

AMNESTY INTERNATIONAL

Public Statement

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European Union - Central Asia: The human rights aspects of the strategy must be fully implemented

On the occasion of the European Union – Central Asia summit, which begins today, Amnesty International is urging both sides to demonstrate a serious commitment – which so far has regrettably been lacking – to implement without further delay the human rights component of the strategy.

Nine months after they agreed this European Union – Central Asia strategy, Foreign Ministers of five Central Asian republics -- Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan -- are meeting on 9 and 10 April in Ashgabat, Turkmenistan, with the Foreign Minister of Slovenia, the current holder of the six-month rotating European Union (EU) Presidency, and other high-ranking EU officials, to discuss its implementation.

Amnesty International is concerned, however, that there has been a signal failure by both sides to vigorously pursue the implementation of the strategy's human rights elements. The strategy envisages structured regular and result-oriented Human Rights Dialogues – yet none have actually taken place since the EU and the five Central Asia republics agreed to the strategy in June 2007. Although dialogues have taken place with Uzbekistan and Turkmenistan, these have not followed best practice as outlined in the EU's own Guidelines on Human Rights Dialogues.

Through the strategy both sides publicly committed themselves to giving a human rights dimension to their interactions – and it is high time that both sides started to honour this commitment. They must clearly demonstrate that human rights really are an integral part of these interactions – and not a fig leaf behind which either side is free to privilege economic cooperation over the promotion and protection of fundamental rights. The EU must insist that the human rights provisions of the strategy are implemented fully and consistently. The five Central Asian states must likewise cooperate fully and consistently with this implementation.

Background

Ahead of the first Troika meeting in March 2007 Amnesty International had encouraged the EU to make human rights and the rule of law key components in its strategy and political engagement with the Central Asian governments. The organization had been urging the EU to impress upon the governments of Central Asia the need to undertake concrete steps to implement and enforce legislative measures that will provide effective and durable guarantees for the protection of human rights and the dignity of all the people of Central Asia.

Amnesty International remains concerned that despite professed efforts by governments of the Central Asian republics to fulfil their human rights obligations -- and actual efforts by some states to remedy the worst abuses -- grave human rights violations routinely continue to be committed with virtual impunity. Among the positive moves welcomed by Amnesty International have been the introduction of *habeas corpus* (judicial sanction of arrest) in Uzbekistan, Kazakstan and Kyrgyzstan, as well as the signing of the Optional Protocol to the Convention against Torture (OPCAT) by Kazakstan. The abolition of the death penalty in Kyrgyzstan and Uzbekistan, as well as moves to reduce the scope of the death penalty in

Kazakhstan, are also welcome developments. However, the implementation in practice of these reforms has remained at the forefront of Amnesty International's concern. The organization is issuing today a summary of its most pressing concerns in Central Asia (AI Index: EUR 04/001/2008 - <http://www.amnesty.org/en/library/info/EUR04/001/2008>).

While senior EU officials and Central Asian Foreign Ministers are meeting in Ashgabat, several dozens of prisoners convicted in unfair trials are held incommunicado in Turkmenistan; it is not known how many of them died in custody in recent years as a result of torture, inadequate medical treatment and harsh prison conditions. Two human rights defenders in the summit's host country are serving their second year in prison to punish them for cooperating with foreign journalists and engaging in human rights activities. Scores of those perceived to be critical of the regime, religious believers, and their relatives are included in a "black list" barring them from leaving the country. Human rights defenders and other independent civil society activists are unable to operate openly and opposition parties do not exist. Religious communities are under tight state control and conscientious objectors risk imprisonment. All media is state-controlled and the authorities keep close watch over internet use and sites critical of the authorities are blocked.

Throughout Central Asia beatings by law enforcement officers, especially in temporary pre-charge detention centres and in the streets, are still routine. Torture or other ill-treatment in detention continues to be widespread across Central Asia and systematic and systemic in Uzbekistan. When reviewing the human rights situation in Uzbekistan the UN Committee on Torture concluded in November 2007 that torture continued to be widespread and systematic.

Very few law enforcement officers are ever brought to trial and held accountable for violations they have committed and yet thousands of people in all five republics routinely allege that they have been arbitrarily detained and tortured or ill-treated in custody in order to extract a "confession". Evidence based on such "confessions" is still routinely admitted in court. Corruption in law enforcement and the judiciary contributes largely to a climate of impunity. This climate of impunity leads to a lack of public confidence in the criminal justice system. People only rarely lodge complaints as they feel that they will not obtain justice, nor get compensation. Many are not willing to testify against police officers out of fear of reprisals against themselves or their relatives and associates.

The fight against terrorism and threats to national security are frequently quoted as crucial in securing stability by the Central Asian governments, but this aim is only too frequently used as a cloak to clamp down on dissent, consolidate power and target vulnerable groups or groups perceived as a threat to national or regional security, such as banned Islamic groups and opposition political groups. As part of the fight against terrorism and counter-terrorism agreements, asylum-seekers and refugees are frequently extradited to China and Uzbekistan, where they are at grave risk of torture and other serious human rights violations, in blatant contravention of states' obligations under international refugee and human rights law. Although presumption of innocence is enshrined in law, it is violated on a regular basis, especially in the context of national security and fight against terrorism, with suspects branded guilty in public before the start of their trials.

Although provided for in law, in practice freedom of speech and of the press is severely restricted in Central Asia with few independent media outlets operating freely and governments controlling access to the internet. Libel and slander remain criminal offences and government officials, national and local, use criminal libel suits in order to restrict criticism and limit freedom of expression. Freedom of association and assembly have remained limited, with human rights, political and civil society activists harassed, beaten or detained for organizing or attending peaceful protest demonstrations. Human rights defenders continue to serve long prison terms in Uzbekistan.