

When Security Threatens Human Rights: Reviewing the Case of Central Asia

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Abstract

On joining the OSCE, states undertake comprehensive human-rights commitments. How have the states of Central Asia, whose regimes are not known for their progressive character in such matters, balanced concerns for security with human rights? The paper examines four incidents of human-rights abuses by state security forces. It further critically considers the efforts of the EU and the OSCE to pursue a security agenda while also promoting human rights in Central Asia; the latter have often suffered at the hands of the former. This looks set to continue as the focus on “hard security” issues remains.

Keywords

Organization for Security and Co-operation in Europe (OSCE); Central Asian States of the former Soviet Union; human rights violations; European Union; security sector reform; perceptions of threat (security policy); foreign policies of groups of states

With the disintegration of the Soviet system, all five Central Asian republics joined the United Nations (UN) and the Organization for Security and Co-operation in Europe (OSCE). They adopted constitutions guaranteeing fundamental freedoms, and ratified the major international human rights conventions, thus committing themselves to universally accepted human-rights standards. However, these developments have not led to improved human rights practices on the ground. Numerous observers, including the OSCE, the UN and non-governmental watchdog organizations, have noted the countries’ poor human rights records throughout the period of independence.

At the same time, Central Asia continues to face a set of serious external and internal security challenges. While Western and local experts agree on this fact, their respective understandings of what constitute security and security threats are profoundly different. Daniel Kimmage, for instance, suggests that “in established democracies with strong institutions, security challenges on the national level are broadly understood as serious, wide-ranging threats to the well-being of the citizenry that are best countered by concerted government action”.² Here, the broader concept of “human security” that incorporates respect for human rights as an integral element stands central. In contrast, the dominant Central Asian understanding of security focuses on preserving political stability by maintaining the existing order embodied in the current regimes.³ Thus, “the state” or “regime security” is put to the fore – an approach that may be used to justify human-rights violations by the state and law-enforcement agencies.

This paper reviews several larger incidents in the recent history of Central Asia in which security forces were involved in severe violations of human rights, including the most essential of them – the right to life. Four such incidents are examined: the suppression of riots in the Uzbek city of Andijan in May 2005; the involvement of security forces in the June 2010 ethnic clashes in the south of Kyrgyzstan; the crackdown on protests by oil workers in western Kazakhstan in December 2011; and the dubious role of law enforcement and the military in the summer 2012 violence in the Gorno-Badakhshan region of Tajikistan.⁴ Next, the article analyses the engagement of two European actors that pursue both security and human-rights agendas in Central Asia – the

2 Daniel Kimmage, *Security Challenges in Central Asia: Implications for the EU’s Engagement Strategy*, CEPS Policy Brief No. 139, July 2007, p. 1.

3 Cf. Sébastien Peyrouse, *Human Security in Central Asia: Can the EU Help Out?* EUCAM Policy Brief No. 21, October 2011.

4 It is by no means my intention to suggest that these are the only incidents of human rights violations by security forces in Central Asia worth mentioning. However this review has been limited to the most recent larger events that attracted major international attention.

European Union (EU) and the OSCE. It argues that the different interpretations of security challenges given by western and local actors, as noted above, often do not reflect the practice of security co-operation, as international actors fail to pursue a comprehensive strategy that combines hard-security issues and human-rights promotion. International security support programmes thus become largely separated from human-rights mechanisms, to the detriment of the latter. Moreover, international actors sometimes end up adopting the notions of security and security challenges utilized by Central Asian states, downplaying human rights in their security-related programmes. This trend is currently gaining momentum in view of the envisaged withdrawal of NATO troops from Afghanistan and the potential deterioration of the security situation associated with this process.

Four Major Incidents of Human-Rights Violation by Security Forces

Among the larger incidents of human rights violations by security forces in Central Asia over the last decade, the violent events in Andijan, a city in the Uzbek part of Fergana Valley, are probably the most widely known and highly politicized. Mass protests that started on 13 May 2005 in relation to allegedly unfair trials of popular local businessmen charged with extremism led to a major offensive by the security forces. While the operation was officially launched in response to hostage-taking and the takeover of the local-government building by the organizers of the riots, the government troops reportedly fired indiscriminately into a crowd in which the overwhelming majority of people were unarmed civilians. According to the preliminary report issued by the OSCE Office for Democratic Institutions and Human Rights (ODIHR), 300-500 people may have been killed. The Uzbek government and security forces were thus accused by human-rights organizations of violating the UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, which require the application of non-violent means as far as possible and the use of force in proportion to the seriousness of the offense to minimize damage and injury and preserve human life. In addition, the authorities reportedly failed to evacuate the wounded and provide them with proper medical attention in the immediate aftermath of the events.⁵ The offensive was followed by numerous arrests and the harassment of protest participants and Uzbek activists who were trying to shed light on what had actually happened in Andijan, as an independent international inquiry into the disturbances was never allowed by the Uzbek government.

Another incident in Central Asia where security forces were involved in major human-rights violations occurred in June 2010 in the south of Kyrgyzstan during deadly inter-ethnic violence that followed the ousting of President Kurmanbek Bakiyev earlier that year. The violence spread quite unexpectedly, bringing to the surface the long-existing latent tensions between the Kyrgyz and Uzbek communities. Some 470 people were reportedly killed, thousands wounded and over 400,000 displaced, with the Uzbek minority bearing the brunt of the suffering. The interim government of Roza Otunbayeva sent additional security forces and volunteers to the south and authorized the use of force to quell the riots in accordance with international law. However, with a few exceptions, Kyrgyz security forces failed to quickly contain or stop the outbreaks of violence. Moreover, they reportedly took sides in the conflict, focusing on the danger presented by Uzbeks, while taking only limited measures, if any, to protect the peaceful Uzbek population. According to Human Rights Watch, some government forces facilitated attacks on Uzbek neighbourhoods “by knowingly or unwittingly giving cover” to violent Kyrgyz mobs.⁶ The riots were followed by large-scale “sweep” operations that were characterized by the use of illegal and abusive practices by law enforcement officers, including beating and insulting residents,

5 Cf. Human Rights Watch, “Bullets Were Falling Like Rain”. The Andijan Massacre, May 13, 2005, June 2005, at: <http://www.hrw.org/sites/default/files/reports/uzbekistan0605.pdf>.

6 Human Rights Watch, “Where Is the Justice?” Interethnic Violence in Southern Kyrgyzstan and Its Aftermath, August 2010, at: http://www.hrw.org/sites/default/files/reports/kyrgyzstan0810webwcover_1.pdf.

looting their homes, arbitrary ethnic-based arrests and torture in custody.⁷

Among the more recent cases of human-rights violation involving security forces is the unrest in the western regions of Kazakhstan in December 2011, which observers have already called the country's "worst violence since independence".⁸ Preceded by months of strikes by oil workers over pay and working conditions, the disturbances erupted in the town of Zhanaozen on 16 December. As the initially peaceful protest turned violent, security forces, including special riot police, swept through the town, leaving 14 dead and over 100 injured.⁹ One more person was shot and killed when the riots spread to the nearby village of Shetpe. Reports of police shooting into crowds and beating those who fell circulated on the internet. The security forces' actions were officially justified by the presence of a "real threat to the life and health of peaceful citizens and policemen".¹⁰ However, human-rights defenders questioned the necessity and proportionality of the force used against the protesters. In addition, multiple cases of abuse and torture of those detained in the crackdown were reported. The head of a temporary detention centre in Zhanaozen was later convicted in a case where a detainee died of torture. The other allegations of ill-treatment in custody were, however, largely dismissed by the authorities.

Finally, security forces played a very ambiguous role in the most recent incident, which occurred in the remote Gorno-Badakhshan province of Tajikistan in the summer of 2012. While the underlying causes of the events may be disputed, some observers have claimed that the conflict resulted from clashing economic and power-political interests that were the unresolved legacy of the 1990s Tajik Civil War.¹¹ Violent clashes between government troops and guerrilla fighters were triggered by the murder of a senior Tajik security official on 21 July 2012. Instead of a regular investigation, the government launched a special military operation to target another security official, a local strongman and former opposition commander who was accused of the assassination. The official figures suggested that 17 soldiers, 30 rebels and at least one civilian were killed in the fighting, while unofficial reports claimed there had been up to 200 casualties. After a ceasefire and some limited disarmament, another related incident occurred in Khorog, the provincial capital. In August 2012, police opened fire on a crowd that had been demanding the withdrawal of government troops and protesting at the unexplained killing of an influential local leader. According to witnesses, two people were injured as the result. To what extent this was a necessary act on the part of the law-enforcement agencies remains unclear.

These four incidents demonstrate different types of security operation, but expose striking similarities in human-rights violations by security forces. In all four cases, the latter were poorly prepared or mismanaged in a way that allowed arbitrary and disproportionate use of force, partly against unarmed civilians, resulting in multiple human casualties. The events were accompanied by police or military raids and mass arrests with reported misuse of power by law enforcement officials, including intimidation, harassment and torture of detainees. While the extent of human-rights violations during these events varied, the security

7 Cf. Report of the International Independent Commission of Inquiry into the Events in Southern Kyrgyzstan in June 2010, May 2011, at http://reliefweb.int/sites/reliefweb.int/files/resources/Full_Report_490.pdf.

8 Joanna Lillis, Kazakhstan: Violence in Zhanaozen Threatens Nazarbayev Legacy, Eurasianet.org, 21 December 2011, at: <http://www.eurasianet.org/node/64745>.

9 Cf. *ibid.*

10 Isabel Gorst, Kazakhstan unrest leaves 14 dead, Financial Times, 18 December 2011, at: <http://www.ft.com/cms/s/0/65a29772-299b-11e1-a066-00144feabdc0.html#axzz2TSrEUcO7>.

11 For a detailed review see Shahrbanou Tadjbakhsh, Turf on the Roof of the World, NOREF Report, September 2012, at: http://www.peacebuilding.no/var/ezflow_site/storage/original/application/168da6be07c668d37593a8ab961cf50e.pdf.

forces commonly found themselves breaching the rights to life and to protection from torture and arbitrary treatment.

EU and OSCE Engagement: Security Assistance Meets Human Rights Promotion?

The involvement of security forces in human-rights breaches raises important questions about the role of international security-sector support programmes and the seriousness of the Western human-rights agenda. The most urgent concern is that projects related to democratization and human rights remain largely ineffective, while external security assistance to nondemocratic governments potentially contributes to strengthening the regimes' capacities to use violent force against the population, including people engaged in legitimate public protest. The EU's and OSCE's engagement in Central Asia proves no exception to this.¹²

The EU has developed a specific approach for supporting security-sector reform in third states that incorporates a human-rights component and envisages establishing democratic oversight of security structures. However, the EU's actual engagement in reforming security forces in Central Asia has been minimal. The main emphasis has been placed on strengthening border-security structures with a view to facilitating regional co-operation and combating cross-border crime, including illicit drug-trafficking from neighbouring Afghanistan. The most well-known EU-funded endeavour in the field has been the Border Management Programme in Central Asia (BOMCA) implemented by the UNDP. However, until recently the programme has largely concentrated on providing hardware and infrastructure to border posts. It is only now that the focus is shifting towards training for trainers, border guards and customs officers, including courses on human rights.

The EU's work to promote human rights outside security structures has been more prominent in the region. Following the adoption of the 2007 Strategy for a New Partnership with Central Asia, the EU has established bilateral human-rights dialogues (HRD) with each of the five states. In this format, the EU officials meet with their Central Asian counterparts to confidentially discuss human-rights concerns on an annual basis. Naturally, the incidents described above and the involvement of security forces in human-rights violations were addressed during the dialogues. The issues of judicial and prison reform have also been subjects of HRD-related civil-society seminars in Kyrgyzstan, Kazakhstan and Tajikistan. Crucially, however, these discussions are rarely backed by other bilateral and multilateral forums, including high-level security meetings, which touch upon the human-rights dimension only cursorily, if at all. Furthermore, the human-rights dialogues hardly ever feed into the EU civil-society support mechanisms, such as the European Instrument for Democracy and Human Rights (EIDHR), which, as the name suggests, serves to assist democratization and human-rights initiatives. So far there have been very few examples of EIDHR-funded projects that took up the issues of human-rights violations by (and within) security structures. Similarly, the issues have only been partly addressed by the EU Rule of Law Initiative for Central Asia, which was launched after the 2007 Strategy with the aim of supporting legal and judicial reforms in the partner countries.

The OSCE seems to be more consistent in its intention to incorporate both security and human-rights dimensions in its engagement with Central Asia. The Organization's assistance to the security sector since 2001 has been heavily focused on the professionalization and training of security personnel, while attempts have been made to raise human-rights awareness by conducting seminars and enabling a dialogue between the state and civil society.

¹² See also Jos Boonstra/Erica Marat/Vera Axyonova, Security Sector Reform in Kazakhstan, Kyrgyzstan and Tajikistan: What role for Europe? EUCAM Working Paper No. 14, May 2013.

Similarly to the EU, the OSCE is engaged in training Central Asian border and customs officers, e.g. at its Dushanbe-based Border Management Staff College, which was established in 2009. It has also been supporting police reform, with the most visible efforts being made in Kyrgyzstan (first through the Police Assistance Programme and later the Police Reform Programme) and Tajikistan,¹³ while also organizing training and study visits in the other Central Asian countries.¹⁴ Issues of democratization and human rights have been integrated into training for police and border guards supported by the OSCE. However, as in the case of the EU's BOMCA activities, the effectiveness of such training is questionable given the overloaded curricula, time constraints and lack of interest on the part of the participants. The technocratic approach to implementing the programmes, which is driven by the necessity to report success in quantifiable terms (e.g. the number of security personnel trained and human-rights seminars conducted, without questioning their qualitative outcomes), presents one of the obstacles to bringing about real change.

At the same time, the Central Asian states remain very cautious of external programmes that aim to advance democratic reforms, especially in their security sectors. So far Kyrgyzstan has been most open to human rights-related initiatives, yet less so when they have concerned security. External security-sector support has been most welcome when it has focused on providing uniforms, equipment and funding. Kazakhstan elaborated a National Human Rights Action Plan for 2009-2012, as part of commitments undertaken in view of its 2010 OSCE Chairmanship.¹⁵ In 2012, in response to the international pressure that followed the events in Zhanaozen, the country's government agreed to democratize its police forces with the assistance of the OSCE. Whether this will bring tangible results remains to be seen. In Uzbekistan, Turkmenistan and even Tajikistan, which has been assisted by the OSCE in law-enforcement reform, the Organization's activities are largely dominated by the politico-military dimension of security, with a focus on counter-terrorism and cross-border crime. On the whole, the necessity of improving the democratic governance of security structures based on respect for human rights remains largely ignored by the states and is unwelcome to them.

The Changing Security Environment: Implications for Human-Rights Support

The primary security concerns of Central Asian leaderships are threats that may directly or indirectly undermine political stability and challenge the established status quo, be it through the spread of Islamic insurgency or a loss of their grip on power as the result of public protests. It is thus not surprising that the official narratives of incidents such as those described above commonly put them on a par with the dangers of terrorism and extremism that would presumably justify the use of force and allow the whitewashing of human-rights violations committed by security services.

With the changing geopolitical environment in the wider region associated with the withdrawal of NATO troops from Afghanistan, Central Asian government authorities and experts are expressing growing concern at a possible deterioration of the security situation as a result of negative spillover from the region's southern neighbour. The spread of radical Islam, terrorist networks and cross-border arms and drug-trafficking – all of

13 Cf. Erica Marat, OSCE Police Reform Programmes in Kyrgyzstan and Tajikistan: Past Constraints and Future Opportunities, EUCAM Policy Brief No. 27, October 2012. On the role of the OSCE in Kyrgyzstan see also: Frank Evers, OSCE Conflict Management and the Kyrgyz Experience in 2010. Advanced Potentials, Lack of Will, Limited Options, IFSH CORE Working Paper No. 24, March 2012.

14 Cf. David Lewis, Security Sector Reform in Authoritarian Regimes: The OSCE Experience of Police Assistance Programming in Central Asia, in: Security and Human Rights 22/2011, pp. 103-117.

15 The implementation of the Action Plan has however been rather negatively assessed by the leading Kazakh NGOs, who monitored the process. See Kazakhstan International Bureau for Human Rights and Rule of Law, Legal Policy Research Centre and International Center of Journalism MediaNet, Final Review on the Implementation of the National Action Plan for Human Rights for 2009-2012 by Republic of Kazakhstan, February 2013.

which can lead to outbreaks of violence and crisis – stand central among these concerns. These threats are not to be underestimated, yet the emphasis on links to Afghanistan pushes a number of home-grown sources of instability into the shadows and allows the legitimization of restrictions on human rights, both within and outside the countries.


While observers have repeatedly warned against overemphasizing the spillover effects,¹⁶ the concerns raised by the Central Asian states do not fall on deaf ears among the European actors. In its 2012 Review of the Strategy for a New Partnership with Central Asia, the EU has already underlined the security threats faced by the region, stating that ‘Developments relating to Afghanistan pose a particular challenge that will become more pronounced over the coming years as the ISAF withdrawal process comes under way. Instability in Afghanistan, notably in the northern parts of the country, could very well lead to an increase in already high levels of drug trafficking and organized crime, larger numbers of refugees fleeing instability, and increased activity of radical or criminal groups aiming to destabilize neighbouring regions to advance their radical or criminal goals.’¹⁷ Here the EU is clearly borrowing and validating the official Central Asian narrative of common security challenges emanating from Afghanistan.

Admitting the growing potential for instability, the EU intends to intensify security co-operation with Central Asia, including through its proposed High Level Security Dialogue. European support for security structures – from both the EU and the OSCE – especially border management and counter-terrorism activities, is expected to be prioritized in the coming years. In view of the limited financial and human resources available, this will ultimately be to the detriment of democratization and human-rights assistance. It would be also safe to assume that the Central Asian states will continue to be opposed to comprehensive democratic reforms of their security sectors, while the effects and effectiveness of individual human-rights seminars as part of security forces’ training will remain limited.

Overall, European engagement in promoting human rights in the Central Asian security sector and exercising external pressure for reforms is likely to remain reactive. In other words, it will tend to intensify in response to serious human-rights violations, as was the case with the incidents in Uzbekistan, Kyrgyzstan and Kazakhstan. The development of proactive engagement strategies and long-term reform support will be constrained by limited resources, diverging interests and the lack of political will. The potential dangers of this trend are apparent: As long as hard security prevails in both the international and domestic agendas, and human-rights mechanisms are absent or detached from security-sector reforms, there can be no guarantee that incidents similar to those discussed above will not be repeated in Central Asia.

16 See, e.g., Neil Melvin, Don’t Oversell “Overspill”: Afghanistan and Emerging Conflicts in Central Asia, Central Asia Policy Brief No. 6, December 2012; Cornelius Graubner, Central Asia: A Look at Sources of Violence and Instability, EurasiaNet Commentary, August 2012, at: <http://www.eurasianet.org/node/65760>.

17 Progress Report on the Implementation of the EU Strategy for Central Asia: Implementation Review and Outline for Future Orientations, 25 June 2012, p. 16.



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