

# Human Rights in Central Asia<sup>1</sup>

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The defining trend of political development in Central Asia has been the emergence of presidents far more powerful than the legislative and judicial branches of government. Central Asian constitutions generally sanction this imbalance by according the head of state extremely broad prerogatives. But the actual practice of presidential rule has transcended constitutional provisions, which also formally enshrine separation of powers. Only in Kyrgyzstan, for example, has parliament occasionally managed to frustrate the executive. Kazakhstan's few opposition-minded legislators at best can try to embarrass their president. Elsewhere in the region, parliaments are rubber stamp institutions, while courts everywhere reliably rule in political cases as instructed by the powers that be. Official justifications for the phenomenon of "super" presidents in Central Asia emphasize the need for a strong hand to consolidate independence, ram through reforms and maintain stability during a difficult transition period. More cynical views point to still strong "eastern" and/or Russian-Communist traditions of exercising authority.

The most extreme case of authoritarianism is Turkmenistan, where Saparmurat Niyazov sponsors a full-scale cult of personality while overseeing the most repressive regime in the former Soviet Union. In Tajikistan, by contrast, President Imomali Rakhmonov has had to make concessions: a military stalemate in the 1992-1997 civil war forced him to come to terms with Islamic and democratic opposition groups and agree to a formal coalition government.

Rounding out the spectrum are Uzbekistan's Islam Karimov, Kyrgyzstan's Askar Akaev, and Kazakhstan's Nursultan Nazarbaev. Karimov, after permitting some political opposition, in mid-1992 banned all dissidence. Akaev and Nazarbaev tolerate opposition parties but curtail their influence—Nazarbaev much more effectively than Akaev.

Central Asian publics for the most part have accepted strongman rule, though not without grumbling, when possible. This is not surprising, considering the regimes' control of security organs, law enforcement, and prosecutorial agencies; the region's lack of democratic traditions; and the natural human focus on surviving severe economic decline. Moreover, after seeing the bloodshed in Tajikistan (or Azerbaijan or Georgia), many people are grateful for "stability."

At the same time, a series of unfair elections has deepened popular disillusionment with "democracy." Most people believe that presidents and lower level officials derive significant economic gain from their positions and will not willingly leave office. Consequently, relatively few protests have been lodged against the development of executive privilege. Only in 2002, in the most liberal Central Asian country—Kyrgyzstan—has this pattern begun to change.

When the Central Asian countries joined the Organization for Security and Cooperation in Europe (OSCE)<sup>2</sup> in 1992, their leaders pledged to implement all past and future commitments of the Helsinki process. In fact, however, they want no part of democracy. The best evidence for this proposition is their miserable record of elections. It is unclear what the region's presidents fear more—losing or not winning by an astronomical figure—but it is certain they rig elections and strive to eliminate all risk from electoral exercises.<sup>3</sup>

Apologists often point to Central Asian traditions and argue that democracy must be built slowly. But while an undemocratic history, real or alleged Islamic fundamentalism, the Soviet legacy, and poverty are all important, leaders determined to remain in office require repressive political systems. Implementing commitments on democracy, the rule of law and human rights would create a level playing field for challengers and let the media expose presidential misdeeds.

Another key factor in Central Asia's poor human rights record is high-level corruption. Presidents wishing to continue enriching their families and friends (or "clans") cannot allow a free press or an independent judiciary. Nowhere is the nexus between corruption and intimidation of the press clearer than in Kazakhstan, where journalists who write about foreign investigations into President Nazarbaev's finances risk physical retribution or legal action.

Nor is normal politics possible. Fear of the consequences if an outsider should come to power and uncover the scale of abuse induces leaders to ensure that no serious rivals emerge and that elections are carefully controlled—when they take place at all. The result has been the emergence

of an entire region in the OSCE space where fundamental freedoms are ignored. Along with large-scale conflicts like Kosovo or Bosnia, unresolved low-level conflicts such as Nagorno-Karabakh and Abkhazia, and the trafficking in human beings, the systemic flouting of commitments on democratization and human rights in Central Asia is the single greatest problem facing the OSCE.

Consequently, human rights observance in these states has tended to reflect not the leaders' commitment to reform, but rather goading from abroad. Such pressure, however, has had—and can have—only limited effect. While the United States had urged progress in democratization even before September 11, Central Asian leaders apparently had concluded that Washington is more focused on strategic and economic interests and the threat of Islamic fundamentalism. U.S. disapproval of lagging democratization never kept American businessmen from seeking to exploit Central Asia's natural resources or restrained Washington from encouraging them. Nor did flagrant human rights abuses cause the United States to cut significantly programs such as Partnership for Peace, cease foreign aid, or otherwise slow the development of bilateral relations.

After September 11, the U.S. government moved to consolidate its relationships with Central Asian states, seeking cooperation in the war on terrorism. But Washington also made plain its expectations of some type of political reform, warning that without such reform, Islamic radicalism would threaten stability in Central Asia and the entire Western world.

Kyrgyzstan's Akaev and Uzbekistan's Karimov faced incursions by the Islamic Movement of Uzbekistan (IMU) in 1999 and 2000. They and other regional leaders quickly pledged support in the campaign against terrorism and seem happy to build closer ties with the United States. But loosening their grip on power is as unpalatable to them as ever. And if they saw little reason to fear sanctions or abandonment by Washington before September 11, they apparently feel even less concern now, with U.S. troops deployed in Uzbekistan and Kyrgyzstan, and military and intelligence cooperation developing apace. By the end of 2002, all Central Asian presidents, except Turkmenistan's Niyazov had been to the White House to meet President Bush.

Bush Administration officials deny that the U.S. human rights agenda has taken a back seat to military and anti-terrorism collaboration. They claim that working together on security facilitates the raising of human rights issues, more often and with greater success.<sup>4</sup> As evidence, they point to incremental victories, such as Uzbekistan's registration of an

independent human rights organization and the sentencing to jail terms of policemen who had tortured detainees.

Still, regional leaders have not shown any sign that they are ready for fundamental, systemic changes. On the other hand, indications of growing ferment abound. Since September 11, opposition and human rights activists have complained that growing U.S. closeness with Central Asian governments has emboldened these governments to indulge their repressive instincts with a greater conviction of impunity. Perhaps despairing of reliable American pressure for reform, opposition groups apparently have begun to count more on their own endeavors to create societies which respect human rights. These efforts have had mixed results so far, and the prospects for reform from below seem bleak.

## **Kazakhstan**

In the early 1990s, Kazakhstan seemed to be building a democratic state with societal input into decision-making and relative freedom of speech. Today, President Nursultan Nazarbaev gives every indication of intending to remain in office for life. He has kept the legislative and judicial branches well in hand while not permitting any alternative sources of power to emerge, and turned energy- and resource-rich Kazakhstan into a virtual family enterprise. Meanwhile, the possibilities for opposition political activity or speaking one's mind have narrowed and become increasingly dangerous.<sup>5</sup>

With normal politics impossible inside Kazakhstan, an important locus of opposition activity has gone abroad. Former Prime Minister Akezhan Kazhegeldin, whom Nazarbaev has accused of corruption and who cannot safely return home, has led a campaign of international lobbying, providing information about Nazarbaev's regime to Western governments and anyone willing to listen. These efforts have helped publicize alleged corruption, which Nazarbaev has sought to stifle inside Kazakhstan through control of the media.

In late 2001, Nazarbaev faced several new threats, including an open rupture with his powerful son-in-law and an attempt to mount an intra-elite opposition movement. Nazarbaev responded with a crackdown, in spite of U.S. government calls for political liberalization in Central Asia. He quashed all challenges and intensified assaults on the opposition media, indicating both his concern and his sense of impunity.

Nazarbaev, elected president in 1990 by Kazakhstan's Supreme Soviet, confirmed his position in a non-contested election in 1991. In 1995, he inaugurated a period of presidential rule and convened an Assembly

of the People, which extended his tenure until 2000. Official results gave Nazarbaev 81.7 percent of the vote in the first nominally contested, pre-term presidential election in January 1999. Because of the exclusion of would-be candidates, intimidation of voters, and attacks on independent media, the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) refused to send observers. A small reporting mission concluded that the "election process fell *far short*" of OSCE standards.

In October 1999, Kazakhstan held elections for parliament's lower chamber, in which political parties, for the first time, could submit party lists for 10 of the 77 seats. *Otan* (Fatherland), Nazarbaev's party, came in first, followed by the opposition Communist Party, the pro-presidential Civic Party, and the Agrarian Party. In the first round, ODIHR observers saw some improvements in the legislative framework and lauded the introduction of party list voting, but criticized the second round. Citing flagrantly falsified protocols and continued interference by officials, ODIHR judged that the election fell short of OSCE commitments.

Freedom of association is restricted in Kazakhstan. Opposition parties, such as the Communist Party and the Republican People's Party (RPPK) have been registered and allowed to function, and some of them have parliamentary representation. But it was only after long delays that the RPPK registered, as a result of strong OSCE pressure before the October 1999 parliamentary election.

Recent attempts to create new opposition parties, especially the Democratic Choice of Kazakhstan (DCK), have been crudely suppressed. Two DCK leaders are in jail: Mukhtar Ablyazov, former Minister of Power, Industry, and Trade, and Galymzhan Zhakiyanov, former Governor of Pavlodar. In July 2002, Ablyazov was sentenced to six years in jail; in August of the same year Zhakiyanov received a seven-year term. Nazarbaev clearly wanted to make an example of them for any other would-be opposition activists among Kazakhstan's officials.

On June 25, 2002, Kazakhstan's parliament raised from 3,000 to 50,000 the number of members needed for party registration and required parties to have a branch office and at least 7,000 members in each of Kazakhstan's regions. The new law likely will lead to the de-registration of most of the 19 parties currently represented in parliament. The OSCE Center in Almaty strongly criticized the law for threatening political pluralism, but to little visible effect. Indeed, in recent months the number of parties has since shrunk to nine and the RPPK is no longer registered.

Freedom of assembly is restricted in Kazakhstan. A March 17, 1995 presidential decree, issued while parliament was disbanded, remains in

force and limits the ability of citizens to participate in unsanctioned demonstrations. Gaining permission for such gatherings is difficult, and authorities have detained or jailed violators. For example, on April 25, 2002, police in Almaty detained 12 members of the RPPK and other opposition groups to prevent them from picketing a hotel where a government-sponsored media conference was taking place. The demonstrators hoped to publicize the government's systematic violations of human rights and media freedoms. They were held for seven hours before being charged and then put on trial.<sup>6</sup>

Freedom of speech is highly restricted in Kazakhstan. Dariga Nazarbaeva, the president's daughter, runs Khabar, the main TV station. Newspapers and TV can report on intra-government discord and low-level corruption. But stories about Nazarbaev, his family or allegations of their corruption are likely to result in harassment or worse. In 1996 and 1997, the government began closing down independent TV and radio stations by manipulating tenders for broadcasting permits. In 1998, the publisher of *Karavan* was forced to sell the country's most popular newspaper, which is now widely believed to belong to the president's relatives. Cruder methods were employed in September 1998, when the offices of the opposition newspaper *21st Century* were firebombed.

As a result of these policies, the opposition press largely has been silenced. In May 2000, the New York-based Committee to Protect Journalists (CPJ) placed Nazarbaev on its annual list of "Ten Worst Enemies of the Press." The head of the OSCE office in Kazakhstan said in June 2002 that independent and opposition media in Kazakhstan face increasing legal and economic pressures, while national media are concentrated in the hands of persons close to Nazarbaev.<sup>7</sup>

In May and June 2002, after official revelations about a secret Swiss bank account with \$1 billion under Nazarbaev's name, the assault on independent media intensified. Irina Petrushova, the editor of an opposition newspaper, found a decapitated dog hung by its paws outside her office. On a screwdriver driven into its torso was a warning: "There won't be a next time." The Almaty TV station TAN was forced off the air when its cable was sliced in the middle of the night.<sup>8</sup>

On August 28, 2002, independent journalist Sergei Duvanov was severely beaten by three men. He already had been charged with "insulting the honor and dignity of the president" after writing an internet article about the international investigation into alleged corruption by Nazarbaev. On October 27, Duvanov was arrested on charges of raping a teenage girl. He maintains his innocence and many human rights groups in Kazakhstan

and abroad view the charge as politically motivated. If convicted, Duvanov could face a 10-year jail term. In January 2003, Duvanov—whose case attracted substantial international attention—was sentenced to three and a half years in jail. Another journalist who published an article on alleged corruption, Lira Baseitova, suffered the worst of tragedies: her daughter died in mysterious circumstances while in police custody on June 21, 2002.

Kazakhstan initially permitted fairly unrestricted religious freedom, but in the mid-1990s the government increasingly sought control over new religious groups. In 1998, the national security apparatus (KNB), concerned about Islamic extremism, became more active in the surveillance and deportation of Muslim missionaries. KNB leaders openly stated that prohibiting the spread of Islamic and Christian “religious extremism” was a top priority.

Religious groups must register to rent or purchase property, employ workers, or obtain visas for foreign co-religionists. A new article in the Administrative Code, introduced in 2001, imposes criminal sanctions on leaders of groups refusing to register, and local authorities have detained and beaten leaders of groups which do not. In addition, parliament introduced a new religion law broadening the government’s ability to control and monitor religious groups. However, the Constitutional Council deemed the draft law unconstitutional in April 2002, and President Nazarbaev chose not to appeal. While officially the law may not be on the books, the number of fines and court orders closing down churches of Baptists who refuse to register steadily has increased.

## **Kyrgyzstan**

Under President Askar Akaev, Kyrgyzstan was long the most democratic country in Central Asia. Parliament enjoyed some independence, and while several newspapers which covered high-level corruption were forced to close, criticism of the government and even of Akaev was possible. In this relatively liberal atmosphere, civil society blossomed. In the second half of the 1990s, however, the honeymoon ended. In 1999, when several politicians announced their intention to run for president, Akaev’s regime turned toward open repression. Since then, various opposition leaders have been arrested, co-opted or otherwise removed from politics, while independent media have come under severe pressure. Both Kyrgyzstan’s reputation as an oasis of freedom in Central Asia and Akaev’s democratic image have dissipated.

In early 2002, pent-up popular discontent erupted after the arrest in January of a southern legislator, Azimbek Beknazarov, who opposed a border deal that would cede territory to China. On March 17, police fired on demonstrators denouncing his imprisonment and six people died. In the ensuing crisis, thousands of people protested all over the country; Akaev was forced to dismiss his government in May and agree, in principle, to a coalition government.

On August 26, Akaev decreed the formation of a Constitutional Council to redistribute powers among the president, government and parliament. Kyrgyzstan's plan to hand over presidential prerogatives to other branches of government was unique in Central Asia and, if all sides had acted in good faith, could have served as an important precedent for neighboring countries. Yet well into 2003, tensions remain as high and some opposition groups—including several parliamentarians—are determined to bring down Akaev. To date, Kyrgyzstan remains the only country in Central Asia where civil society is powerful enough to pose a possible threat to the president.

In a snap presidential election held in December 1995, two would-be candidates were disqualified shortly before the vote. By the late 1990s, Akaev faced more serious challengers, especially from Felix Kulov, leader of the *Ar-Namys* (Honor) party, who had been Vice President, Minister of National Security, Governor of Chu oblast and Mayor of Bishkek. Another contender was entrepreneur and independent parliamentarian Danyar Usenov, who headed the *El Bei Bechara* or Party of Poor People.

In the February-March 2000 parliamentary election, the authorities barred three of four opposition parties. They excluded Usenov from running in the second round and ensured Kulov's defeat; the ODIHR explicitly concluded that he had been robbed of victory. On March 22, 2000, the Ministry of National Security arrested Kulov for alleged abuse of power while he was Minister of National Security. He has since been sentenced to a 10-year jail term and is considered a political prisoner by Amnesty International and other human rights groups.

With his leading rivals jailed or out of the race, Akaev won easy reelection in the October 2000 election. Despite rumors that he would hold a referendum to extend his tenure from five years to seven, in August 2001 Akaev denied any such intentions and has not done so.

In May 2002, the CPJ listed Kyrgyzstan among the world's 10 worst places to be a journalist. Newspapers critical of the government have been crippled by slander lawsuits. Such publications include *Asaba*, which has resumed publication with a new editor. After the editorial

offices of *Vecherniy (Evening) Bishkek* were occupied by the militia in 1999 and the chief editor forced out; it reportedly now is run by Akaev's relatives.

In 1995, chief editor Zamira Sydykova of the opposition newspaper *Res Publica* received a suspended sentence for libel and was banned for 18 months from working as a journalist. She was jailed again in 1997 for libel and Amnesty International condemned her sentence. *Res Publica* most recently had to pay \$2,700 in fines for allegedly having offended a claimant's "honour and dignity." The paper was not published from January to May 2002, until it paid the fine.

Freedom of assembly has been restricted in Kyrgyzstan. Hina Jilani, the Special Representative of the U.N. Secretary General on Human Rights Defenders, said in summer 2001 that "the right to denounce and protest human rights violations has been repressed . . . and that freedom of assembly and freedom of association, though guaranteed by the Constitution, are frequently violated in practice." In 2002, however, large crowds demonstrated throughout the country, particularly in the south. The January arrest of parliamentarian Azimbek Beknazarov mobilized thousands of protesters who blocked the country's main highway. They demanded the release of Beknazarov (which was done on May 19); the resignation of Akaev; the rescinding of the border accord with China; and the punishment of officials responsible for the March 17 shootings.

In September 2002, the opposition again organized a large protest movement which aimed to descend on Bishkek and force Akaev out. Another bloody confrontation seemed likely, with unpredictable consequences. On September 12, however, both sides blinked: the marchers dispersed after the authorities promised to punish those responsible for the Aksy shootings by November 15. Afterwards, the authorities became more adept at managing demonstrations, which for the most part have ceased.

More than 30 political parties now are registered in Kyrgyzstan. Four opposition political parties—*Ar-Namys*, *Ata-Meken*, *El* and the *People* parties—have united to form the Peoples Congress. The imprisoned Felix Kulov was elected chairman of the movement.

Kyrgyz authorities have targeted non-government organizations (NGOs) critical of the government, especially the Kyrgyz Human Rights Committee, headed by Ramazan Dyrlydaev. The Committee was de-registered in 1995 and 1998 and its members have regularly experienced harassment; about fifteen have been arrested at various times. In July 2000, the authorities occupied the Committee's offices, which they sealed, effectively shutting down the NGO. Dyrlydaev, in Vienna at the time, remained there,

fearful of arrest. He returned to Kyrgyzstan only in May 2002, accompanying Gerard Stoudmann, Director of the ODIHR, and continues his political activity. Still, several of Dyrlydaev's associates have been beaten by police. With large-scale demonstrations almost a daily occurrence in 2002, NGO leaders, especially those with oppositionist leanings, have been singled out for criticism in the government-controlled media.

Kyrgyzstan has enjoyed a degree of religious freedom since independence, although recent government actions are troubling. The State Commission on Religious Affairs, created in 1996, oversees registration of religious groups and is charged with protecting freedom of conscience. However, under a 1997 presidential decree, all religious communities now must register with the Ministry of Justice. While many Muslim and Christian religious communities have registered successfully, the government repeatedly has turned down the Catholic Church, whose members are mainly ethnic Kyrgyz.<sup>9</sup> In addition, the registration of new churches has slowed, as the government fears creating religious-based conflicts in rural areas.

Due to security concerns about Islamic extremists, the government has intensified its surveillance of mosques throughout the country. In 2002, the government also issued a decree tightening publishing regulations for religious groups and called for an "audit," which would affect Muslim and Christian groups equally.<sup>10</sup> Work is underway on a new religion law. Input from an OSCE/ODIHR Panel of Experts on Freedom of Religion or Belief is expected to try to safeguard religious rights.<sup>11</sup>

## **Tajikistan**

Tajikistan is the only country in Central Asia that has endured a civil war. After the September 1991 declaration of independence, the United Tajik Opposition (UTO), a cluster of nationalist and Islamic groups, took up arms against the Russian-backed Popular Front led by Imomali Rahmonov and elites from the southern Kulyab province. The conflict turned into a struggle between secularists and Islamists, leading to the death of at least 50,000 people, the displacement of some 800,000 and widespread economic devastation.

War weariness and military stalemate brought about the June 1997 accord ending the hostilities. In return for disarming which occurred by 1999, the opposition was to receive 30 percent of government posts until parliamentary elections in 2000 and, in fact, UTO members have been given government posts at national and local levels. Thus, Tajikistan is the only Central Asian country where the government has formally reached an

agreement with the opposition about nominal power sharing, and where a legal Islamic political party may function openly.

While Rahkmonov largely has consolidated power and controls the countryside, former guerillas still hold sway in some areas, undermining overall stability. Several high-ranking officials have been assassinated, including a deputy interior minister, a former UTO political representative, a peace accords negotiator, a presidential foreign policy advisor, and a Minister of Culture. Democratic institutions and rule of law remain weak; most of the population is impoverished and the rebuilding of dysfunctional institutions has been slow. Drug use has risen sharply, and the country is a major transit point for narcotics. Moreover, the return of Islamist fighters from Afghanistan has raised concern about religious extremism. Tajikistan's prospects hinge on whether, in this unpromising environment, the government can build democratic institutions, combat rampant corruption and develop the economy.

Tajikistan's record on elections is poor. Rahkmonov became president in November 1994, subsequently extending his five-year term to seven. The OSCE declined to monitor the 1995 parliamentary elections, which the UTO refused to recognize while continuing its armed rebellion. In the November 1999 presidential elections, Rahkmonov ran alone: two candidates were excluded a month before the election, while two others withdrew in protest. An Islamic Renaissance Party (IRP) candidate was registered just before election day. On election eve, Rahkmonov and Abdullah Nuri, former UTO leader and now head of the IRP, agreed to hold fair, multiparty elections the following year to make up for the flawed presidential race.

But the February-March 2000 elections were preceded by violence, including bomb blasts in Dushanbe. A joint OSCE-UN mission cited many irregularities, concluding the election fell far short of OSCE standards. Still, six parties fielded candidates, giving voters some choice. The balloting itself was peaceful; all parties received free air-time on state media, and all candidates were permitted to hold rallies. Official tallies gave the ruling PDP about 65 percent, the Communist Party 23 percent, and the IRP 7 percent. By breaking the 5 percent threshold, the opposition was given two seats in parliament.

Though conditions for journalists have improved markedly since the civil war, the state controls many of the publishing and media outlets. The government offers "friendly advice" to reporters about content, and the State Committee on Television and Radio controls the issuing of licenses—which are expensive and require long waits. As a result, journalists

often exercise self-censorship. The government also maintains financial control by subsidizing nearly all publications and electronic facilities, as well as the country's only publishing house. Still, the IRP maintains its own independent printing press.

*Asia-Plus*, an independent Tajik news agency, began broadcasting in September 2002, making it the capital's first non-governmental source of information. *Asia-Plus* originally sought a license in 1998; its application was rejected in July 2002. President Rahkmonov, under international pressure, had to intervene to reverse the decision. Dushanbe remains without an independent television station, although independent stations do operate in other cities, particularly in the relatively liberal northern region of Soghd. In August 2002, TV Servis was granted a license to rebroadcast 12 foreign television channels in Dushanbe.

Journalists who offend the government or powerful individuals risk arrests, beatings or worse. In May 2000, Saifullo Rahimov, the director of the state radio and television, was murdered. Saifadin Dostiev, correspondent of the Tajik-language service of Radio Free Europe/Radio Liberty (RFE/RL), was badly beaten the same month. However, *Internews* reported no beatings of journalists in 2002, and in July of the same year, charges were dropped against Dodojon Atovulloyev, exiled editor of *Charoghi Ruz*, which often had been critical of the government.

Freedom of assembly is limited in Tajikistan. NGOs and political groups must obtain permits from local authorities to demonstrate; demonstrations are rare and participants normally do not face reprisal. Permits for political rallies, however, are more difficult to obtain than those for NGO-related events. In May 2001, local Kulyab authorities obstructed an IRP meeting and briefly detained two members. The authorities strictly-controlled political demonstrations prior to the 1999 presidential elections.

Five political parties are registered in Tajikistan. Rahkmonov's People's Democratic Party is dominant; the leading opposition party is the IRP, which no longer calls for an Islamic state but rather a society in which "Muslims would be accorded a fitting place." The IRP was registered in September 1999 following the reversal of a law prohibiting parties based on religious affiliation. Some IRP members occupy senior government posts (including Minister of Emergency Situations, Deputy Prime Minister, and most other deputy ministerial posts), and its members hold local positions as well.

Registration of political parties can be an arduous process. In several cases, applications were denied on technicalities, such as "insufficient

membership,” or for unknown reasons. Six parties were banned in 1999 alone, as was the *Adolatkhoh* (Justice) Party last year in two oblasts. Moreover, the government has “made politically motivated arrests, and there were credible allegations of cases of illegal government detention of rival political factions.”<sup>12</sup>

The NGO community is fairly active in Tajikistan; officials estimate some 2000 are operating. *Freedom House* (2002) reports that the government generally does not interfere in their operations, and that “groups that do not officially register are not necessarily illegal.” Advocacy by Tajik NGOs yielded Resolution 132, which slashed registration fees for community organizations and national-level NGOs. The number of registered NGOs dramatically increased in 2001: 320 NGOs were registered that year alone, a 35 percent increase from the previous year.

Though the Islamic party is legal and its representatives are in government, mosques and religious schools must be approved by the religious authorities (muftiate). Tajik authorities required all mosques to re-register two years ago, resulting in the closure of smaller and more radical ones, and religious schools had to submit their curricula to authorities. In an unpopular move, Tajik authorities also outlawed the use of loudspeakers for call to prayer in large cities. Although members of *Hizb ut-Tahrir*, whose explicit goal is the non-violent restoration of the Caliphate, have been arrested in Tajikistan, the number of arrests is much smaller than in neighboring Uzbekistan, and trials appear to be more open.

Christian groups that do not comply with registration procedures have faced petty harassment, and others have had their applications turned down. In late 2001, three Christian churches were bombed. In one of these cases, Islamic extremists reportedly were involved; in the other two, three persons were accused and one escaped. Baha’i and Hare Krishna groups have experienced some instances of discrimination; in 1999, Abdullah Mugharebi, a prominent Baha’i leader, was murdered.

## **Turkmenistan**

President Saparmurat Niyazov has created a near-totalitarian political system and one of the world’s most repressive regimes. He has not allowed alternative leaders, political parties, or movements to emerge and has maintained Soviet-style controls on a fearful populace. A defining feature of Niyazov’s political system is his cult of personality. He renamed himself Turkmenbashi “father of the Turkmen” and calls himself “The Great.” In 2002, Niyazov released the *Rukhnama*, a book of his teachings that citizens must study, and he appears intent on displacing other sources of historical

information and spirituality.<sup>13</sup> In August 2002, he renamed the months of the year, reserving two for himself and his deceased mother.

In November 2001, former Foreign Minister Boris Shikmuradov resigned from the government, fled the country, and declared his opposition to Niyazov. His move sparked other defections and marked the first time that a group of former high-ranking officials publicly declared their intention to topple Niyazov and formed a movement in exile to do so. Niyazov responded by purging the security apparatus—hitherto seen as his staunchest prop—and the military.

On November 25, 2002, official Turkmen sources reported an assassination attempt on Niyazov. Opposition representatives disclaimed any involvement and accused Niyazov of staging an attack to justify the mass arrests which followed. According to opposition and independent sources, scores of people, especially relatives of opposition leaders, have been jailed and tortured. Some, including Boris Shikmuradov, who was either captured or turned himself in at the end of December, have already confessed on television. At least two of those sentenced reportedly have died in prison.

Saparmurat Niyazov has never demonstrated the slightest inclination to loosen his control of Turkmen society, to rethink his views or to regard seriously his OSCE human rights commitments. There is no reason to expect any liberalization in Turkmenistan while he is in power or to believe that he will leave office voluntarily.

All elections in Turkmenistan have been farces. Races were uncontested in the December 1994 parliamentary election, and official figures claimed 99.8 percent turnout. Though seats were nominally contested in the December 1999 parliamentary elections, the ODIHR declined to send observers, concluding that the pre-election process “does not meet minimal OSCE commitments for democratic elections.”

Saparmurat Niyazov was the first Central Asian leader to cancel elections. In January 1994, he organized a referendum to extend his tenure in office until 2002; according to official results, 99.9 percent of the electorate cast ballots, and 99.99 percent of voters approved the initiative. In December 1999, the *Halq Maslakhaty* (People’s Council), ostensibly the country’s highest representative body but actually a rubber stamp for Niyazov, gave him the right to remain in office permanently. His virtual coronation as “president for life” flagrantly flouts OSCE commitments, which call for regular and competitive elections. Niyazov has since announced that he will remain in office until 2010, when contested presidential elections will be held.

There is no freedom of speech in Turkmenistan. All media are rigorously censored and glorify Niyazov. In May 2002, Freimut Duve, the OSCE's Representative on the Media, offered the following assessment to the OSCE's Permanent Council: "Turkmenistan . . . is the only member of the OSCE where currently media freedom . . . is non-existent . . . the notion of freedom of the media has not undergone any real changes since the days of the Soviet regime." On December 12, Duve said, "In this 'declared democracy' the media are currently being used to humiliate and terrorise anybody who is even remotely contemplating the legitimacy of the current state of affairs. Some of the television programmes I have been informed about remind me of the show trials on Soviet radio and in the newspapers during the thirties."

Freedom of association is forbidden in Turkmenistan, the only remaining one-party state in the former Soviet bloc. The Democratic Party is the sole registered party. No opposition groups were ever registered and none are allowed to function today. In May 2002, Niyazov said, "Turkmenistan will get a multiparty system and an opposition in time, but it has had more important things to do since independence, such as ensuring that the people's living standards don't plummet." In fact, living standards have plummeted for the great majority of the population.

According to independent sources, there are about 500 NGOs in Turkmenistan, of which 60 are registered. However, no new NGOs have been registered since 1995, nor can NGOs engage in any activity that even hints of political opposition. In June 2002, representatives of various Turkmen parties and NGOs convened in Vienna. Turkmenistan's opposition-in-exile formed a coordinating-consultative body, called the "Roundtable of the Turkmen democratic opposition." Members include "Agzibirlik," the Russian community of Turkmenistan, the Communist Party, the Social-Democratic Party of Turkmenistan, the Board of Veterans of the Turkmen international warriors, the Turkmen diaspora in Afghanistan and Iran, the National Patriotic Movement of Turkmenistan, the National Democratic Movement of Turkmenistan, and the popular social movement "Mertebe." To date, this body has held meetings and issued statements condemning ongoing human rights abuses but has not visibly been able to undermine Niyazov's position.

There is no freedom of assembly in Turkmenistan. The atmosphere has been so repressive that one rarely even hears of attempts to organize demonstrations. Nevertheless, RFE/RL reported in April 2002 that protesters gathered outside the building of the Committee for National Security (KNB) in Ashgabat for the second day to complain about misdeeds by the

security organs and to demand the punishment of KNB members who violated the law.<sup>14</sup> In August 2002, opponents of Niyazov's regime reportedly distributed anti-government leaflets in the main bazaar in Ashgabat.

The most publicized demonstration in Turkmenistan took place in July 1995, when about 1,000 people marched in Ashgabat and called for new presidential and parliamentary elections. Subsequently, law enforcement officials described the marchers as "drug addicts" on television, and several participants remained in jails for years afterwards. They were released before Niyazov's 1998 visit to Washington.

Turkmenistan allows no freedom of religion. The 1991 Law on Freedom of Conscience and Religious Organizations, amended in 1995 and 1996, requires religious groups to have 500 adherents in each locality wishing to register. Unregistered communities may not hold any religious meeting or proselytize. Individuals caught participating in such meetings risk monetary fines and criminal sanctions.<sup>15</sup>

Accordingly, approved religious communities are limited to government approved Sunni mosques and Russian Orthodox Churches. Government raids against unregistered religious groups are common, often followed by arrests and seizures of property. The government even bulldozed an unregistered Adventist Church in 1999, seized the property, and now is turning the site into a public park.<sup>16</sup> While longtime Baptist prisoner Shalgeldi Atakov was released in January 2002, several Jehovah's Witnesses remain jailed for refusing to swear an oath of loyalty to President Niyazov. Recently, Turkmen authorities forced a group of Protestants from a small eastern village to renounce their faith and swear an oath on Niyazov's *Ruhnama*.<sup>17</sup>

## **Uzbekistan**

Under President Islam Karimov, Uzbekistan is a repressive police state, where opposition is banned, media are censored, and civil society has been crippled. Karimov apparently means to remain in power indefinitely and has manipulated elections for that purpose. None of the five parties in Uzbekistan's parliament can even be remotely considered oppositionist. The courts are tightly controlled, sentencing those accused of political or religious crimes to long prison terms.

The most populous country of Central Asia, Uzbekistan is also the state where political Islam has emerged as a threat, particularly in the form of the Islamic Movement of Uzbekistan (IMU), which the U.S. Government has classified as a terrorist organization. For the last five years, Karimov's regime has been engaged in a virtual war against religious Mus-

lims who want to worship outside state-controlled mosques. Uzbek and international human rights groups estimate that thousands of people have been jailed; planting of evidence is common, as is torture in prison. Karimov has ignored advice from many sources, including Washington, which warns that his crackdown only strengthens the radical Islamic dangers he claims to be combating.

Since the post-September 11 rapprochement with Washington, Karimov has made some gestures: He permitted the registration of an independent human rights organization, amnestied prisoners, and most recently, has claimed that pre-publication censorship has been lifted. In 2002, two cases were reported of policemen who had tortured detainees receiving jail terms. On August 29, 2002, Karimov urged "radical" democratic changes, telling parliament that the country is ready for freedom of the media, political activity, independent courts, and economic liberalism.<sup>18</sup> Based on past practice, however, there is no reason to expect more than tactical concessions or to look forward to genuine political reform.

In the December 1991 presidential election, Karimov allowed Mohammad Solih, poet, writer, and leader of the opposition *Erk* party, to run. Abdurrahim Polat, leader of the opposition *Birlik* movement, was not allowed to register as a candidate. Official figures gave Solih about 12 percent of the vote, in Uzbekistan's last election with any suspense.

The OSCE refused to send observers to the 1999 parliamentary elections, in which five pro-government parties participated. In the January 2000 presidential elections, which OSCE also did not monitor, the person permitted to run against Karimov said he would vote for the incumbent. Still, Karimov was not content with another five-year term. In January 2002, Uzbekistan held a referendum which extended his tenure in office from five years to seven.

There is no freedom of assembly in Uzbekistan. Attempts to organize demonstrations are rare and participants are usually jailed. Still, on April 23, 2002, more than 20 women protesting the torture of their relatives in prison gathered on a Tashkent street. They were quickly surrounded by militia and KGB and dragged into waiting buses. This was the second such attempted demonstration in recent months.<sup>19</sup>

On August 27, 2002, Uzbek authorities detained Elena Urlaeva and another woman who were protesting government abuses outside the Ministry of Justice. The next day, the two were transferred to a psychiatric hospital for compulsory treatment, including forced administration of drugs.<sup>20</sup>

Freedom of association is not permitted in Uzbekistan. Karimov created several pro-government parties, perhaps to check the power of the National Democratic Party (successor to the Communist Party) and to create a semblance of pluralism. These parties include *Adolat* (Justice); *Milliy Tiklanish* (National Rebirth), and *Fidokorlar*, apparently Karimov's favorite. However, since 1992, the opposition parties *Erk* and *Birlik* have not been able to participate in elections or distribute literature. *Erk* spokesmen claim party members are in jail for their political activity and are tortured; *Erk* activists not in jail are closely monitored by police. A September 21, 2002 appeal by the Human Rights Society of Uzbekistan listed eight of its members behind bars.

On April 4, 2002, Karimov said he would meet with opposition members in exile who return to Uzbekistan, particularly if they could promote economic reforms. His invitation extended only to those not involved in terrorist activities, especially the February 1999 explosions in Tashkent, and those who do not seek to reestablish the Caliphate, i.e., *Hizb-ut-Tahrir*. But there is no reason to expect sanctioned opposition parties soon.

After September 11, Karimov yielded to American pressure on behalf of independent human rights groups. Before Karimov's visit to Washington in March 2002, the Ministry of Justice registered the Independent Human Rights Organization of Uzbekistan, a breakthrough by Uzbek standards. Other independent human rights groups remain unregistered, although they do function. The best known is the Human Rights Society of Uzbekistan. Recently, several more have emerged, including *Ezgulik* (Good Deed) and *Mazlum* (The Oppressed). On May 21, 2002, *Ezgulik's* application for registration was rejected by the Ministry of Justice.

There is no freedom of speech in Uzbekistan. While stories about low-level corruption may appear, Karimov and his policies are off-limits. Those who try to print or distribute unsanctioned newspapers or bulletins, such as those associated with *Erk* or *Birlik*, risk criminal penalties. Karimov has himself criticized Uzbekistan's media, skirting the issue of how media can develop in such a tightly run political system. On May 10, 2002, he raised the issue on national TV, acknowledging that, "Despite what is in our laws . . . we are still far from international standards. The media today is not the fourth estate that it is in all developed countries."

Shortly thereafter, Uzbekistan's chief censor lost his job and on May 13, for the first time, Uzbek newspapers were published without censorship. Nevertheless, the Committee to Protect Journalists declared in Tashkent on June 10 that little has changed, as the authorities "routinely encourage self-censorship by threatening critical journalists with

imprisonment.” The CPJ called for the release from prison of journalists Mukhammad Bekjonov, Yusuf Rozimurodov, and Majit Abdurahimov.<sup>21</sup> Karimov’s commitment to media freedom remains to be demonstrated and pending the publication of articles critical of government policy should not be taken seriously.

Uzbekistan’s government claims that Islam has regained its revered place after 70 years of Soviet atheism and indeed, many new mosques have been opened. But Karimov has always feared politicized Islam and sought to control religion. He has some reason to worry, especially about two organizations that openly challenge the state’s avowedly secular stance—the IMU and *Hizb-ut-Tahrir* (Party of Freedom). The IMU, which is linked to al Qaeda, has pledged to overthrow Karimov, and in 1999 and 2000 staged incursions into Kyrgyzstan with the aim of establishing bases in Uzbekistan. *Hizb-ut-Tahrir*, though professedly non-violent, is openly anti-Semitic and anti-Western.

Accordingly, the Uzbek Government decides who may become an Imam and what can be preached in mosques.<sup>22</sup> Moreover, Imams require periodic re-approval from the Muftiate, the State’s Committee on Religion and the National Security Committee. A 1998 law on religion restricts religious freedom to groups deemed a threat to national security, bans proselytizing and private religious instruction, and only permits government approved clerics to wear religious dress.<sup>23</sup> Under 1999 amendments to the criminal code, individuals attending an unregistered group risk three to five years in jail for belonging to an “illegal” group. Individuals caught attending meetings of “banned” religious groups face up to 20 years imprisonment.<sup>24</sup>

Since the February 1999 explosions in Tashkent, which Karimov called an assassination attempt and blamed on radical Muslims, thousands have been jailed for practicing Islam outside of government-regulated religious institutions, and for their affiliation with unregistered Islamic organizations. Human Rights Watch has documented more than 800 such cases since 1999; detainees are held in secret, tortured, and denied access to counsel. At trial, judges ignore allegations of torture—used to extract confessions—and sentence defendants to as many as twenty years in prison for possessing or distributing unsanctioned religious literature, belonging to unofficial religious organizations, or adherence to religious ideals viewed as hostile to the state.

Christian communities exist in relative peace as long as they do not attempt to proselytize to indigenous groups not traditionally Christian.

Still, a Baptist church in a Tashkent suburb has been ordered closed, and Jehovah's Witnesses have been fined and harassed.

## **Conclusion**

In many aspects, citizens of Central Asian states enjoy less freedom than they did a decade ago. At that time, opposition movements could operate, even in Turkmenistan and Uzbekistan. The press was freer in the early 1990s in Kazakhstan and Kyrgyzstan than in 2002, and political pluralism had far better prospects. Tajikistan's unhappy experience would seem to indicate that only violence can bring the region's governments and opposition to terms.

Unfortunately, one cannot project with any confidence the development of democratic societies in Central Asia from today's trends. More likely outcomes are variations of "strongman" regimes, where leaders-for-life control their country's economic assets, while they and lower-level officials keep the press from informing the public about their misdeeds.

But the absence of even the possibility of normal politics leads to abnormal politics. The refusal of Central Asian leaders to allow turnover at the top or permit newcomers to enter the game means that outsiders have no stake in the political process and can imagine coming to power, or merely sharing in the wealth, only by extra-constitutional methods. Kyrgyzstan's protest movement in 2002 is one form of the phenomenon; the recent reported assassination attempt on Turkmenistan's Saparmurat Niyazov is another.

Only Kyrgyzstan offers some cause for cautious optimism. Akaev has pledged not to run for a third term in 2005. His stepping down would be unprecedented for the region, as would be a sincere, successful transfer of some of his presidential powers to other branches of government. The Kyrgyz model would not necessarily apply to neighboring states, whose leaders disdain Akaev as weak, but a redistribution of powers is a guidepost for reform. Perhaps more important, the 2002 demonstrations in Kyrgyzstan were the first large protests in Central Asia in years, indicating the depth of popular resentment and the capacity for public galvanization. They also showed Kyrgyzstan's leaders, opposition and public, as well as the entire region, that "street politics" is effective, whereas no other vehicle of registering popular discontent and influencing government policy works. The lesson will not soon be forgotten.

## Notes

<sup>1</sup> This article is adapted from *Ten Years After*, a forthcoming report on the state of democratization and human rights in the twelve states of the Commonwealth of Independent States by the Commission on Security and Cooperation in Europe, U.S. Congress.

<sup>2</sup> The organization was called the Conference on Security and Cooperation in Europe (CSCE) until January 1995.

<sup>3</sup> The interested or skeptical reader can test this contention by looking up the reports of the OSCE's Office for Democratic Institutions and Human Rights (ODIHR), which has monitored elections in Central Asia for years—except when ODIHR declined because the conditions were too poor to justify an observation mission.

<sup>4</sup> See, for example, the testimony of Assistant Secretaries of State Elizabeth Jones and Lorne Craner at a Helsinki Commission hearing “U.S. Policy Towards the OSCE,” October 10, 2002.

<sup>5</sup> For the best and most recent account, see Martha Olcott, “Kazakhstan: Unfulfilled Promise,” Carnegie Endowment for International Peace, Washington 2002.

<sup>6</sup> *RFE/RL Newswire*, April 26, 2002.

<sup>7</sup> *RFE/RL Newswire*, June 14, 2002.

<sup>8</sup> Peter Baker, “New Repression in Kazakhstan: Journalists Targeted After President Implicated in Scandal,” *The Washington Post*, June 10, 2002.

<sup>9</sup> International Religious Freedom Report-Kyrgyz Republic, Bureau of Democracy, Human Rights, and Labor, Department of State, 2001.

<sup>10</sup> Igor Rotar, “Kyrgyzstan: New Decree Set to Tighten Religious Controls,” Keston News Service, February 8, 2002.

<sup>11</sup> Advisory Panel of Experts on Freedom of Religion and Belief of the OSCE/ODIHR, Analysis of the Draft Law of the Kyrgyz Republic “On Freedom of Religion and Religious Organizations,” March 30, 2001.

<sup>12</sup> U.S. State Dept. Country Report on Human Rights, March 2002.

<sup>13</sup> In August 2002, he renamed the months of the year, reserving two for himself and his deceased mother. Claudia Rosett, “The Real World: Turkmenistan’s Dictator Is No Joke to Those He Rules,” *The Wall Street Journal Europe*, August 28, 2002.

<sup>14</sup> An RFE/RL correspondent on the scene estimated the group to number 300 the first day, about 50 the next. Niyazov, in sacking high-ranking members of the KNB, complained the service had been selling drugs, as well as torturing suspects and raping young women.

<sup>15</sup> International Religious Freedom Report-Turkmenistan, Bureau of Democracy, Human Rights, and Labor, Department of State, 2001.

<sup>16</sup> *Ibid.*

<sup>17</sup> Felix Corley, “Turkmenistan: Protestants Forced to Renounce Their Faith,” Keston News Service, May 17, 2002.

<sup>18</sup> *The Washington Post*, August 30, 2002

<sup>19</sup> Human Rights Society of Uzbekistan, April 25, 2002.

<sup>20</sup> Human Rights Watch, “Uzbek Rights Defender in Psychiatric Detention,” August 30, 2002.

<sup>21</sup> Khabar Television, Almaty, June 11, 2002. *RFE/RL Newswire*, June 12, 2002.

<sup>22</sup> Country Report on Human Rights Practices for 1993-Uzbekistan, Bureau of Democracy, Human Rights, and Labor, Department of State, (1994). Igor Rotar, “Special Report - Uzbekistan: Muslim Clergy Under State Control,” Keston News Service, April 23, 2002.

<sup>23</sup> International Religious Freedom Report-Uzbekistan, Bureau of Democracy, Human Rights, and Labor, Department of State, 2001.

<sup>24</sup> *Ibid.*