

“THERE’S SIMPLY NO EXCUSE FOR THE EU’S DEAFENING SILENCE ON THE TENTH ANNIVERSARY OF ANDIJAN”

INTERVIEW WITH STEVE SWERDLOW

13 May 2015 saw the tenth anniversary of the Andijan massacre, in which Uzbek soldiers killed over 500 unarmed protestors. Despite limited efforts by external actors to put pressure on the regime, Uzbekistan continues to have one of the worst human rights records in the world. In the following interview, Human Rights Watch Central Asia researcher, Steve Swerdlow, tells Eurasian Dialogue about the dire situation in Uzbekistan.

Eurasian Dialogue: The human rights records of all five Central Asian states are poor. But why is Uzbekistan’s record particularly bad?

Steve Swerdlow: Despite appearing only rarely in global headlines, Uzbekistan’s atrocious human rights record requires an urgent and coordinated international response. Its authoritarian government severely limits freedom of expression, assembly, association, and religion; has imprisoned thousands on politically motivated charges; and continues to wage an unrelenting crackdown on human rights work, independent journalism, peaceful opposition, and civic activity. Torture in Uzbekistan is widespread and systematic. Individuals who attempt to assert rights, or act in ways deemed contrary to state interests, face arbitrary detention, harassment, ill-treatment, and torture. The government also uses systematic forced labor in the cotton sector, forcibly mobilizing millions of people to pick cotton in abusive conditions for little or no pay, violating international labor laws.

**“UZBEKISTAN’S ATROCIOUS
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The Uzbek government also stands out for its lack of cooperation with United Nations (UN) human rights mechanisms, particularly the special procedures that report to the UN Human Rights Council (Council). Tashkent has for years persistently refused to implement crucial recommendations and decisions by UN human rights bodies regarding violations of the prohibition against torture, freedom of expression, assembly, association, religion, and other core human rights norms.

**“THE UZBEK GOVERNMENT STANDS OUT FOR ITS LACK OF COOPERATION
WITH UNITED NATIONS (UN) HUMAN RIGHTS MECHANISMS”**



Steve Swerdlow

credit: Steve Swerdlow

May 13, 2015 saw the ten year anniversary of the Andijan massacre. What happened on that day in 2005?

On May 13, 2005, government forces shot indiscriminately and without warning into a crowd of mostly unarmed protestors in the eastern city of Andijan, killing hundreds. The government has blocked numerous calls for an independent investigation into the killings. The violence drove hundreds of people across the border into Kyrgyzstan. The government continues to persecute anyone suspected of having witnessed the atrocities or attempting to speak about them publicly. Authorities charged and sentenced hundreds of individuals to lengthy prison terms on suspicion of having participated in the events in flawed trials often conducted on the basis of forced confessions obtained through torture.

In the 10 years since the massacre, the government has closed Uzbekistan to outside scrutiny of any kind — banning or interfering with the work of domestic and international human rights groups, including Human Rights Watch, and independent media, including Radio Free Europe, Voice of America, Deutsche Welle, and the BBC, and academics.

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During its Universal Periodic Review in 2013, the Uzbek government delegation declared that “the issue of Andijan is closed for us!” and categorically rejected recommendations by numerous governments to allow an independent, international inquiry to investigate the killings.

In many ways, what happened in Andijan and in its wake continue to define modern Uzbekistan, its human rights record and its government's stance toward the outside world. The Andijan massacre and the crackdown on civil society unleashed in the aftermath revealed a willingness on the part of the government to use violence to suppress the overwhelmingly peaceful exercise of citizens' fundamental rights. And the government's refusal to accede to the numerous calls by the US, EU, UN High Commissioner for Human Rights, NATO Council, and OSCE's calls for a meaningful investigation into what happened similarly shows its refusal to play by the most basic of international rules. Until these legacies of Andijan are addressed, they will continue to define and shape Uzbekistan, keeping it on a terrible trajectory.

“THE GOVERNMENT’S REFUSAL TO ACCEDE TO THE NUMEROUS CALLS FOR A MEANINGFUL INVESTIGATION INTO WHAT HAPPENED SHOWS ITS REFUSAL TO PLAY BY THE MOST BASIC OF INTERNATIONAL RULES”

Following the twelfth meeting of the Cooperation Council between the European Union and the Republic of Uzbekistan on May 18, the EU published a press release in which it “welcomed Uzbekistan's readiness to discuss human rights.” The statement did not mention political prisoners, Andijan or other abuses. What did you think of this latest statement?

Coming at the time it did, almost exactly ten years to the day of the Andijan killings, and at a time when severe and egregious abuses on the ground continue unabated, the European Union's May 18 statement, which was entirely silent on the massacre and other human rights issues, was both deeply inappropriate and even reckless in its praise for a government that has made a mockery of the EU's key human rights criteria for Uzbekistan. It is honestly hard to understand how such a statement was even possible when across from the External Action Service in Brussels the European Parliament has for months called on the European Commission to soberly examine the lack of progress in Uzbekistan's human rights record since Andijan and asked the Commission to urgently place abuses at the top of its agenda.

There's simply no excuse for the EU's deafening silence on the tenth anniversary of Andijan – especially when various bodies of the UG government, OSCE/ODIHR, and even the former UN High Commissioner for Human Rights came out on the anniversary with statements of concern underlining the need for accountability. The May 18 statement left one with the impression that the EU policy on Uzbekistan was on a sort of automatic pilot function or that those writing the statement are literally living in a parallel universe where Uzbekistan is not one of the leading abusers of human rights. Worse still, the EU's praise for the Uzbek

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government's supposed "readiness to discuss human rights" is wholly inaccurate. Literally at the time of the Cooperation Council summit Uzbek authorities were busy arbitrarily extending the prison term of a leading human rights defender, Azam Farmonov, who had already served a 9 year sentence in Uzbekistan's notorious Jaslyk prison colony and has suffered horrific torture. European Commission President Jose Manuel Barroso personally

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called for his release along with other political prisoners when he met President Islam Karimov at a summit in 2011 and instead of heeding his call Uzbek authorities extended his sentence for another 5 years. The extension of an unjust sentence for a human rights defender, not Uzbek officials' hollow rhetoric, is the real test of whether the government is 'ready' to improve human rights. This deeply unjust action should prompt an appropriate, robust response by the EU and other actors.

Uzbekistan just recently completed a deeply flawed presidential election which failed to meet OSCE standards. Two years ago ICRC was forced to suspend its monitoring of prison facilities due to government interference. The authorities have continued to crackdown on the ever dwindling numbers of civil society activists left in the country, and continues to employ systematic torture and imprison thousands of persons on politically motivated charges. Government authorities also defiantly rejected the key recommendations made by statements during its Universal Periodic Review. If this is what "readiness to discuss human rights" looks like, it is not something the EU should be praising.

What role does the Termez base play in dictating Germany's policy?

Germany was a leading voice in favour of lifting the EU's post-Andijan sanctions, despite a worsening crackdown and a wave of arrests of human rights defenders in 2006. This probably shouldn't surprise us given that in documents inadvertently released by the German Ministry of Defense in 2011, it was revealed that at this time Germany was paying upwards of €25 million each year to lease the military base in Termez. And this has really left many people scratching their heads, as with the United States, there seems to be a consistent willingness on the part of Berlin to underestimate the leverage it has on Uzbekistan's human rights record and exaggerate the position of Tashkent in these negotiations. Germany's public position against the sanctions, its private payments, and its failure to prevent Interior Minister Zokirjon Almatov - who was allowed to travel for medical treatment to Germany in 2006 whilst being on the list of Uzbek officials banned from the EU— sent the wrong message to Tashkent.

"THERE SEEMS TO BE A CONSISTENT WILLINGNESS ON THE PART OF BERLIN TO UNDERESTIMATE THE LEVERAGE IT HAS ON UZBEKISTAN'S HUMAN RIGHTS RECORD"

Germany's at times very quiet approach to post-Soviet governments on human rights abuses has served to strengthen those voices in the Uzbek government who want to maintain the status quo. This has really divided the EU between those states who believe that there should be some connection between trade privileges and other benefits that the EU has to offer and

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Uzbekistan's actual performance on human rights, and the more realpolitik actors led by Germany. The European Commission itself has directed EU taxpayer money to the Rule of Law Initiative, which over the course of four years totalled over €10 million, and brought extremely non-transparent benefits for the security services, whilst not insisting on the participation of independent civil society actors. Essentially, the rule of law program with its training seminars and unclear objectives was a missed opportunity. What really should be done, and this can be done relatively modestly, is for the EU to call out Uzbek officials on specific human rights abuses by strategically using its public statements while also consistently raising these issues in its bilateral negotiations, tying them to meaningful policy consequences. That alone would tie benefits to actual progress and result in an improvement in the situation. The evidence I have for this claim is that it was only during the EU sanctions period [2006-9] that we actually saw Uzbekistan releasing persons imprisoned on politically motivated charges on a somewhat regular, periodic basis. This is also the period when we saw the ICRC able to work inside Uzbekistan's prisons, when Human Rights Watch was able to operate an office inside Uzbekistan, when Uzbekistan signed ILO conventions, and when it abolished the death penalty.

So as much as there is no appetite to consider sanctions in Berlin, a pragmatic look at recent history shows that a more robust approach, a more conditional approach actually reaps results. The best example is cotton. We ask ourselves: why has the Uzbek government made some progress in reducing child labor in the past two years? Is it because of the EU's quiet diplomacy? There is no doubt that the US and EU raised this issue for years. But it was only after a sustained international

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campaign involving over 170 apparel companies who boycotted Uzbek cotton, that the government agreed to finally allow the International Labor Organization to finally visit the country and monitor the cotton harvest. This agreement to allow in the ILO monitoring mission also came about one month after the US Department of State placed Uzbekistan on a public list of the worst abusers among states on the issue of forced and child labor. So what we see is that international public advocacy, tied to actual consequences, is what has moved the Uzbek government to make some moves in the right direction. Therefore, the human rights community is simply advocating for more pragmatism from the EU. We strongly hope the EU will also support the establishment of a UN special rapporteur for Uzbekistan's human rights situation, something which many activists and even the former UN High Commissioner for Human Rights Louise Arbour have recently endorsed.

We see rare good news coming out of Uzbekistan. The release of jailed religious leader Khayrullo Hamidov in February 2015 was one such instance. How do you see the human rights situation developing the future?

We welcomed the news of Hamidov's release. But it does not signify a broader application of the amnesty law in the country or an actual softening of the policy of politically-motivated imprisonment that is used so widely. Hamidov was forced to write letters of apology and he was only released after publicly affirming his guilt. This was a very useful propaganda tool for the government and a sad development for Hamidov's religious followers. Also, he was released four years into a five year sentence. So the bar is set incredibly low when someone serves 80% of a sentence and his release is seen as a very positive development.

**“THE REGIME IS
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What we see more broadly in terms of political prisoners is that the regime is systematically extending sentences. Just yesterday, I spoke with a family in which three men had been imprisoned on charges of religious extremism and have all had their sentences extended by five years. So we see on the whole a continuation of abuses. The world's longest imprisoned journalist, Muhammad Bekjanov, is inside an Uzbek jail and had his sentence extended by 5 years on the eve of his release in 2013. And this pattern means that external actors need to put more pressure on Tashkent than they have been willing to in the recent past. A UN special rapporteur would signal to the entire Central Asian region—which as a whole has been marked by a decline in the state of human rights—that there will be accountability for abuses and prominent attention given by the international community.

**“I ALSO SEE A NUMBER OF POSITIVES IN UZBEKISTAN'S HUMAN RIGHTS
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At the same time, I also see a number of positives in Uzbekistan's human rights picture. Civil society, embattled as it is, remains resilient. One sees young activists taking to social media to voice their concerns, including about human rights. These dynamics give us some hope for the future. There are even some officials in the government who do want to do the right thing. And this is all the more reason for international actors to speak very clearly with Tashkent on their specific expectations for rights improvements, and the specific policy consequences that will follow if progress is not made. This will incentivize the more moderate voices inside the Uzbek government to take on a more prominent role.

Steve Swerdlow is Central Asia Researcher at Human Rights Watch and is based in Bishkek. He has more than ten years experience working on human rights issues in the former Soviet Union.