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CENTRAL ASIA

No Excuse for Escalating Human Rights Violations



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CENTRAL ASIA

No Excuse for Escalating Human Rights Violations

*"Above all, we should look directly at the ugly face of the terrorist threat, denounce it and call it by its own name. Indifference to, and tolerance of, those with evil intentions who are spreading various fabrications, handing out leaflets, committing theft and sedition in some neighbourhoods and who are spreading propaganda on behalf of religion should be recognized as being supportive of these evil-doers."*¹

President Islam Karimov of Uzbekistan appealing to the public for greater vigilance

Amnesty International fears that the human rights situation in Central Asia will deteriorate in the weeks and months to come if the governments use the "war against terrorism" to further undermine respect for human rights. The organization has documented, for several years, human rights violations carried out by the Central Asian authorities. Thus, the organization fears that the governments may further restrict fundamental human rights and freedoms of particularly vulnerable groups and individuals, such as members and alleged supporters of banned Islamic opposition parties and movements, independent human rights organizations, Afghan refugees, and ethnic minorities.

Amnesty International recognizes that governments have the obligation to ensure the safety of their citizens and to take appropriate measures to bring the perpetrators of acts that threaten the safety and the lives of their citizens to justice. However, any measures taken by the government must be in accordance with international human rights standards. The organization has been concerned in the past that measures taken in response to threats to regional and national security by some of the Central Asian authorities, in particular in Uzbekistan, were disproportionate and discriminatory and in contravention of international human rights obligations.

The Ferghana Valley

Central Asia, and in particular the Ferghana Valley -- a region which cuts across Kyrgyzstan, Tajikistan and Uzbekistan -- has faced real threats to its stability over the last three years. In August 1999 and again in August 2000 formations of the Islamic Movement of Uzbekistan (IMU) launched armed incursions into Kyrgyzstan and Uzbekistan from Tajikistan. The IMU is a banned Islamic opposition party which advocates the forceful overthrow of President Karimov of Uzbekistan and the establishment of a caliphate or Islamic state and which is reported to operate from bases in Afghanistan. These incursions took place in and around the

¹Announcer-read interview with President Karimov by a correspondent of the Uzbek National Information Agency, shown on Uzbek Television First Channel on 9 October 2001. Posted on UzReport.com News Server on 10 October 2001.

Ferghana Valley, which has been targeted by the IMU as the most propitious territory in Central Asia for establishing a caliphate given the fluidity of this region's borders, its precarious ethnic mix, its extreme poverty and the prevalence of a devout Muslim population.

Other banned Islamic groups -- such as *Hizb-ut-Tahrir* (Party of Liberation), a transnational Islamic movement with origins in the Middle East -- have also been present in the Ferghana Valley in the last few years. *Hizb-ut-Tahrir*, which also aspires to establishing a caliphate, does not advocate the use of violence.

Uzbekistan

Amnesty International believes that the Uzbek authorities have been indiscriminately targeting members of independent Islamic congregations or followers of independent imams (Islamic leaders), who worship at mosques not under the direct control of the state-regulated Muslim Board of Uzbekistan. Although the Uzbek constitution guarantees the separation of state and religion, the activities of the Muslim Board of Uzbekistan (or Muftiyat), which regulates the religious life of the country, are effectively controlled by the government. The Uzbek authorities are opposed to all but this official, controlled form of Islam.

In December 1997 several murders of law enforcement officials in the Namangan region of Uzbekistan sparked a wave of mass detentions and arrests of devout Muslims. The authorities suspected the murders to have been carried out by members of banned Islamic opposition groups, and used them as a pretext for indiscriminately targeting so-called Wahhabists.² Police reportedly began arbitrarily detaining young men with beards in the streets of Namangan, threatening to cut off their beards and take their money. All those detained were said to have been verbally abused, threatened, beaten and ill-treated in detention. It was alleged that weapons and narcotics were openly planted on some of those detained by the police in order to fabricate a criminal case against them.

Since then Amnesty International has documented a worrying rise in the number of reports of arbitrary detentions, ill-treatment and torture, in particular of individuals suspected by the Uzbek authorities to be supporters of or sympathizers with Islamic opposition parties. The organization has obtained a list of categories of potential suspects which was issued by the Ministry of Internal Affairs to local neighbourhood committees (mahalas) in 1998. The categories include individuals who call women and minors to attend Muslim prayer meetings, individuals who attend Muslim prayer in unregistered mosques, individuals who finished school

²The term "Wahhabi" has been used incorrectly, indiscriminately and pejoratively by governments throughout the former Soviet Union, including Uzbekistan, to describe radical opposition Islamic groups perceived as a threat to national security and stability. In this context the term does not refer to Muslims who practice Wahhabism (an orthodox form of Islam practised in Saudi Arabia).

but are unemployed, individuals who have links to so-called "Wahhabists", former so-called "Wahhabist" prisoners and their families, 18-year-old men from so-called "Wahhabist" families who are not doing compulsory military service, and individuals who are considered leaders in the local neighbourhood. Particular vigilance is urged with regard to men who are wearing a beard or have in the past worn a beard. Amnesty International is concerned that law enforcement agencies have used such lists and continue to use such lists to target individuals arbitrarily. The organization has received thousands of reports that law enforcement officers routinely plant evidence, such as narcotics, weapons or illegal Islamic literature, on suspects in order to create grounds for detention. Hundreds of these so-called "Wahhabists" have been sentenced to long terms of imprisonment in trials that fell far short of international fair trial standards. The charges against them have ranged from illegal possession of weapons or narcotics or banned religious materials to membership of a banned religious organization or a criminal group, and the attempt to overthrow the constitutional order.

In December 1998 the judge presiding over the trial of five men accused of criminal offences and of being "Wahhabi extremists", postponed sentencing until January 1999 after some 200 people gathered outside Tashkent City Court in support of the accused and in protest at the proceedings. There was serious concern that the charges against the five men had been fabricated and that the outcome of the trial might have been influenced by television reports at the outset of the trial, which described the men as "Wahhabi extremists" intent on destroying the established social and political order, spreading extremist ideas and establishing an Islamic state. Odilkhon Ziyokhonov, accused of being the leader of the criminal gang, denied all accusations and claimed that he had been forced under duress to confess to charges of illegal possession of narcotics and firearms and of forming a criminal group. The five co-defendants reportedly denied being acquainted before their arrest. Odilkhon Ziyokhonov also alleged that the authorities arbitrarily linked the criminal case against the five men to the criminal case opened in March 1998 against two independent Islamic leaders, Obidkhon Nazarov and Yuldosh Ergashev, charged with conspiracy to overthrow the constitutional order.

In February 1999 bomb explosions in the centre of Tashkent, the capital of Uzbekistan, killed 16 people. The bomb attacks triggered another wave of arbitrary arrests of supposed conspirators in Uzbekistan. The authorities blamed the bombings on violent foreign-trained Islamic groups intent on establishing an Islamic state -- the IMU first and foremost -- which the authorities claimed were operating in concert with the exiled, secular, democratic opposition.³ Amnesty International was concerned that the Uzbek authorities used the investigation into the Tashkent bombings as a pretext to further clamp down on perceived sources of opposition to President Karimov and to intensify the campaign against the perceived spread of radical Islamic opposition in Uzbekistan. The list of those reported to have been arrested, and allegedly ill-treated and tortured, extended to members and suspected supporters of the banned secular

³The IMU denied carrying out the bombings.

political opposition parties and movements *Erk* and *Birlik*, as well as alleged supporters of banned Islamic opposition parties or movements, such as *Hizb-ut-Tahrir*, including members of their families, and independent human rights monitors.

For example, in August 1999, after a trial which fell far short of international standards, Tashkent Regional Court sentenced Muhammad Bekzhon, Mamadali Makhmudov, Yusif Ruzimuradov, Rashid Bekzhon, Kobil Diyarov and Negmat Sharipov to prison terms of between eight and 15 years for their alleged participation in the February 1999 bombings. All six men were reportedly tortured in pre-trial detention, in order to force them to confess to fabricated charges and to incriminate Muhammad Salih, the exiled leader of the banned democratic opposition party *Erk*. Muhammad and Rashid Bekzhon are brothers of Muhammad Salih; Mamadali Makhmudov, a well-known writer, is an associate of Muhammad Salih; Yusif Ruzimuradov is a prominent member of *Erk*. In a written statement Mamadali Makhmudov described how he had been systematically tortured by, among other things, being constantly beaten, having his hands and feet burned, being suspended by his hands tied behind his back, having a gas mask put over his face with the air supply turned off and being threatened with rape and death. In addition, he wrote, he was told that his wife and children had been taken into detention and that they would be raped in front of him if he did not confess on film. Amnesty International received another written statement signed by all six defendants on 18 August, which reiterated earlier allegations that they had been tortured to extract testimony. They alleged among other things that they had been beaten with rubber truncheons and plastic bottles filled with water, suffocated, and given electric shocks.

All the men tried and sentenced to death in connection with the February 1999 bombings have reportedly been executed. Also, in November 2000 the Supreme Court sentenced Takhir Yuldash and Juma Namangani, the alleged leaders of the IMU, to death in their absence. They were convicted of terrorism and treason and of causing the death of 73 people in armed incursions and in the February 1999 bombings in Tashkent.

The clampdown on suspected sympathizers with banned Islamic opposition parties intensified following armed incursions by the IMU into Kyrgyzstan from neighbouring Tajikistan in August 1999 and into Kyrgyzstan and Uzbekistan in August 2000. Detentions of suspected sympathizers with the IMU and *Hizb-ut-Tahrir*, including women, have continued at an alarming rate. Thousands of devout Muslims, convicted after unfair trials of membership of an illegal party, distribution of illegal religious literature and anti-state activities, are currently serving long prison sentences.

In virtually all of the cases that have come to Amnesty International's attention over the last four years, those detained have been denied prompt access to a lawyer of their choice, to their families and to medical assistance. Those with the responsibility to do so -- procurators, courts at all levels and the parliamentary ombudsman -- have persistently failed to conduct timely, full and independent investigations into the widespread allegations of torture and

ill-treatment. According to independent and credible sources, self-incriminating evidence reportedly extracted as a result of torture has routinely been admitted as evidence in trial proceedings and has provided the primary basis for a guilty verdict in many of the cases reviewed by Amnesty International.

Amnesty International has raised its concerns about reports that devout Muslim prisoners are singled out for particularly cruel, inhuman and degrading treatment in places of detention, particularly in strict regime prison camps. According to relatives and former prisoners, upon arrival at a prison camp suspected "Wahhabists" or suspected members of *Hizb-ut-Tahrir* are separated from other prisoners and made to run between two lines of guards who beat them with truncheons as they pass. There are also allegations that devout Muslim prisoners are subjected to beatings, humiliation, forced labour and rape by other prisoners with the complicity of prison authorities. They are forced to sing the national anthem and are severely beaten if they refuse to do so. There are consistent allegations that devout Muslim prisoners are not allowed to read the Koran or to pray in strict regime prison camps, and that they have their beards forcibly shaved. They are reportedly beaten or confined to punishment cells if they are caught praying.

In August 2000 the Uzbek military, forcibly and without prior notice, rounded up and resettled thousands of mostly ethnic Tajik inhabitants from mountain villages in the southern Surkhandarynsk region on the border with Tajikistan, reportedly because armed units of the IMU had infiltrated these villages.⁴ The villages were set on fire and bombed, livestock were killed, houses and fields destroyed. In June 2001, 73 ethnic Tajik villagers, accused of supporting the IMU, were sentenced to long prison terms in four separate trials despite earlier government assurances to the UN Human Rights Committee that the action to evacuate the villagers was taken in order to improve the living conditions of the people concerned and that no criminal cases would be opened against the forcibly displaced villagers. All of the 73 accused had been held incommunicado and alleged that they had been tortured in order to force them to confess.

Amnesty International has been disturbed by public statements by Uzbek officials, including the President of Uzbekistan, in the wake of the Namangan murders, the Tashkent bombings and the 1999 IMU incursions, which appear to condone or encourage the use of unlawful methods such as torture and ill-treatment. In April 1999, for example, President Karimov stated publicly that he was prepared to tear off the heads of two hundred people in order to protect Uzbekistan's freedom and stability. Amnesty International is concerned that such statements, together with the authorities' persistent failure to initiate impartial and thorough investigations into allegations of torture and ill-treatment, give the signal that arbitrary

⁴ In August 2000 violent clashes broke out between the Uzbek armed forces and armed units of the IMU when they tried to enter southeastern Uzbekistan from neighbouring Afghanistan, Tajikistan and Kyrgyzstan.

arrest, torture and ill-treatment in general, and in particular of alleged supporters of banned secular political and Islamic opposition parties by law enforcement officials, are acceptable and even necessary, and that they can engage in such conduct with impunity.

Amnesty International is concerned that Uzbek authorities may view the identification by the US administration of the IMU as one of the targets of military action in Afghanistan, and the efforts of the US administration to enlist the support of Uzbekistan for such action, as an endorsement of Uzbekistan's repressive and discriminatory practices. The fear is that Uzbekistan may use this as an opportunity to further restrict fundamental freedoms and human rights and continue its crackdown on Islamic opposition groups with greater impunity.

Arrests in Kyrgyzstan and Tajikistan

Over the last two years Amnesty International has become increasingly concerned about the growing number of arrests of suspected members of *Hizb-ut-Tahrir* and other banned Islamic organizations in two other Central Asian republics, Kyrgyzstan and Tajikistan. Independent observers have expressed fears that Uzbekistan is putting increasing pressure on its neighbours to clamp down on independent Islamic groups which it views as a threat to regional security.

At least 200 suspected supporters of *Hizb-ut-Tahrir* faced criminal proceedings in Tajikistan in 2000. The charges against them included anti-constitutional activity, fuelling religious strife and calling for the overthrow of the existing state system. Hundreds more are reported to have been arrested in the first eight months of this year. Amnesty International was concerned at reports that large numbers of them were arbitrarily detained, denied access to a lawyer of their own choice and sentenced to long prison terms after unfair trials. The majority of the arrests were reported to have taken place in Northern Tajikistan, a region with a largely ethnic Uzbek population. Fear of retribution and the absence of effective safeguards in practice have also acted as a powerful deterrent to detainees and their relatives seeking to exercise their right to effective remedy, including the right to lodge a complaint without being subjected to harassment. As a result detailed information on arrests of suspected members of *Hizb-ut-Tahrir* has been difficult to obtain and to verify.

Authorities in Kyrgyzstan also clamped down on supporters of banned Islamic opposition parties following the IMU's armed incursions into the country in August 1999 and again in August 2000. At least 40 members of *Hizb-ut-Tahrir* were reported to have been convicted and given prison terms in 2000 on charges of distributing leaflets and inciting national, racial or religious intolerance. At least the same number have reportedly been arrested in the first six months of 2001. The majority of the arrests reportedly took place in Osh and Jalal-Abad regions, bordering Uzbekistan, and the majority of those detained were apparently ethnic Uzbeks. Relatives of those arrested have alleged that they were targeted by the Kyrgyz authorities because of their ethnic origin. There have also been concerns that they were

convicted after unfair trials. Amnesty International fears that as a result of heightened security measures following the events of 11 September in the US, and the US-led military strikes in Afghanistan, detentions of suspected members of banned Islamic organizations, perceived to be sympathetic to the IMU, may dramatically increase and exacerbate ethnic tensions in the Ferghana Valley. On 18 September, for example, the National Security Service of Kyrgyzstan announced that more than 2,500 followers of "Wahhabi sects" had been identified in Jalal-Abad region.

Although there have been comparatively fewer reported arrests in Kazakhstan, the Kazak authorities have declared in the past they would clamp down heavily on any manifestations of "Islamic fundamentalism", as they consider it a direct threat to national security.

Persecution of Uighurs

Members of the Uighur population of Central Asia, another ethnic minority subjected to human rights violations in the region, have found themselves increasingly accused of sympathizing with and even supporting the banned Islamic opposition movements in Central Asia. Its members have frequently been arbitrarily arrested, tortured and ill-treated by the authorities in Central Asia, and some forcibly deported to China. Amnesty International is concerned that persecution of Uighurs in Central Asia will intensify following the events of 11 September in the US.

Uighurs are Turkic people who are predominantly Muslim. They are the largest indigenous group in the Xinjiang Uighur Autonomous Region (XUAR) of the People's Republic of China (PRC), which shares common borders with several Central Asian countries; a number also live in Central Asia, where many have been established for decades and are nationals of the country they live in, while others -- mainly traders from China -- retain their PRC citizenship.

Since 1996, the Chinese government has launched an extensive campaign against "ethnic separatists" in the XUAR, who seek independence from China, and alleged supporters or sympathisers. The government has imposed new restrictions on religious and cultural rights and resorted increasingly to executions, unfair trials and arbitrary detention to silence real and suspected opponents. In 1997 thousands of Uighurs were reportedly detained in the XUAR following anti-Chinese protests, which turned into riots, and a series of bomb explosions attributed to underground ethnic opposition groups. The official Chinese reports about "separatists and terrorists" obscure a more complex reality in which many people who are not involved in violence have become the victims of human rights violations, including torture and ill-treatment. Over the years, attempts by Uighurs in XUAR to air their views or grievances and peacefully exercise their fundamental human rights have been met with repression. The denial by the Chinese authorities of legitimate channels for expressing grievances and discontent has

led to outbursts of violence, including by people who are not involved in political opposition activities.

Amnesty International is concerned that in the wake of the 11 September attacks in the US, China will step up its pressure on Central Asian republics, especially those countries which are members of the Shanghai Cooperation Organization (SCO), which includes Russia and China, as well as Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan, to seek out, arrest and extradite Uighurs suspected of being "separatists" as part of regional "counter-terrorist" measures. "Separatism" or "splittism" is a crime under the Chinese Criminal Law and the SCO has in the past alleged that Uighurs from XUAR have received training in camps in Afghanistan and have fought alongside the IMU. While governments have an obligation to bring criminal suspects to justice, Amnesty International is concerned that international law enforcement standards, in particular fair judicial process and the principles of necessity and proportionality in the use of force, may not be followed in apprehending suspects in Central Asia and that proper extradition or similar procedures for obtaining their surrender may not be observed. Amnesty International is also concerned that those suspects extradited or deported to China would be at risk of torture and possibly execution after an unfair trial.

In January 2001 China and Kyrgyzstan signed an agreement on cooperation, including on mutual extradition of "criminals hiding on their territories". According to unofficial sources Kyrgyzstan has been actively cooperating with China in tracing suspected Uighurs from XUAR in Kyrgyzstan; Chinese State Security officers are reported to visit Bishkek, the capital of Kyrgyzstan, on a regular basis where they detain or assist the Kyrgyz authorities in arresting Uighurs.

In April 2000 Jelil Turdi, a Uighur trader from XUAR, was forcibly deported to China from Kyrgyzstan. He had lived in Kyrgyzstan for three years and was married to a Kyrgyz citizen. According to information received by Amnesty International Jelil Turdi was taken back to China by Chinese security officers sent to Kyrgyzstan, under arrangements made by the Chinese embassy in Bishkek. The Kyrgyzstan General Procuracy reportedly participated in the deportation procedure. Jelil Turdi was denied the opportunity to challenge the decision to deport him before a court in Kyrgyzstan. Unofficial sources claimed that Chinese security officers had told their Kyrgyz counterparts that Jelil Turdi was wanted in China for involvement in a nationalist opposition group. The Chinese security officers reportedly took part in Jelil Turdi's interrogation, during which he was allegedly tortured.

In March 2001 four Uighurs, two of them citizens of the PRC, were sentenced to death in Kyrgyzstan, accused of having caused bomb explosions which killed four people in the city of Osh in 1998. Supporters of the men claimed that they had nothing to do with the bombings, but rather that they had been targeted and prosecuted because of their ethnic origin. In view of a moratorium on executions in Kyrgyzstan the men are not in immediate danger of being

executed. However, there is a danger that China might request the extradition of the two Chinese nationals. If extradited to China, they would be at risk of torture and execution.

In January 1999 Kazakhstan forcibly deported three Uighurs from XUAR to China while their asylum claims were under review. Amnesty International was concerned that the forcible removal of these three Uighurs was contrary to Kazakhstan's obligations under international law, in particular the principle of *non-refoulement*. A fundamental principle of customary international law is that no one should be returned to a country where their life and physical safety might be endangered. According to the latest information they were kept in secret detention in XUAR and sentenced to death in a closed trial in April 2001. There are fears that they have been tortured in detention.

Afghan civilians and refugees

Security concerns have also influenced the response of Central Asian governments to hundreds of thousands of Afghans fleeing their homes in anticipation of a US-led military strike on Afghanistan. It is feared that the numbers of people fleeing towards Afghanistan's borders with Tajikistan, Turkmenistan and Uzbekistan will dramatically increase following the October 7 start of air strikes on Afghanistan. The United Nations High Commissioner for Refugees (UNHCR) is preparing for the flight of approximately 50,000 Afghan refugees to Tajikistan, and another 50,000 to Turkmenistan. Fears that IMU fighters may enter the country along with those Afghans fleeing the conflict have prompted Uzbekistan to seal and reinforce its borders. The Afghan border with Turkmenistan has also been closed. Tajikistan had effectively closed its borders to Afghans fleeing fighting between forces of the opposition Northern Alliance and the Taliban back in September 2000. As a consequence, around 10,000 people have been stranded in particularly harsh conditions on promontories in the Panj river on the Tajik-Afghan border since November 2000.

States have obligations under the principle of *non-refoulement*, which prohibits states from returning anyone against their will to another country where they risk serious human rights abuses. This principle is a fundamental norm of customary international law which places obligations on all states, irrespective of their specific treaty obligations, and is also set out in Article 33 of the 1951 Convention relating to the Status of Refugees. The UNHCR intergovernmental Executive Committee has stressed that in situations of large-scale influx, asylum-seekers should be admitted to the state in which they first seek refuge, and that in all cases the fundamental principle of non-refoulement, including non-rejection at the frontier, must be scrupulously observed. The principle of international solidarity is fundamental to the effective implementation of international protection of refugees, which is an obligation for all members of the international community.

Amnesty International acknowledges that the economic situation in most Central Asian republics may make it difficult for them to accept large numbers of refugees. For example, according to a statement by the International Federation of Red Cross and Red Crescent Societies on 19 September 2001, half of Tajikistan's population is facing starvation because of a prolonged drought. The Tajik authorities have expressed fears that allowing refugee camps to be built on its territory may create resentment among the local population, who would not have access to similar humanitarian aid and shelter.

However, under the principle of *non-refoulement*, all neighbouring countries have an obligation to keep their borders open to refugees fleeing Afghanistan. But at the same time, these countries should not, simply because of their geographic location, have to bear a disproportionate share of the responsibility for providing protection and assistance to the refugees. Other states also have a responsibility to provide emergency, financial and technical assistance to assist neighbouring countries in fulfilling their obligation to provide protection to the refugees, at the same time as fulfilling their responsibilities to their own populations.

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