



Ms. Federica Mogherini
High Representative of the Union for Foreign Affairs and Vice President of the European Commission
European Commission
Rue de la Loi 200
1049 Brussels

19 June 2019

Re: Raising key human rights issues during Central Asia visit

Dear Ms. Mogherini,

We are writing to you ahead of the upcoming EU-Central Asia Ministerial Meeting, which will take place in Bishkek on 7-8 July 2019, to ask you to use this occasion to raise key human rights issues with the foreign ministers of the Central Asian countries. In this letter, we highlight a number of issues that are of particular concern to us in each of the five Central Asian countries, as well as recommendations that we ask you to make to the respective governments.

Your visit to Central Asia comes at a time when the EU and the Central Asian countries are seeking to give new impetus to their bilateral, political relations, while serious problems with respect to the protection of human rights and the rule of law persist in the region. We welcome the fact that the recent, joint communication “The EU and Central Asia: New Opportunities for Stronger Partnership”, adopted in May 2019 emphasises the importance that the EU attaches to democracy, human rights and the rule of law in its relations with the countries of the region. We also welcome the fact that the communication reiterates the EU’s intention to promote an enabling environment for civil society in the region and urge you to follow up on this commitment by requesting the Central Asian governments to take concrete and effective measures to address the concerns described below.

Kazakhstan

The Kazakhstani authorities systematically violate the right to freedom of peaceful assembly, denying permission to hold protests on different pretexts, dispersing peaceful assemblies and detaining, fining and locking up the participants. Recently the situation has deteriorated, as the authorities have accused “radical elements” of initiating protests to “destabilise” the country.

Violations peaked when the authorities responded harshly to peaceful protests held in Almaty, Nur-Sultan and other cities in connection with the presidential elections on 9 June 2019. Police and special forces detained hundreds of peaceful protestors, often using excessive force as they were rounding up people and dragging them into buses used to transport detainees to local police stations. Some of those detained were children. Passers-by were also among those targeted and several local and foreign journalists and monitors were briefly detained when covering the protests. Many of those detained were held for 10 hours or more, without access to food and water, and were denied the right to inform their relatives, as well as access to legal assistance. According to official information¹, close to 1000 people were convicted of violating Kazakhstan’s restrictive legislation on assemblies and warned, fined, or sentenced to periods of detention of up to 15 days. The trials were held behind closed doors, often directly inside police stations and without the presence of lawyers chosen by the defendants. In connection with the protests, access to social media sites and messenger apps were also blocked in the country.²

The violations documented in connection with the election protests form part of a longer-term pattern but are particularly troubling given their scale and severity.³ They run contrary to Kazakhstan’s international obligations, including its obligation under the Enhanced Partnership and Cooperation Agreement with the EU to implement reforms strengthening protection of fundamental rights, respect for democratic principles and the rule of law.

Recommendation: We urge you request the Kazakhstani government to conduct an independent, impartial and thorough investigation into all allegations of the excessive use of force, due process violations, as well as other human rights violations perpetrated by law enforcement officials and other representatives of the authorities in connection with the protests on 9-11 June 2019, and to ensure that all those found guilty of violations are held to account.

Kyrgyzstan

Kyrgyzstan is a beneficiary country of the EU’s GSP+ preferential trade benefits and is negotiating an Enhanced Partnership and Cooperation Agreement with the EU. These bilateral agreements provide that the country should uphold and implement its international human rights obligations and guarantee the rule of law and democracy. A case of serious concern in the light of Kyrgyzstan’s commitments as an EU partner country is that of human rights defender Azimjan Askarov. Askarov, who is of ethnic Uzbek origin, continues to serve a life sentence for his alleged role in events that resulted in the death of a police officer during the June 2010 inter-ethnic violence in southern Kyrgyzstan.

In March 2016, the UN Human Rights Committee ruled that he had been arbitrarily detained, tortured and denied fair trial rights and that he should be immediately released and his conviction quashed. However,

the Kyrgyzstani authorities failed to comply with this ruling, instead sending the case back for retrial, which was conducted based on the results of the initial, flawed investigation and ended with his life sentence being upheld. When IPHR Director Brigitte Dufour visited Askarov in prison in November 2018, he expressed his frustration and deep feelings of injustice after almost nine years of imprisonment.

Moreover, Askarov's health has significantly deteriorated during his time behind bars. As emphasised in a joint letter that IPHR and seven other NGOs sent to you on 11 June 2019, we are seriously concerned that Askarov is not able to get adequate medical care in Prison Colony No. 19 outside Bishkek, to which he was transferred from a detention facility in the capital in March 2019. According to Askarov's lawyer, the defender has lost weight, he has a persistent cough and, at times, he feels dizzy and has difficulty breathing. We fear that the lack of appropriate medical attention at this prison facility ultimately puts Askarov's life at risk.⁴

Recommendation: We urge you to request the Kyrgyzstani government to release Azimjan Askarov to a safe third country where he can get the medical examinations and treatment he urgently needs and be reunited with his family.

Tajikistan

In the last few years, the space for civil society has been shrinking in Tajikistan and NGOs have been subjected to growing pressure, including intrusive inspections of their activities by different state bodies. New legislation has introduced additional administrative burdens on NGOs and increased the threat of sanctions for the failure or alleged failure to comply with such requirements.

In 2015, the Ministry of Justice began drafting a new Law on Non-Commercial Organizations (NCOs). Although this law will directly affect NGOs, civil society was neither invited to participate in the drafting process nor to be consulted about the draft law. Finally, in May 2019, the Ministry provided NGOs with the most recent version of the draft law for comments and feedback. However, as the new draft law is already almost finalised, NGOs are concerned that their views may not be taken into consideration. Moreover, while local groups welcome some provisions of the new draft law as improvements, other provisions are problematic. In particular, there are concerns that some existing NGOs may face difficulties retaining their legal status under the new law. The draft law does not require existing organizations to re-register. However, in accordance with it, all NGOs will be registered and supervised by the Ministry of Justice, unlike now, when some NGOs are registered and overseen by the Tax Committee. At the same time, the draft law does not set out any mechanism by which NGOs that currently are registered with the Tax Committee can transfer to the Ministry of Justice. As a result, these NGOs may, in practice, have to close down and submit new registration applications, thereby risking having their applications rejected, a particular risk if they work on sensitive human rights issues.⁵

Recommendation: We urge you to call on the Tajikistani government to guarantee an enabling environment for civil society organizations in the country and to closely consult and cooperate with civil society organizations on the further elaboration of the draft Law on NCOs, ensuring that their views are duly taken into account, and that the new law fully corresponds to Tajikistan's international human rights obligations.

Turkmenistan

In the context of the current economic crisis, the Turkmenistani authorities have continued and increased efforts to prevent the dissemination of independent information about the situation in the country.

While all national media outlets are strictly state controlled, the authorities seek to prevent citizens from accessing alternative, foreign sources of information through internet censorship, arbitrary removals of privately owned satellite dishes and other means. The Prague-based Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL) has reported a growing number of cases in which police have detained local residents for taking photos or filming in public places, thereby attempting to track down people who share information with foreign-based news sources.⁶ The security services have also questioned local residents for the same purpose.⁷

The few local journalists who cooperate with foreign-based media, civil society activists and others who openly criticise the authorities continue to face intimidation and harassment. Among others, journalist Soltan Achilova and civil society activist Nataliya Shabunts, both of whom currently cooperate with Austria-based Turkmen Initiative for Human Rights (TIHR), have been subjected to ongoing state surveillance. In March this year, Achilova also learned that she had been blacklisted for travel abroad. Previous incidents in which unknown perpetrators have physically assaulted her have not been properly investigated, in spite of the complaints she has submitted. Likewise, no one has been held responsible for the October 2017 incident in which unknown perpetrators threw stones and bricks at the windows of the home of Khalida Izbastinova, the mother of TIHR's head Farid Tuhbatullin, in an attempt to put pressure on him.⁸

Recommendation: We urge you call on the Turkmenistani authorities to guarantee that residents have unimpeded access to foreign sources of information and to put an end to the practice of state surveillance, as well as other forms of intimidation and harassment of journalists, civil society activists and others who peacefully exercise their freedom to seek, receive and impart information, regardless of frontiers.

Uzbekistan

Uzbekistan's current government has announced an ambitious reform agenda with the stated purpose of ensuring the rule of law, the functioning of the judiciary and protection of civil society. As EU-Uzbekistan relations have intensified since President Mirziyoyev came to power, and the EU now is more closely engaged in the country than ever before, it is crucial that the EU insists that Uzbekistan ensures that the announced reforms are implemented in full accordance with international standards and that they are translated into concrete measures that benefit citizens in practice.

It is of particular concern to us that civil society activists, human rights defenders and journalists continue to face reprisals for their peaceful activities. While a number of activists and journalists previously imprisoned on politically motivated grounds have been released since Mirziyoyev took office, others have been imprisoned instead, at least four of whom remain behind bars on what are believed to be trumped-up charges. In recent months, former political prisoners and human rights defenders Agzam Formonov, Dilmurod Saidov and Agzam Turgunov have been subjected to state surveillance, phone tapping, and acts of provocation, intimidation and harassment, including in the case of Turgunov charges for alleged

administrative offences. These measures are believed to be in retaliation for the attempts of the three defenders to register a new human rights NGO called Restoration of Justice. Since the NGO Ezgulik was registered in 2003, no independent human rights organization has been able to register in Uzbekistan. Due to existing restrictions, NGOs cannot currently operate effectively and safely in the country.⁹

Recommendation: We urge you to request the Uzbekistani government to ensure that its reform agenda is implemented in accordance with international standards and to create a safe space in which civil society can operate, including by ceasing the surveillance and harassment of independent journalists, human rights defenders and civil society activists, ensuring that no one is imprisoned on politically motivated grounds and allowing independent NGOs to register and operate without undue state interference.

We thank you for your attention to the issues raised in our letter. If needed, we would be happy to provide additional information.

Sincerely,

International Partnership for Human Rights (IPHR, Belgium)

Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR, Kazakhstan)

Legal Prosperity Foundation (Kyrgyzstan)

Nota Bene (Tajikistan)

Turkmen Initiative for Human Rights (TIHR, Turkmenistan, based in exile in Austria)

Association for Human Rights in Central Asia (AHRCA, Uzbekistan, established by political emigres in France)

¹ Information from the General Prosecutor's Office, https://lenta.inform.kz/ru/genprokuratura-prokomentirovala-proshedshie-mitingi-v-nur-sultane-i-almaty_a3537571

² For more information, see RFE/RL report, 12 June 2019, at <https://rus.azattyq.org/a/29995215.html>

³ For more details, see joint appeal by Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) and the Charter for Human Rights, https://bureau.kz/novosti/sobstvennaya_informaciya/sovместное_обращение_ден_выборов/; KIBHR monitoring report, https://bureau.kz/novosti/sobstvennaya_informaciya/den_trifidov_na_ploshadi/; as well as monitoring digest compiled by Public Association "Dignity" (can be shared if requested).

⁴ For more information about Askarov's case, refer to briefing paper prepared for the EU-Kyrgyzstan Human Rights Dialogue in May 2019 by IPHR, Legal Prosperity Foundation and Kyrgyzstan's Coalition against Torture: <https://www.iphronline.org/eu-kyrgyzstan-human-rights-dialogue-briefing-paper-documents-civil-society-concerns.html>

⁵ For more information, see joint submission to the UN Human Rights Committee by the Coalition against Torture and Impunity in Tajikistan, IPHR and the Helsinki Foundation for Human Rights, at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCCPR%2fCSS%2fTJK%2f35135&Lang=en

⁶ See RFE/RL report, 14 March 2019, at <https://rus.azathabar.com/a/29821189.html>

⁷ See RFE/RL report, 5 December 2018, <https://rus.azathabar.com/a/29638708.html>

⁸ For more information, refer to briefing paper prepared for the EU-Turkmenistan Human Rights Dialogue in March 2019 by TIHR and IPHR, <https://www.iphronline.org/eu-turkmenistan-human-rights-dialogue-push-for-implementation-of-new-benchmarks.html>

⁹ For more information, see briefing paper prepared for the EU-Uzbekistan Human Rights Dialogue in June 2019 by IPHR and AHRCA (not yet published).