficiency of legal protection of human rights and freedoms, special department on human rights protection was created at the Ministry of Justice.

Great importance is attached to the laying the foundations of civil society. Currently over 300 national and international NGOs in the sphere of human rights and over 3000 domestic public organizations have been registered in the republic.

Since 2001 the Government of Uzbekistan has started radical reforms of judicial system.

Substantial positive trends have been achieved both in the sphere of legislation and law enforcement, as well as in the work of judicial bodies aimed at drastic revision and easing of punishment system.

Substantial changes to the system of criminal law have been made. On many criminal acts punishment in the form of imprisonment was fully excluded which allowed to reduce number of inmates in jails two fold in comparison to 2000.

Annual amnesties give opportunity to tens of thousand of citizens to return to normal life.

In accordance with a Decree of the President of the Republic of Uzbekistan "On discharge from criminal liability of the citizens of Uzbekistan who by fallacy found themselves in terrorist groups" dated 6 November 2000, 213 persons, who voluntarily admitted their guilt, were discharged of criminal liability.

In accordance with a Decree of the President of the Republic of Uzbekistan "On amnesty on occasion of celebrating the 10<sup>th</sup> Anniversary of Independence of the Republic of Uzbekistan" dated 22 August 2001, 941 members of religious-extremist organizations were freed on parole.

In accordance with the Decree of the President of the Republic of Uzbekistan "On amnesty on occasion of celebrating the 10<sup>th</sup> Anniversary of the Constitution Day of the Republic of Uzbekistan" dated 3 December 2002, 923 members of religious-extremist organizations were freed from completing punishment.

Mitigating the legislation also covered issues of the death penalty. In particular, the number of crimes punishable by death penalty has decreased in the Criminal Code. In 1991 death penalty has been envisaged in 35 articles of the Criminal Code. By 1994 their number has went down to 13. Currently, the death penalty is envisaged in cases of four types of crimes: premeditated murder under aggravated circumstances; aggression; genocide, and terrorism.

The current legislation bans the use of death penalty against men over 60 years of age, women, and persons under age of 18.

In 2002 the number of inmates per 100 thousand people was 191, which is much less in other countries (see the table).

**Information on the number of inmates in 2002**

<b>Country</b>	<b>Number of inmates per 100000 men</b>
Uzbekistan	191
Moldova	300
Tajikistan	327
Latvia	359
Kyrgyzstan	390
Thailand	401
Ukraine	406
Surinam	437
Turkmenistan	489
Kazakhstan	522
Belarus	554
Russia	628

Source: International Center for Prison Studies  
(<http://www.kcl.ac.uk/depsta/rel/icps/worldbrief>)

Certainly, full implementation of all constitutional principles will require further efforts.

We acknowledge the issue related to the cases of misconduct by some representatives of law enforcement agencies. Such actions are being stopped and those responsible are punished in accordance with current legislation. For example, over the last year the disciplinary measures were applied to 192 investigators and prosecutors who violated the provisions of criminal-procedural legislation, and obstructed the constitutional rights of citizens, 22 of them were dismissed from their positions, 408 investigators of the interior ministry faced disciplinary penalties, including 38 being discharged. More than 15 officials of the law enforcement agencies were found guilty in inmates' deaths and were justly convicted for that.

The adoption of the amendments to the article 235 of the Criminal Code during the last session of the Parliament held on August 30, 2003, which foresee the punishment in terms of imprisonment for using torture and other brutal, humiliating types of treatment is an example of Uzbekistan's efforts to prevent the violation of human rights and freedoms by the law enforcement agencies.

Dear Mr. Chairman,

Let me say few words about the state of religious freedom, which is unfortunately a subject of biased comments and perception. Representatives of various religions live in Uzbekistan and all the citizens are free to profess their religious beliefs. It is guaranteed by the Constitution and country's laws.

The adoption of the law on "Freedom of conscience and religious organizations" in 1991 and its new edition in 1998 resulted in qualitative change of role and legal status of religious organizations. It reflects a new approach of the state towards religion and believers after the long practice of militant atheism.

Since Independence about 40 thousand citizens of Uzbekistan have performed pilgrimage to Mecca (big Haj) and 20 thousand to small Haj (Umrah). It should be mentioned, that during the whole period of Soviet rule the number of pilgrims from Uzbekistan was only 86 men. Over this period the number of mosques has risen from 89 to more than 2 thousand.

Currently, 2096 religious organizations are registered in Uzbekistan, 1918 of them – Islamic, 160 – Christian, 7 – Jewish, 7-Bahai communities, 2 – Krishna consciousness communities and 1 Buddhist temple.

Uzbekistan has an Islamic university, Higher Clerical Institute, 10 Islamic madrasahs and 2 seminaries, where representatives of new generations pursue their education.

In the country, where over 80% of population profess Islam, the statements concerning harassment of Muslims appear to be biased.

Nowadays the members of religious-extremist organization Hizb ut-Tahrir attempt to present themselves as victims of their convictions. Their real purpose is to establish medieval caliphate regime in a vast region. This organization in an every way creates the image of enemy in face of United States and the West, kindles anti-Semitism and racial enmity, does not recognize any regime in the world as legitimate and calls the constitution of secular countries as a "code of devil".

Activity of Hizb ut-Tahrir is banned and persecuted by authorities of all Muslim countries, as its doctrine contradicts Qur'an. Countries and governments regard it as an endangering factor of destabilization of their society.

Some members of Hizb ut-Tahrir are convicted not for their beliefs, but for their appeal to overthrow the legitimately elected authority, kindling interreligious and interethnic hostility, which is extremely dangerous in the multinational and multiconfessional state.

Mr. Chairman,

Uzbekistan is open for dialogue with all interested parties to discuss and resolve all kind of issues related to ensuring rights and freedoms of citizens. In this regard we attach great importance to the active cooperation with international organizations on human rights issues.

The Government of Uzbekistan makes all efforts and will continue to do so on fulfilling its obligations undertaken within the framework of the Organization for Security and Cooperation in Europe. Being adherent to all principles and values of OSCE we are prepared to continue the constructive cooperation with this reputed international institution.

Today Uzbekistan has established successful cooperation with such international organizations as "Human Rights Watch", "Amnesty International", "Freedom House" and others. Representatives of the International Red Cross Committee now have access to penitentiary institutions of the country, which is uncommon in many other states.

In November of last year Special Rapporteur of UN on Torture Theo van Boven visited our country by an invitation of the Government of Uzbekistan. Uzbekistan is the first and up to now the only country in the post Soviet area that had invited and received the Special Rapporteur. We consider his visit as a beginning of the long term and open cooperation.

Currently the Government of Uzbekistan in collaboration with NGOs of the country and international institutions, including OSCE Center in Tashkent, is elaborating the National Plan of actions on implementing the recommendations of the Special Rapporteur on Torture.

Dear Mr. Chairman,

I would not state that the level of democratic development in Uzbekistan corresponds to the standards of US and other countries with developed democracy.

In this regard I would like to draw your attention to the dynamics of democratic development and political transformation that acquired irreversible nature.

I hope that the forthcoming hearings in Congress will provide members of your Commission with the good opportunity to see detailed information concerning ongoing reforms in Uzbekistan in the field of human rights protection and make an impartial conclusion on them.

With respect and hope for further cooperation,

Abdulaziz Kamilov

**LETTER TO PRESIDENT ISLAM KARIMOV  
OF THE REPUBLIC OF UZBEKISTAN  
FROM MEMBERS OF THE COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE,  
DATED APRIL 15, 2004**

**COMMISSION ON  
SECURITY AND COOPERATION  
IN EUROPE**

234 FORD HOUSE OFFICE BUILDING  
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April 15, 2004

Islam Karimov  
President  
Republic of Uzbekistan  
Tashkent, Uzbekistan

Dear Mr. President:

Please accept our condolences over the deaths of innocent victims in the recent explosions and gun battles in Tashkent and Bukhara. We hope there will be no more such episodes in Uzbekistan.

In light of these events, we are writing to express our concern about the political situation in Uzbekistan. Although Foreign Minister Safayev has rejected any link between the violence and lack of political reform, we are convinced that such a link exists and is critical. It is time for Uzbekistan to move towards serious liberalization.

In this connection, we have a specific recommendation. We urge you to ensure that opposition political parties be registered as legal entities and allowed to participate fully in the parliamentary elections which are scheduled for December, in accord with OSCE commitments on elections.

Since 1992-1993, no opposition political activity has been permitted in Uzbekistan. As you acknowledged one year ago in Washington during your meeting with House Speaker Dennis Hastert and the U.S. congressional leadership, the successful U.S. military campaign in Afghanistan and the destruction of the Islamic Movement of Uzbekistan have removed the most serious security threat Uzbekistan faces. It is implausible to argue today that your country would be threatened by accelerated democratization and opening the political system.

On the contrary, we strongly believe that the ongoing and worrying recruitment by groups such as Hizb-ut-Tahrir, whose ideology and program are fundamentally at odds with OSCE values, is aided by the fact that no political alternatives exist in Uzbekistan today. Young citizens, who might otherwise shun Hizb-ut-Tahrir's calls to establish the Caliphate or to view non-Muslims as enemies, have virtually no opportunities to enter a genuinely democratic political process.

President Islam Karimov  
April 15, 2004  
Page Two

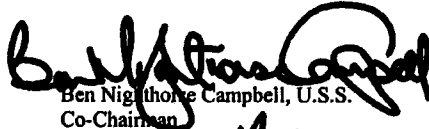
The 1990 OSCE Copenhagen Document commits participating States to respect the right of individuals and groups to establish in full freedom their own political parties. As you signed the original Helsinki Final Act on behalf of your country 14 years ago, we look to you to take the necessary steps to begin to live up to the commitments you personally accepted.

Registering political parties in advance of this December's parliamentary elections has become critical. We have followed over the last several months the efforts by Birlik and Erk to hold the necessary congresses required for the registration process. It is our understanding that – for the third time – Birlik submitted in January all the prerequisite documents. Both parties have stated their democratic objectives and should be permitted to participate fully in the upcoming election.

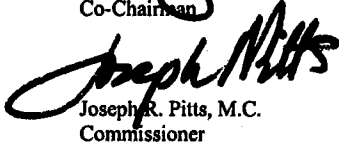
Mr. President, the March 2002 Declaration on Strategic Partnership between Washington and Tashkent calls for the democratization of Uzbekistan. So far, despite many rhetorical statements, little has been done. If opposition parties are not allowed to take part, December's parliamentary election will have no chance of being taken seriously. On the contrary, it will be viewed by the international community as just the latest in a series of pseudo-elections. More important, there is real reason to expect more violence in Uzbekistan, at the cost of, perhaps, many more lives

We very much hope you will not miss this opportunity to change for the better Uzbekistan's reputation, which has lately deteriorated even further.

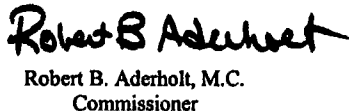
Sincerely,

  
Ben Nighthorse Campbell, U.S.S.  
Co-Chairman

  
Christopher H. Smith, M.C.  
Chairman

  
Joseph R. Pitts, M.C.  
Commissioner

  
Benjamin L. Cardin, M.C.  
Ranking Member

  
Robert B. Aderholt, M.C.  
Commissioner

LETTER TO SECRETARY OF STATE COLIN L. POWELL  
FROM MEMBERS OF THE COMMISSION ON SECURITY AND  
COOPERATION IN EUROPE,  
DATED DECEMBER 19, 2003

**COMMISSION ON  
SECURITY AND COOPERATION  
IN EUROPE**

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December 19, 2003

The Honorable Colin L. Powell  
Secretary of State  
US Department of State  
Washington, DC 20520

Dear Secretary Powell:

We write today again urging the designation of Uzbekistan as a "Country of Particular Concern," pursuant to the 1998 International Religious Freedom Act. As a participating State in the Organization for Security and Cooperation in Europe (OSCE), Uzbekistan freely committed itself to provide "the freedom of the individual to profess and practice, alone or in community with others, religion or belief." Despite the considerable increase of engagement post September 11<sup>th</sup> by the United States, many serious concerns remain about Uzbekistan's well-documented record of "particularly severe violations of religious freedom."

Of foremost concern are the roughly 6,000 Muslims, imprisoned on account of their religious beliefs or affiliation. Once incarcerated, many Muslim prisoners are reportedly punished for praying and for fasting during Ramadan. Despite significant pressure from Members of Congress, the U.S. Embassy and international human rights organizations over the past two years, little has been done by Uzbek officials to address the continued detention of these individuals. Although amnesties do occur, they have been criticized for being little more than paroles, and human rights groups continue to report that 6,000 or so persons remain jailed because of their beliefs.


While Uzbekistan has legitimate security concerns stemming from extremist groups, the ongoing reactionary and heavy-handed Uzbek policy is counterproductive and negatively impacts religious freedom for the many peaceful Muslims and Christians wanting to practice their faith within the constitutional framework. From the mid 1990s on, for example, reports have arisen of hundreds of mosques being closed throughout the Fergana Valley and their leaders arrested, creating a serious shortfall of facilities for the large and devout Muslim population in that region. If individuals at mosques are involved in actual criminal activity, the individuals should be punished. But by closing independent mosques that refuse to receive government appointed imams or accept government-approved Friday sermons, entire communities are penalized, and the government only gives further credence to the very movement it is trying to combat, while preventing the exercise of a fundamental freedom.

The Honorable Colin L. Powell  
 December 19, 2003  
 Page 2


Registration is also a problem, as the legal scheme contains burdensome registration requirements with heavy criminal sanctions for groups unable to register, and authorities systematically deny government recognition of independent mosques and unregistered churches. One example indicative of others is the jailing of five Baptists for ten days in August for attending an unregistered church in the Namangan region. These dangers are real, as individuals arrested for attending "illegal" or "prohibited" groups could be sentenced for up to 20 years in prison. In 2003, the Uzbek Government did ask the OSCE Office of Democratic Institutions and Human Rights to undertake a review of the Uzbek religion law in light of international commitments. Unfortunately, the government has seemingly ignored the report, in an apparent attempt to avoid application of its sound findings.

While these egregious violations of religious freedom are systematic and ongoing, Uzbek reforms in this area are most certainly not. We therefore urge you to send an unequivocal message to the Uzbek Government that its policies and practices constitute "severe violations" of religious freedom by designating it a Country of Particular Concern.

Sincerely,

  
 Ben Nighthorse Campbell, U.S.S.  
 Co-Chairman

  
 Christopher H. Smith, M.C.  
 Chairman

  
 Benjamin L. Cardin, M.C.  
 Ranking Member



**COMMENTS ON THE COMPATIBILITY OF THE LAW OF THE  
REPUBLIC OF UZBEKISTAN ON FREEDOM OF WORSHIP AND  
RELIGIOUS ORGANIZATIONS (1998) WITH THE ICCPR**

**PREPARED BY THE ADVISORY PANEL OF EXPERTS ON  
FREEDOM OF RELIGION AND BELIEF OF THE OSCE /ODIHR**

**JUNE 2, 2003**

**INTRODUCTION**

The OSCE Office for Democratic Institutions and Human Rights has requested the Advisory Panel of Experts on Freedom of Religion and Belief to offer its comments on the compatibility of the Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations (1998) with the ICCPR.

The Panel, which consists of several scholars from diverse geographical, political, legal, and religious backgrounds, makes recommendations on matters concerning religion and belief and is familiar with the broad range of laws that exist among OSCE's 55 participating States.

The Panel welcomes this invitation by the National Centre for Human Rights to examine the compatibility of the Law of the Republic of Uzbekistan on Freedom of Worship and Religious Organizations (1998) with the ICCPR. This is particularly important given the role of Uzbekistan in the fight against terrorism, including by groups which have misappropriated religion as a motivation in recent years and the Panel welcome all moves by the Uzbek authorities to ensure that this necessary struggle be carried out within the confines of international human rights law, respecting international commitments such as the ICCPR.

1. The first and most obvious criticism regards the formulation of Art. 3, where it is written that "the manifestation of freedom of conscience or any other conviction are subject only to the restrictions necessary to ensure national security and public order, and life, health, morals, rights and freedoms of other citizens."

Firstly, Art. 3 does not state that limitations should be "prescribed by law," contrary to Art. 18 ICCPR thus making possible limitations through acts of the government or of the executive (as opposed to legislative) power. The "prescribed by law" is an essential prerequisite for any restriction to the manifestation of religious freedom: its importance is so well established<sup>1</sup> that it is not necessary to dwell on it here.

Secondly, the list of permitted limitations includes national security which is not to be found in Art. 18 of ICCPR nor in other international conventions. Mentioning national security in the Uzbekistan law amounts to introducing a limitation to manifestations of freedom of religion and beliefs that is not permitted by Art. 18 ICCPR<sup>2</sup>.

<sup>1</sup> See Malcolm D. Evans, *Religious liberty and international law in Europe*, Cambridge, Cambridge Univ. Press, 1997, pp. 319-20

<sup>2</sup> National security is inherently different from public safety, mentioned in Art. 18 ICCPR. Public safety regards danger for the safety of persons arising from public manifestations of religion like processions, religious gatherings, etc. See Manfred Nowak and Tanja Vospernik, *Permissible restrictions on freedom of religion or belief*, in OSCE, *Seminar on Freedom of Religion or Belief in the OSCE Region: Challenges to Law and Practice*, The Hague, 26 June 2001, The Hague, Ministry of Foreign Affairs, 2001, p. 57.

Thirdly, the Uzbekistan law mentions “public order” and not simply “order,” as in Art. 18 ICCPR. Taking into account the discussions about the possibility to apply the adjective “public” not only to safety but also to order in the text of Art. 18 ICCPR (reading it as if it said “to protect public safety, public order,” etc.), it is not a negligible difference.

*Proposal: to reformulate Art. 3 following more closely the language of the ICCPR. In particular, the phrase quoted at the beginning of this section should be reformulated in the following way: “The manifestations of the freedom of religion or convictions are subject only to the restrictions prescribed by law and necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”*

2. A second criticism regards Art. 5, where it is written that “actions aimed at converting believers of one religion into other (proselytism) as well as any other missionary activity are prohibited.”

This clause excessively limits the right of a person to manifest his/her own religion and it is not in line with the case law of the European Court of Human Rights (see the Kokkinakis and Larissis cases<sup>3</sup>), according to which only limitations of improper proselytism are acceptable. As Art. 9 of the ECHR follows the wording of Art. 18 ICCPR, these cases are relevant for the interpretation of this last article. Moreover, par. 5 of the 1993 General Comment to the ICCPR of the Human Rights Committee reaffirms the right to conversion and bars any coercion aimed at impairing the right of a person to change his/her religion.

Art. 19 of the ICCPR states that everyone has the right “to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print”: Art. 5 of the Uzbekistan law, prohibiting actions aimed at converting believers of one religion, limits the right to disseminate religious information and ideas.

It should also be underlined that actions aimed at converting non-believers are not prohibited by Art. 5. This amounts to a discrimination among citizens on the basis of their religious conviction, as non-religious citizens are exposed to proselytizing activities while religious citizens are protected against them. This discrimination is prohibited by Art 4 of the Uzbekistan law.

Finally it should be noted that Art. 5 prohibits generally “missionary activity”: as this activity is not necessarily aimed at proselytism (some communities of religion or belief adopt a very broad definition of missionary activity, which would include charitable and educational ac-

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<sup>3</sup> Kokkinakis v. Greece, No. 14307/88, A260-A, Larissis and Others v. Greece, No 23372/94, 6377/94, 26378/94, Reports 1998-I.

<sup>4</sup> This point has been extensively dealt with by Cole W. Durham (Recognition and Registration of Religious and Belief Communities: What is Permissible in Law and Practice?, in Seminar on Freedom of Religion, pp. 45-53)

<sup>5</sup> This issue has been examined in depth by Lance S. Lehnhof, Freedom of Religious Association: The Right of Religious Organizations to Obtain Legal Entity Status Under the European Convention, in *BYU Law Review*, 2, 2002, pp. 561-609

tivities, religiously qualified but not directed at converting believers of a different religion), the restriction could easily affect any social activity of a religious group.

*Proposal: to delete this part of art. 5 or, at least, to reformulate it limiting the prohibition only to improper and abusive proselytism (for example, it could be prohibited to receive material advantages in exchange for a promise to change one's religion).*

3. Again in relation to Art. 5, some concerns have been noted regarding the section which states "The use of religion for anti-state and anti-constitutional propaganda, and to incite hostility, hatred, inter-ethnic discord, to undermine ethical norms and civil accord, to spread libellous, and destabilizing ideas, to create panic among the people and for other actions against the state, society and individual is inadmissible."

Here we need to make a few careful distinctions. It is one thing to incite hostility, hatred, inter-ethnic discord, to create panic among the people: although these provisions are inherently generic and open to questionable implementation, they have a base in the need to protect order, safety and rights of others affirmed by Art. 18 ICCPR.

Another thing is the provision regarding anti-State and anti-constitutional propaganda or the spreading of destabilizing ideas. If the State persecutes religions or if the Constitution contains anti-religious provisions, it is legitimate that religious groups criticize the State policy or the Constitution. A general prohibition of anti-State and anti-constitutional propaganda, independent of the content of this propaganda and the way it is made, is too broad to be accepted under Art. 18 ICCPR.

The same reasoning can be repeated regarding the spreading of destabilizing ideas. Any new religion or belief is inevitably destabilizing, in the sense that it destabilizes previously consolidated positions, convictions, religious doctrines. The propagation of new religious ideas that do not enjoy the support of the majority is explicitly considered as part of the right to religious freedom in the 1993 General Comment of the Human Rights Committee. Apart from Art. 18, the provision of the Uzbekistan law is not consistent also with Art. 19 of the ICCPR.

Analogous remarks are raised by the part of Art. 5 where it is said that "the state shall promote the establishment of mutual tolerance ... and not allow religious or other fanaticism and extremism..." (The same concept returns in Art. 19 of the law, where it punishes the "manufacture, storage and distribution of ... other materials formulating ideas of religious extremism, separatism, and fundamentalism").

While acknowledging the legitimate right of Uzbekistan to defend its constitutional order against terrorism and other extremist forces, whose aim is to subvert democracy and other human rights, the definition of religious fanaticism and extremism is inevitably vague and open to abuse. This provision entails the State control of religious doctrines and paves the way to pre-emptive restrictive interventions also when no crime has been committed by the followers of the "extremist" or "fanatical" religious group.

*Proposal: to re-write the part of Art. 5 quoted at the beginning of this section in the following way: "The use of religion to incite hostility, hatred, inter-ethnic discord, to create panic among the people is inadmissible"; to delete the part of Art. 5 and 19 regarding religious extremism, separatism, and fanaticism, or at least define the terms precisely and make it more clear that the prohibition is on actions rather than ideas.*

4. A third questionable provision is Art. 8 that states: "Religious organizations obtain the status of legal subjects and can carry out their activities after their registration at the Ministry of Justice."

That means non-registered religious organizations cannot carry out religious activities (this principle is reiterated in the last phrase of Art. 11), including the very basic religious activities listed in Art. 14 of the law. This provision can be reconciled with Art. 18 ICCPR only if we accept the principle that registration is always necessary to protect public safety, order, etc.: in other words, we should admit that a law-abiding, non violent religious group endangers public safety, order, etc. for the sole reason that it is not registered. I find difficult to accept this reasoning: it seems to me we have here an infringement of Art. 18 ICCPR where it says that freedom of religion includes the right to manifest religion in community with other persons through worship, observance, practice and teaching<sup>4</sup>.

It is likely Art. 8 is not in line with Art. 22 of the ICCPR, regarding freedom of association<sup>5</sup>.

*Proposal: If it is not feasible to obtain the status of legal person and carry out religious activities independently from registration, the article should clearly define which activities of religious organizations can be carried out only after a religious organization has been registered. In other words, there are some basic religious activities that any religious organization should be entitled to carry out, independently from registrations (for example, the activities listed at the beginning of Art. 14 of the Uzbekistan law, although this list is by no means exhaustive); there can be other activities (for example, performing a religious marriage that is valid for the State) that can be carried out only by registered religious organizations. Although open to criticisms, the 1997 Russian law on freedom of conscience is preferable on this point to the Uzbekistan law, as it grants a limited legal status to non registered religious groups (see Art. 7.1)*

5. Art. 9 ends with the statement that "Private teaching of religious principles is prohibited." Although this statement is included in an article dealing with the training of clergy and religious personnel, its scope is much wider. As it is formulated, it prohibits any kind of private religious teaching, including schools of religious instruction for children. It could be interpreted also as forbidding the teaching of religious principle at home or within a family gathering.

It is a clause directly contrasting with Art. 18 of the ICCPR, where it says that religious liberty includes the right to manifest religion in teaching, and with Art. 19, where the right to impart information and ideas of all kind is affirmed. It violates also Art. 13.3 of the International Covenant on Economic, Social and Cultural Rights, that grants the parents the right “to ensure the religious and moral education of their children in conformity with their own convictions.”

*Proposal: to delete this part of Art. 9.*

6. Art. 17 restricts to religious organizations’ central administration bodies the right to set up “publishing, production, restoration and construction, agricultural and other enterprises, as well as charity establishments (orphanages, hospitals).” Art. 19 restricts to the same bodies the right “to manufacture, export, import, and distribute objects of religious designation, religious literature and other information materials of religious contents.”

It is difficult to understand why these rights are not granted to religious organizations (or at least to registered religious organizations). As a central administration body can be constituted only at the request of representatives of registered religious organizations pertaining to at least eight different territorial entities of the Republic of Uzbekistan (Art. 8), Art. 17 effectively prevents a number of small religious organizations from exercising fundamental rights like distributing religious literature or running charity establishments. These religious organizations are prevented from exercising these rights only because they do not have a sufficiently large membership: the 1993 General Comment of the Human Rights Committee explicitly rejects any tendency to discriminate against newly established or minority religions. Art. 17 is clearly against Art. 18 and 19 of the ICCPR.

*Proposal: to extend the rights mentioned in Art. 17 and 19 to religious organizations or, at the minimum, to registered religious organizations.*

## SPECIFIC REMARKS

### Art. 3

- “Involvement of minors in religious organizations ... is inadmissible.” The involvement of minors in religious organizations should be admissible with the consent of parents or custodians. In many European States minors have the right to decide about their religion (and religious teaching) when they are 14 years old.

### Art. 5

- “The Use Of Religion For Anti-state And Anti-constitutional Propaganda ... is Inadmissible.” The Whole Phrase (Including The Part That Is Not Transcribed) Is Formulated In A Very Vague And General Way: What Does It Mean “Civil Accord” Or “Ethical Norms” Or “Destabilizing Ideas”? Almost Everything Can Come Under These Definitions.
- “The Term “Religious Confessions” Is Not Very Clear And Identifies The Term “Confession” With The Term “Religious Association.”

**Art 13**

- “A decision to halt the activity of a religious organization shall be taken by a registering body. The decision can be appealed against in a court of law.” A decision of such importance should be taken by a court and not by an administrative body: that is the rule in most Western countries.

**Art. 14**

- “Citizens of the Republic of Uzbekistan (except religious organizations’ ministers) cannot appear in public places in religious attire.” Here, the absence of a definition concerning what constitutes “religious attire” is problematic. Without implementing rules to define the term, the exact meaning of the legislation and the type of attire it prohibits remains ambiguous and as such may be open to arbitrary interpretation. Further, this provision cannot be reconciled with Art. 18 of the ICCPR, as explicitly stated by the 1993 General Comment of the Human Rights Committee (“observance and practice of religion or belief may include ... the wearing of distinctive clothing or headcoverings”). French and Turkish provisions cannot be invoked in favour of Art. 14 of the Uzbekistan law: the prohibition to wear a veil is limited to specific places (universities in Turkey) or is limited to cases when the wearing of a veil is an “ostentatious” way of stating religious membership and can endanger the “ordre public” (as in France, according to the case law).

**Art. 19**

- “Delivery and distribution of religious literature published abroad is done after an expert examination of its contents is made in the order prescribed by legislation.” Here it is necessary to clarify who are the experts and how and by whom they are appointed? Without well defined guarantees, this kind of expert examination could easily amount to a form of censorship of religious literature on the part of the government or dominant religions. The legal procedure for expert examination of the contents of imported religious literature, and challenging this expertise, should be established, as referred to in the law, if it has not already been established.

## **ANNEX—THE LAW OF THE REPUBLIC OF UZBEKISTAN ON FREEDOM OF WORSHIP AND RELIGIOUS ORGANIZATIONS**

**Article 1. The Aim of The Present Law**

The aim of the present law is to ensure the right of every person to freedom of worship and religion, and the citizens equality irrespective of their religious convictions, and to regulate relations arising from religious organizations’ activity.

## **Article 2. Legislation on Freedom of Worship and Religious Organizations**

Legislation on freedom of worship and religious organizations consists of the Constitution of the Republic of Uzbekistan, the present law and other legislative acts. Regulations to do with ensuring the freedom of worship and activity of religious organization in the [Autonomous] Republic of Karakalpakstan shall be in addition regulated by the legislation of the Republic of Karakalpakstan. If an international agreement of the Republic of Uzbekistan sets rules different from those stipulated in the legislation of the Republic of Uzbekistan the provisions of the international agreement shall apply.

## **Article 3. Freedom of Worship**

Freedom of worship is the citizens' right guaranteed by the constitution to profess or not to profess any religion. Any compulsion of a citizen in defining his religious convictions, deciding whether to profess or not, whether to take part in worship, religious rituals and ceremonies, or receive religious education is inadmissible. Involvement of minors in religious organizations as well as teaching them any religion against their will, or the will of their parents or custodians is inadmissible. The manifestation of freedom of conscience or any other conviction are subject only to the restrictions necessary to ensure national security and public order, and life, health, morals, rights and freedoms of other citizens. Foreign citizens and people without citizenship enjoy the freedom of worship and religion equally with the citizens of the Republic of Uzbekistan and bear the responsibility the law envisages for breaching the legislation on freedom of worship and religious organizations.

## **Article 4. Equality of Citizens Irrespective of Their Religious Convictions.**

Citizens of the Republic of Uzbekistan irrespective of their religious convictions have the same legal rights. Indication of a citizen's religious convictions in an official document is inadmissible. Any restriction of the rights and granting any direct or indirect privileges to citizens on the basis of their religious convictions, stirring up hostility or hatred or insulting citizens' feelings on the basis of their religious or atheistic convictions, as well as the desecration of treasured religious sites shall be actionable in accordance with the law. Nobody can refuse to observe any legal obligations on grounds of his religious convictions. One legal obligation can be replaced by another on grounds of religious convictions only in cases envisaged by the law.

## **Article 5. Separation of Religion from the State**

In the Republic of Uzbekistan religion is separated from the state. Granting any privileges to or imposing restrictions upon any individual religion is inadmissible. The state shall promote establishment of mutual tolerance and respect between the citizens professing different religions and the non-believers, between religious organizations of different confession, and not allow religious or other fanaticism and extremism, and actions aimed at setting off one religion against another and stirring up hostility between them. The state shall maintain peace and accord between religious confessions. Actions aimed at converting believers of one religion into other (proselytism) as well as any other mis-

sionary activity are prohibited. People responsible for violation of this rule shall bear responsibility in accordance with the law. The state shall not charge religious organizations with carrying out any state functions, and shall not interfere into their activity provided it does not contradict the law. Religious organizations shall not fulfill any state functions. The state shall not finance activity of religious organizations and activity propagating atheism. In the Republic of Uzbekistan creation and activity of religious political parties and public movements as well as branches and sections of religious parties set up outside the republic is inadmissible. Religious organizations are obliged to follow provisions of the existing legislation. The use of religion for anti-state and anti-constitutional propaganda, and to incite hostility, hatred, inter-ethnic discord, to undermine ethical norms and civil accord, to spread libelous, and destabilizing ideas, to create panic among the people and for other actions against the state, society and individual is inadmissible. Activity of religious organizations, movements, and sects which encourage terrorism, drugs trade and organized crime, and other mercenary ends is banned. Any attempts to pressure the state authority organizations and departments and officials as well as any illegal religious activity shall be persecuted by the law.

**Article 6. Rights of State Organizations and Citizens' Self-Government Organizations in Their Relations with Religious Organizations**

The co-ordination of relations between state organizations and religious organizations and control over observation of the legislation on freedom of worship and religious organizations shall be carried out by the Committee for Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan. The committee's legal status shall be defined by a Regulation approved by the Cabinet of Ministers of the Republic of Uzbekistan. The Council of Ministers of the Republic of Karakalpakstan, regional, district and town administrations as well as citizens' self-government organizations shall in accordance with the law bear responsibility for observation of the legislation on freedom of worship and religious organizations.

**Article 7. Education System and Religion**

The education system in the Republic of Uzbekistan is separate from religion. Introduction of religious subjects into an academic curriculum is inadmissible. The right to secular education is guaranteed to the citizens of the Republic of Uzbekistan irrespective of their religious convictions.

**Article 8. Religious Organizations**

A religious organization is a voluntary association of citizens of the Republic of Uzbekistan set up for joint profession of a religion, exercise religious services, customs and rituals (religious societies, religious education establishments, mosques, churches, synagogues, monasteries and others). A religious organization shall be set up at an initiative of not less than 100 citizens of the Republic of Uzbekistan aged over 18 and permanently residing on the territory of the Republic of Uzbekistan. To co-ordinate and direct activity of organizations of an individual religion they may set up a single central administration body for the Republic of



Uzbekistan (further central administration body). A central administration body shall be set up at a constituent meeting (conference) of representatives of registered organizations of an individual religion from at least eight territorial entities of the Republic of Uzbekistan (a Region, the city of Tashkent, the Republic of Karakalpakstan). Religious organizations obtain the status of a legal subject and can carry out their activities after their registration at the Ministry of Justice of the Republic of Uzbekistan or its local departments in the order established by the law. Religious organization can be headed by citizens of the Republic of Uzbekistan having corresponding religious education. Foreign candidates to head a religious organization registered in the republic shall be approved by the Committee for Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan.

#### **Article 9. Religious schools**

Religious organizations' central administration bodies have a right to set up schools to train clergy and required religious personnel. Religious schools obtain the right to operate after their registration at the Ministry of Justice of the Republic of Uzbekistan and receiving a corresponding license. Citizens can enter a higher or secondary religious school after receiving general compulsory secondary education in accordance with the Law of the Republic of Uzbekistan On Education. People teaching religious subjects in religious schools should have religious education and can work with permission from a corresponding central administration body. Private teaching of religious principles is prohibited.

#### **Article 10. Religious Organization's Rules**

A religious organization's rules should contain the following information: its name, form of organization, address and creed; aims, tasks and main forms of activity; structure and administration bodies; sources of funding and property relations within the organization; procedure for making amendments and addenda to the rules; other information on the religious organization. Rules of religious organizations having a central administration body shall be approved by that administration body.

#### **Article 11. Registration of Religious Organizations**

Religious organizations' central administration bodies shall be registered by the Ministry of Justice of the Republic of Uzbekistan, and other religious organizations - by the Ministry of Justice of the Republic of Karakalpakstan, regional justice departments, and the Tashkent city justice department respectively with approval of the Committee for Religious Affairs under the Cabinet of Ministers of the Republic of Uzbekistan. To be registered a religious organization should present the following documents: an application signed by not less than 100 citizens of the Republic of Uzbekistan who initiate setting up of a religious organization; rules of the religious organization; a constituent meeting protocol; a document certifying address of the religious organization being set up; a document certifying payment of the registration fee. An application for registration of a religious organization's central administration body should be supported by the following documents: an application signed by the chairman and secretary of the constituent meeting

(conference); rules of the religious organization's central administration body; the constituent meeting (conference) protocol; a document authorizing the founders; a document certifying the address of the management body; a document certifying payment of the registration fee. Registration applications from religious organizations and their central administration bodies shall be considered within a month from the date of their submission. Justice bodies have a right to ask corresponding organizations for additional materials and experts' judgments on a religious organization applying for registration. In such case the decision shall be taken during three months from the date of application. Addenda and amendments to a religious organization's rules shall be registered in the same order and on the same terms as the religious organization itself. Religious organizations' leaders' evasion of registration of their organizations' rules at state bodies will be punished in accordance with the law. Control over a religious organization's compliance with its rules shall be carried out by a registering body. Officials who allow activity of non-registered religious organizations shall bear responsibility in accordance with the law.

#### **Article 12. Refusal to Register a Religious Organization**

A religious organization can be refused registration if provisions of its rules or other documents contradict provisions of the present law or other laws of the Republic of Uzbekistan. A religious organization which is refused registration shall be notified about the decision by a letter specifying reasons for the refusal. The religious organization's founders have a right to apply again to the Ministry of Justice of the Republic of Uzbekistan and its local departments provided they bring their rules in line with the law. Refusal to register a religious organization or violation of provisions of the present law by justice agencies can be applied against with court.

#### **Article 13. Discontinuation of a Religious Organization's Activity**

Activity of a religious organization shall be halted at its own volition or if it violates this law or other laws of the Republic of Uzbekistan. A decision to halt the activity of a religious organization shall be taken by a registering body. The decision can be appealed against in a court of law.

#### **Article 14. Religious Rites and Ceremonies**

Religious organizations have a right to create and maintain facilities for free worship and carrying out religious rites, and to maintain pilgrimage sites. Worship, religious rites and ceremonies shall be exercised at a religious organization's premises, prayer buildings and other properties belonging to the organization, at pilgrimage sites, cemeteries, and in cases of ritual necessity and at citizens' will at home. Worship and religious rites can be exercised in hospitals, nursing homes, detention centers, prisons and labor camps at the request of the people staying there. Public worship and religious rites can be held outside religious buildings in the order established by the law of the Republic of Uzbekistan. Citizens' of the Republic of Uzbekistan (except religious organization's ministers) cannot appear in public places in religious

attire. Religious organizations cannot subject believers to compulsory payment of money, or taxation, and to actions insulting their honor and dignity.

#### **Article 15. Religious Organization's Property**

Religious organizations can own buildings, objects of veneration, facilities for production, social and charitable use, money and other property required to carry out their activity and bought or built with their own money or people's or public associations' donations, or given by the state. They can also own property in a foreign country and property obtained in the other ways envisaged by the law. Religious organizations' right to property is protected by the law.

#### **Article 16. Use of State Property**

Religious organizations have a right to use for their needs buildings and other property handed over to them by state organizations under a contract. Historic or cultural sites and items can be handed over for use to religious organizations in accordance with the law. Religious organizations can be allotted land plots to build religious buildings in the established order and with permission of the Council of Ministers of the Republic of Karakalpakstan, and administrations of the Regions and the city of Tashkent, and the Cabinet of Ministers of the Republic of Uzbekistan respectively.

#### **Article 17. Production of Goods and Services**

Religious organizations' central administration bodies proceeding from their aims set out in the rules have a right to set up in accordance with the legislation of the republic of Uzbekistan publishing, production, restoration and construction, agricultural and other enterprises, as well as charity establishments (orphanages, hospitals).

#### **Article 18. Disposal of Property of Religious Organizations Which have Ceased Their Activity.**

After religious organizations have ceased their activity the property transferred for their use is returned back to former owners. After religious organizations have ceased their activity the ownership of their property is exercised in accordance with their Statutes and legislation. The list of property designated for worship which may be freed from the claims of creditors is established by the Council of Ministers of the Republic of Uzbekistan on suggestions from religious organizations. In case there are no legal inheritors the property is turned into state ownership.

#### **Article 19. Religious Literature and Objects of Religious Designation**

Central administration bodies are entitled to manufacture, export, import, and distribute objects of religious designation, religious literature and other information materials of religious contents in the order proscribed by legislation of the Republic of Uzbekistan. Delivery and distribution of religious literature published abroad is done after expert examination of its contents is made in the order proscribed by legislation. Central administration bodies have an exclusive right to issue and distribute the objects of religious cult provided they have an appropri-

ate license. Manufacture, storage, and distribution of printed matter, cinema, photo, audio, and video production and other materials formulating ideas of religious extremism, separatism, and fundamentalism entail responsibility in accordance with legislation.

**Article 20. Charity Activity**

Religious organizations can carry out charity activity.

**Article 21. Labour Relations in Religious Organizations**

Citizens working in religious organizations under a contract are subject to the labour legislation of the Republic of Uzbekistan.

**Article 22. International Relations of Religious Organizations**

According to legislation religious organizations are entitled to establish and maintain international relations for pilgrimages and participation in other religious activities.

**Article 23. Responsibility for Breaking the Legislation on Freedom of Religious Organizations**

Officials, religious organizations' ministers found guilty of violating the legislation on freedom of conscience and religious organizations are subject to responsibility established by legislation of the Republic of Uzbekistan.

Tashkent  
1 May 1998  
President of the Republic of Uzbekistan  
I. Karimov

**STATEMENT SUBMITTED FOR THE RECORD BY  
MIRIAM LANSKOY, PH.D., PROGRAM OFFICER  
FOR CENTRAL ASIA AND THE CAUCASUS,  
NATIONAL ENDOWMENT FOR DEMOCRACY**

I am grateful to the Commission on Security and Cooperation in Europe for giving me this opportunity to comment on recent developments in Uzbekistan, particularly as they concern the domestic NGOs which work to promote democracy, rule of law, and human rights.

I would like to draw your attention to several restrictive measures imposed recently by the government of Uzbekistan on domestic NGOs, which suggest that it is reversing the tentative openings that were made in 2002. In this context, the new resolution on banking deserves special attention. The resolution on banking imposed in February 2004 has led to a disappearance of transfers from National Endowment for Democracy (NED) and other donors in the Uzbek banking system and has deprived domestic NGOs of their main source of funding, thereby bringing their activities to a halt.

The last year has been characterized by a number of other negative developments including a more restrictive media law and pressure on international NGOs with offices in Tashkent, including the denial of registration to the Institute of War and Peace Reporting (IWPR); threats to the representative of the International Crisis Group (ICG) and the closing of the Soros Foundation office. The International Crisis Group reported in March 2004 that a special department of the National Security Service has been created specifically to monitor the activities of NGOs.

At present, NGOs in Uzbekistan, particularly those that work on human rights and democracy face a substantially more difficult environment than that obtaining a year ago; when some limited degree of liberalization in the Uzbek political system seemed imminent.

**The NED and its programs in Uzbekistan**

The National Endowment for Democracy (NED) is a nonprofit, bipartisan grant-making organization created in 1983 to strengthen democratic institutions around the world through nongovernmental efforts. With its annual Congressional appropriation, the Endowment makes hundreds of grants each year to support pro-democracy groups in Africa, Asia, Central and Eastern Europe, the former Soviet Union, the Middle East, and Latin America. Endowment programs in the areas of labor, free-market and political party development are conducted by the NED's four core institutes: The American Center for International Labor Solidarity (ACILS), the Center for International Private Enterprise (CIPE), the International Republican Institute (IRI), and the National Democratic Institute for International Affairs (NDI).

In addition to these areas, the NED has a discretionary grants program that assists pro-democracy organizations abroad doing work in areas such as human rights, independent media, civic education, and political participation. In 2002 and 2003, the Congressional Appropriation was bolstered by an additional grant from the State Department for work in Central Asia.

The NED supported ten programs in Uzbekistan last year focusing on the areas of human rights, legal assistance, the free flow of information and civic education. Specifically programs have focused on docu-

menting instances of human rights abuse, including torture, and providing legal assistance to victims and their families. Other programs have assisted regional NGOs by providing organizational support and training and capacity building. One of the most successful programs was a conference organized in Tashkent last fall which brought together over a hundred activists representing every human rights organization and independent political party in Uzbekistan as well as independent activists. Endowment support permits the independent Uzbek language journal, *Harakat*, to be published and to circulate in Uzbekistan. Despite the obstacles arraigned against them, these groups have been able to conduct important work and if given time could develop into strong institutions. However, all of their initiatives are now under severe strain due to the Uzbek government's new restrictions on NGOs.

#### **Backsliding over the last year:**

**Resolution 56 of the Council Ministers** of February 4, 2004 says that its purpose is to improve the collection of statistical data and to combat money laundering. From reading the text of the resolution it is difficult to understand why it has been implemented in such a way that domestic NGOs do not receive transfers sent into their bank accounts. The resolution stipulates that in the interest of "unifying statistical information," and "improving banking services," the Committee for Statistics is charged with monitoring how grants are received and disbursed and the National Bank and the Asaka bank are required to set up special branches to service transfers from foreign sources.

However, in practice, transfers from western donors, public and private, simply disappear into the National Bank of Uzbekistan. Grantees who insist on receiving their transfers are asked to complete questionnaires and submit them to special commissions. It is not clear how these commissions function, how often they meet, who sits on the commissions or how they form their judgments. The commissions neither render written judgments nor do banks give written instructions or explanations. One source reports being told by a bank employee that a human rights organization is not permitted to receive grant funds.

In this way, the NED has lost three transfers totaling \$8794. From informal conversations with other donor organizations, I have learned that all of them have had similar experiences, which leads one to believe that the total amount being held arbitrarily by the National Bank of Uzbekistan is probably quite substantial. Yet no comprehensive figure is available.

If this merely an administrative error it could be remedied by transferring the funds to the grantees' accounts and clarifying that the intent of Resolution #56 is simply to collect statistical data. This has not transpired; instead grantees have been without funding for five months and in some cases are simply unable to continue their programs.

Another recent development that has had a negative impact on the NGO sector is the new **Law on the Media** of December 2003. According to the provisions of this law, all publications, including small circulation bulletins have to undergo registration as mass media. If a year ago, an NGO published a monthly newsletter with a circulation of 200 copies, now this is no longer legal. The small opening for independent publications has now closed.

Other violations of **freedom of speech** and freedom of information include the continued blocking of opposition web sites, particularly those located within Uzbekistan or those that carry detailed analysis and news about Uzbekistan. Sites such as ferghana.ru not to mention Eurasianet can not be viewed in Uzbekistan. An Uzbek journalist, Bobomurod Abdullaev, who runs the Ozod Ovoz website (which is critical of the government and is blocked in Uzbekistan), was recently threatened with arrest. On June 26, 2004 the International Freedom of Expression Exchange (IFEX) released a letter in his support which was signed by 33 media organizations.

The government of Uzbekistan has also **denied registration to three independent political parties** which had completed all the necessary requirements and procedures for registration. This bars the parties, which are secular and moderate, from competing in the upcoming parliamentary elections and ensures that the elections will not be a genuine contest among independent parties.

Finally there should be mention of **the increasing pressure against international NGOs** with offices in Tashkent. The Institute for War Peace Reporting had its registration denied in the fall of 2003. Subsequently all US NGOs with offices in Tashkent were asked to undergo new registration procedures. The Soros Foundation was denied registration in March and had to close its office. For many other NGOs the terms of their new registrations severely limit the scope of their activities. Hence, this year, even the international NGOs can not carry out many of the programs that were possible only a year ago.

### **Conclusions and Implications**

It is frequently observed that the Central Asian, and indeed post-Soviet, rulers mimic each other's tactics. In addition to my concern about NED grantees and their programs in Uzbekistan, I am also very concerned that the banking regulations and other restrictions may be replicated in the other states of the region. If Uzbekistan can stifle the third sector without censure from the United States, this sends a strong signal to other repressive governments in the region that they can initiate similar policies. In a region as authoritarian as Central Asia this is a very troubling precedent.

Finally, it should be noted that the Uzbek government is not immune to external stimulus. After the Agreement on Strategic Partnership was signed in March 2002, some new opportunities did materialize. These new efforts brought domestic Uzbek NGOs into closer contact with the international community and tested the limits of freedom in Uzbekistan. New program proposals received at the NED were bolder in formulating strategies to advance the independent flow of information, create new publications, and promote truly competitive elections. However, these new initiatives have not had an opportunity to develop and are in danger of being cut off at the root, because the Uzbekistan government is closing that small window, with devastating consequences for civil society.

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