

8. Comparison of Law Enforcement

How do the Central Asian states deal with alleged terrorists and religious extremists? Since independence, the Central Asian states have been developing their own national security and counter-terrorism strategies. They have elaborated new national security concepts, adopted laws dealing with terrorism and ratified international treaties in this domain. It would require a great deal of time and effort to scrutinize all these primary sources in detail. For this reason and also because Marat, Omelicheva and Matveeva have written excellent summaries on these issues I mostly rely here on their studies. Erica Marat has written about how the Central Asian military forces have evolved from the Red Army (Marat 2010) and has compared the Central Asian security sector reforms of recent years for the Geneva Centre for the Democratic Control of Armed Forces (DCAF) (Marat 2012) while Mariya Omelicheva (2011) has scrutinized the counterterrorism policies of the Central Asian states in general and of Kazakhstan and Kyrgyzstan in more detail. Anna Matveeva has written several studies primarily on the developments in the Tajik security sector (Matveeva 2005).

Furthermore, I rely on the Military Balance (2012) country profiles for data about military and paramilitary forces. General data and primary resources on security issues are even more difficult to obtain than information about religious regulations in Central Asia. This is not surprising, given the states' high level of authoritarianism. The most difficult deal in this regard is Uzbekistan. There is especially little information about the Uzbek secret police and its internal forces. Some more data is obtainable about the country's military – probably due to the higher degree of international cooperation in this section.

In my view, it is clear that the purpose of security forces should be to protect citizens from violence – in our case terrorism – and to bring perpetrators to justice. However, this has to be done in accordance with the rule of law. This means that a balance has to be struck between the benefit for the community as a whole and the protection of the human rights of those individuals suspected of terrorism. Important issues in this context are arbitrary arrest, unfair trials, torture by security forces and extrajudicial killings. Recently, a great deal of scientific research has been conducted in this area, and the international community has already tackled the issue on many occasions. However, let us not go into the details of the legal debate. Under the pressure of the international community and in order to fulfil their own responsibilities as signees of United Nations convention against torture, the Central Asian governments have at least taken some measures to prevent the use of torture by their security forces. Furthermore, some progress has been made in improving the situation of detainees in prisons and pre-trial facilities. In spite of these efforts, torture and other ill-treatment are still widespread or even systemic in the Central Asian countries and individuals suspected of being religious extremists are particularly at risk.

In this chapter I will only briefly introduce the counter-terrorism strategies and laws on combating terrorism. I then give an overview of the different security forces dealing with terrorism, and mention their resources and their involvement in international cooperation. Afterwards I will turn to the judiciary, where I look at the general system, the application of penalties, the occurrence of torture and the conditions of imprisonment. Only on this basis will it be possible to judge to what extent the practical repression of religious groups as a precondition for (further) radicalization of individual members takes place in the different countries.

8.1. SECURITY STRATEGIES AND COUNTER-TERRORISM LAWS

In the 2011 military doctrine of Kazakhstan, the countering of modern military security threats (such as terrorism and religious extremism) is defined not only as the responsibility of the military but also of other forces and military formations (Marat 2012: 13). As we will see, the main responsibility for fighting terrorism in Kazakhstan falls on the shoulders of the Na-

tional Security Committee while the most important legal sources for dealing with terrorism are the Law on Combating Terrorism and the Criminal Code (Chapter 9, Article 233 on “Crimes Against Public Safety and Public Order”) of Kazakhstan. In January 2013 Nursultan Nazarbayev signed a new law “On amendments and additions to some legislative acts of the Republic of Kazakhstan on counter-terrorism”.¹ The law “represents clear efforts to modernize the country’s approach to defining and combating terrorism” and is built on the SCO Convention on Terrorism (2009) and a “model law discussed by the inter-parliamentary assembly of the CIS” in 2009 (McDermott 2013). The law ensures the protection of human rights in the fight against terrorism and combines the latter with confidence-building in civil society. However, the problem remains that

“[...] the state’s counter-terrorism capability remains in the hands of an unreformed National Security Committee (KNB) and security structures that have struggled to respond adequately to the explosion of domestic political violence since 2011” (McDermott 2013).

As we will see, there are significant discrepancies between the counter-terrorism laws and their implementation in all four countries. One general problem of the legislation is that it does not define the differences “between terrorist or violent extremist groups and criminal groups” (USDOS 2012). Kazakhstan recently pursues a very broad anti-terrorist strategy:

“As part of the government’s plan to conduct a large-scale campaign to counter radicalization in society, new legislation requires all media outlets in Kazakhstan to assist state bodies in counterterrorism efforts; one consequence of this legislation is that several legitimate opposition media outlets were declared ‘extremist’ by Kazakhstani courts and ordered to stop operations” (USDOS 2012).

Another far-reaching legal means is the new “State Programme to Counter Religious Extremism and Terrorism”. For this five-year program from 2013 to 2017 the Kazakh government allocated \$1.3 billion. The program not only bolsters “existing policies, such as restrictions on religious literature and close monitoring of religious groups and missionary activity”, but also in-

1 <http://en.trend.az/regions/casia/kazakhstan/2105362.html> (13.9.2014).

troduces new means, “including installing video surveillance in places of worship and monitoring students studying theology abroad” (Lillis 2013). Additionally to the laws and programs focusing on surveillance of religious groups and persecution of alleged extremists and terrorists, the country also takes preventive means. A new law, signed in January 2013 by the President, should introduce “co-operation with religious authorities, anti-terrorism education in schools and public information campaigns”. Furthermore, measures are being taken in order to “minimize collateral damage and casualties from counter-terrorism operations” (Central Asia Online 2013).

In addition, the state launched a website (www.counter-terror.kz/ru) which reports on terrorism worldwide, in order to improve contact with civil society. The website is supposed to help citizens to gain access to and report to the security services. Another preventive measure, taken in 2013, was the establishment of an “Institute for the Study of Terrorism and Religious Extremism”, which is supposed to “bring together sociologists, psychologists and other scholars to study trends in society and to study the influence that films, video games, unemployment, public discontent and lack of youth programmes have on sowing the seeds of extremism” (Isakova 2013). With these far-reaching measures, Kazakhstan is taking a leading role in the region.

The Kyrgyz legal framework for combating terrorism mainly consists of the Law ‘On Combating Terrorism’ (2006), of the Penal Code and of the Criminal Procedure Code of the Kyrgyz Republic. As is the case in Kazakhstan, in Kyrgyzstan the main counterterrorism bodies are the internal intelligence service and the police under the Ministry of Internal Affairs (MVD) (USDOS KG 2012). As we shall see in the next section, the Central Asian governments cooperate with western states in the military domain. In collaboration with OSCE the Central Asian countries are trying to establish better relations between civil society and security forces as well as government institutions in general. In this regard, Kyrgyzstan has taken the lead by establishing special Public Advisory Councils (PACs) which oversee all Ministerial activities. Amongst others, the new National Security Concept from 2012 was elaborated by “government representatives with military and civilian backgrounds along with elected representatives and members of the Public Advisory Council (PAC)” (Axyonova et al. 2013: 9). The involvement of PACs should ensure better civilian oversight of security is-

sues, which is reinforced by the parliamentary system adopted by Kyrgyzstan with the new constitution in 2010. However, Axyonova et al. come to the conclusion that, “the decentralisation of political power has only served to slow the pace of SSR [Security Sector Reform]” (Axyonova et al. 2013: 9). Additionally to this, “Kyrgyzstan’s modest SSR attempts were stalled due to two violent regime changes in the past six years” (Axyonova et al. 2013: 8). With regards to combating terrorism and respect for human rights in the security sector I have to mention that nonetheless, already in 2009 the Kyrgyz National Security Concept had noted “that respecting human rights and democratic principles is an important part of national security” (Marat 2012: 31).

Whereas Kazakhstan is the most advanced in the transformation of its security sectors according to western standards, “Tajikistan became the last Central Asian country to adopt a post-Soviet military doctrine”, doing so only in 2005 (Axyonova et al. 2013: 9). This was due in large part to the long lasting civil war but the difficult process of integrating UTO-forces into the military might also have played a role. Finally, in 2010,

“Tajikistan’s legislature was updated to grant parliament rights and responsibilities to sustain the country’s defence. In reality, however, neither parliament nor the broader public has access to the security decision-making process, while the new doctrine is mostly symbolic” (Axyonova et al. 2013: 9).

Furthermore, the security reform efforts (also spurred on by western states) to a great extent “have focused on strengthening the country’s military and law enforcement structures, often to the detriment of transparency and public oversight” (Axyonova et al. 2013: 10). Rahmon showed, for example, that he can send troops to conflict affected areas without consulting parliament. As Axyonova et al. have noted, “Rakhmon’s ability to act without scrutiny demonstrates how the better-trained and equipped special forces are loyal to the president and stand ready to protect his regime” (Axyonova et al. 2013: 10). Despite these facts, the US Department of State comes to the conclusion that under the Law on Combating Terrorism “there have been successful prosecutions of terrorists” (USDOS 2012). It gives cause for serious concern, however, that “a corrupt judicial system and misuse of counterterrorism statutes to suppress legitimate political opposition hampered the effectiveness of the government’s counterterrorism efforts”

(USDOS 2012). In 2012, the Tajik parliament adopted amendments to the “Law on the Fight Against Terrorism” that were then signed by the president (USDOS 2012).

Article 8 of the Uzbek law on “Combat of Terrorism” of 2000 states that the National Security Service coordinates the other state bodies’ activities for combating terrorism. Other government bodies involved in fighting terrorism are – like in the other countries – internal troops, border guards and the military. The country started with a new program to train ‘anti-terrorism specialists’ in 2013. Just like the other countries, Uzbekistan recently does not focus on repressive means alone, but aims at enhancing “prevention and at increasing the skills of terrorism-prevention inspectors” (Yeniseyev 2013).

8.2. SECURITY FORCES

8.2.1. Secret Police: (G)KNB

In all countries the main coordinating body for countering terrorism is the internal intelligence service: the former Soviet Committee for State Security (KGB), today called National Security Committee or National Security Service, which is in all cases directly subordinate to the president. In Kazakhstan, the National Security Committee (KNB) Chairman is “appointed by the President with the consent of the Senate (upper chamber of the Parliament)” (Marat 2012: 10). One of the main tasks of the KNB is the “detection, prevention, and suppression of terrorism” (Marat 2012: 10). To aid them in this task, the KNB has its own Anti-Terror Centre. Moreover, the KNB has its own mobile rapid response unit, ‘Arystan’ Service, which carries out special operations, including dealing with terrorism.² In fact, KNB specifically targets unregistered and banned Islamic groups (AI 2013). Countering terrorism is regarded by Kazakh authorities as crucial to securing national and regional stability. Apart from the KNB secret police, the ordinary police of the Interior Ministry, the Syrbar Foreign Intelligence Service, the Agency of Religious Affairs (ARA), the Foreign Ministry, the Education Ministry, the Culture Ministry, the General Prosecutor’s Office

2 <http://en.trend.az/regions/casia/kazakhstan/2109212.html> (13.9.2014).

and local Akims (administration chiefs) are all involved in implementing the new “State Programme to Counter Religious Extremism and Terrorism for 2013-2017” (Corley 2013: 2).

In Kyrgyzstan, the State Security Service was disbanded by the interim government of Rosa Otunbaeva and replaced by the State National Security Service (GKNB). The reason for this was that under Bakiyev’s presidency, “the agency was often used to spy on opposition leaders and civil society activists” (Axyonova et al. 2013: 8). Even today in the south of the country, “the situation remains bleak with local law enforcement agencies’ continuous surveillance of activists dealing with the post-conflict human rights situation in the Osh region” (Axyonova et al. 2013: 8). As in the other other countries, the Kyrgyz GKNB has far-reaching competences and is legally authorized to,

“[...] trace the activity of public associations, religious organisations, businesses, institutions, as well as the media (regardless of ownership) and individuals suspected of planning, organizing, preparing and/or attempting to violently change the constitutional system, criticise state security operations, seize or usurp state authority, create illegal armed groups, take part in terrorist activities, incite racial, ethnic or religious strife and social discord, and damage the dignity of the country” (Marat 2012: 26).

In order to fulfil these tasks, the GKNB established its own Anti-Terror Centre (ATC) in 2011 (Sultanov 2013b). The Kyrgyz Anti-Terror Center even has its own website: <http://www.atc.kg/> With this effort, the GKNB aims to prevent extremist activities by means of information campaigns about its activities in addition to repressive means (Marat 2012: 27).

Generally, information about the security forces of Kazakhstan and Kyrgyzstan is quite easily available online to the public. By contrast, only limited aspects of Tajik and Uzbek legislature are in the public domain. In Tajikistan, the Ministry of Security was the successor institution to the KGB “but does not enjoy the same standing as its much feared predecessor” [...] (Matveeva 2005: 5). According to Axyonova et al. in Tajikistan:

“The Ministry of Security is still considered to be the main intelligence agency. The legal basis for its functions has either not been amended since 2002 or the revised versions are not publicly available” (Axyonova et al. 2013: 8).

This quote shows how difficult it is to obtain correct information about the Tajik (and Uzbek) security forces – although Axyonova and Marat belong to those international scientists best informed about the issue discussed here, they obviously were not aware that the Ministry of Security was renamed in 2005: Today, the Ministry of Security is called the State Committee on National Security GKNB (WikiLeaks 2007) in Tajikistan as well. Together with the Ministry for Internal Affairs and the Ministry of Defence and other state bodies it is responsible for maintaining security.

Marat provides no further information about the intelligence services of Tajikistan and Uzbekistan (Marat 2012: 1), neither was I able to find more information by my own research. What can be said, though, is that also these countries mainly combat terrorism by means of the State Committee for National Security (Tajikistan) and the National Security Service (Uzbekistan). As I do not have information to the contrary, I will here act on the assumption that these institutions still work in a similar way to those in Kazakhstan and Kyrgyzstan, as this is also the case with other institutions.

8.2.2. Internal Troops: MVD

The mission of the Kazakh Ministry of Internal Affairs is to “maintain public order and social security, including during emergency situation and under martial law” (Marat 2012: 7). In Kazakhstan, the dispersion of mass demonstrations, strikes or meetings are the responsibility of the Ministry of Internal Affairs. Furthermore, it is tasked with “preventing terrorism, and rescuing hostages. It may perform some of the functions of the Defence Ministry during emergencies, and it may assist fire-fighters” (Marat 2012: 8).

The Kyrgyz Ministry of the Interior is based on the Georgian model of police reform, which aims to convert Soviet-style *militsia* into street police (Marat 2012: 24). In order to realize this goal “[...] the OSCE trains and helps the Ministry of Interior to develop a community-based system that would meet international standards of policing” (Marat 2012: 4). However, the Kyrgyz police is not only “deeply corrupt”, but the whole Ministry is “still heavily militarized and is authorized to carry out some functions of the Ministry of Defence during emergencies” (Axyonova et al. 2013: 9). The Ministry maintains a special rapid response unit (Trend 2011).

In 2010, the OSCE office in Dushanbe completed a project “aimed at developing new, or strengthening current relationships between community members, local government officials, and police” (Marat 2012: 35). In the framework of these reforms, the former Tajik *militsia* was renamed ‘police’. The tasks of the riot police under the supervision of the Ministry of Interior are amongst others “to fight terrorism, extremism, drug trafficking and other crimes” (TJ MVD).

Table 17: Paramilitary Resources

	Kazakhstan	Kyrgyzstan	Tajikistan	Uzbekistan
Total paramilitary forces	31,500	9,500	7,500	up to 20,000
Paramilitary units	<ul style="list-style-type: none"> • Government Guard 500 • Internal Security Troops 20,000, (Ministry of Interior) • Presidential Guard 2,000 • State Border Protection Forces 9,000 (Ministry of Interior) 	<ul style="list-style-type: none"> • Border Guards 5,000³ • Interior Troops 3,500 • National Guard 1,000 	<ul style="list-style-type: none"> • Interior Troops 3,800 • National Guard 1,200 • Emergencies Ministry 2,500 • Border Guards 	<ul style="list-style-type: none"> • Internal Security Troops up to 19,000 (Ministry of Interior) • National Guard 1,000 (Ministry of Defence)

Source: Military Balance (2012)

3 KGZ conscripts and RUS officers.

8.2.3. Military

The military capabilities of the Central Asian states are not great, especially those of Kyrgyzstan and Tajikistan. Much of the Central Asian states' military equipment comprises leftovers of the Soviet Union. Nonetheless, Kazakhstan is building up its own armaments industry as "Nursultan Nazarbayev, has decided he wants to build a world-class armaments industry" (Kucera 2012). This is in line with his plan both to diversify Kazakhstan's economy and with his multi-vector policy (Kucera 2012). For example, the Turkish president, as well as the defence ministers of Iran and China, participated in the Kazakh biennial defence exposition KADEX (Kucera 2010). In spite of these efforts and although Kazakhstan maintains a quite well-trained rapid-reaction force, the country's armed forces do not meet western training standards (Military Balance 2012: 255). The Military Balance annual report concludes that even in Kazakhstan, the army's Soviet origins are still evident (Military Balance 2012: 255). At any rate, "with a growing focus on counter-terrorist operations, the country is making efforts to develop its Special Forces" (Military Balance 2012: 255). Moreover, it has made "more progress with SSR [Security Sector Reform] than the other Central Asian states" (Axyonova et al. 2013: 6). It is not true, though, that the Kazakh army is totally contract-based, as Axyonova et al. (2013) suppose. However, in 2013 the country started to recruit on a contract basis and plans for 99 percent of the army to consist of contract soldiers by 2016 (KZ Strategy 2050). The engagement in low-intensity conflicts within the state's territory and the prevention as well as combating of terrorist acts are some of the main obligations of the Kazakh military during peacetime (Marat 2012: 13, 16f). In order to complete these tasks, Kazakh armed forces are "deployed in a number of strategic locations, while troops in the strategic western areas are currently being strengthened, according to the doctrine" (Marat 2012: 13).

Kyrgyzstan's military capabilities are limited, although it tries to "progress towards improving national capabilities" by international cooperation (Military Balance 2012: 262). A lack of resources has led to problems in the upkeep of their equipment. For example "a larger number of armed and transport helicopters are in the inventory, but maintenance problems probably mean most of these are not operationally ready" (Military Balance 2012: 262). The violent regime changes in the last years have stalled Kyr-

gyzstan's modest SSR attempts (Axyonova et al. 2013: 8). In addition to the conscript-based army, Kyrgyzstan maintains

“[...] several contract-based special forces units destined to protect the president, engage in anti-terrorism campaigns and combat drug-trafficking. All special forces have undergone some training abroad, including in Russia, Turkey and the U.S.” (Axyonova et al. 2013: 8).

The number of such contract-based military personnel is especially important for assessing the country's military capacity to counter terrorism as conscripts are not useful for being committed for this task. According to the current National Security Concept from 2009, the Kyrgyz military bears responsibility for participating in counter-terrorism efforts and carrying out anti-terrorist operations (Marat 2012: 28f).

With regards to SSR one major problem in Kyrgyzstan is that even now there are many security officials who have a Soviet background and oppose radical changes to the sector (Axyonova et al. 2013: 8). For the same reason, patronage networks and a high level of corruption prevail. Problems include the security forces' role in drug smuggling and their cover ups for organized criminal groups especially in Southern Kyrgyzstan (Axyonova et al. 2013: 10). The same problems persist among the Tajik security forces (Axyonova et al. 2013: 10).

Like its northern neighbour, Tajikistan's armed forces are very weak. The Military Balance report describes the military as “token forces” and says that “the conscript-based land force is hampered by lack of adequate training” (Military Balance 2012: 285). Unlike its northern neighbour, though the Tajik military mainly comprises conscripts. Indeed, “only a few units of the special forces loyal to the president have an arrangement resembling a contract-based service” (Axyonova et al. 2013: 10). The conditions for conscripts serving in the military are extremely bad as they face “hunger, unheated barracks, beatings and regular outbreaks of disease” (EurasiaNet 2012a). For these reasons, the Tajik military not only lacks financial and infrastructural resources but also manpower. Many young men try to evade military service. “Many draftees emigrate, while those that have the means enter university because students are exempt until the end of their studies” (Rahimova in EurasiaNet 2012a). In order to deal with the shortfall of draftees, recruitment officers sometimes “resort to impressment,

or the quasi-legal kidnapping of military-age men” (EurasiaNet 2012a). This as well as the occurrence of ‘devoshchina’ – first year conscripts harassed by second year conscripts – are problems inherited from Soviet times; they prevail in the Russian military as well (see for example the regular reports of the NGO ‘Soldiers Mothers of St. Peterburg’).

By contrast, the Uzbek military does not suffer from a shortage of draftees willing to serve. On the contrary, especially military service at officer’s rank is quite favoured among young men (EurasiaNet 2012b) since they receive high salaries: “military officers enjoy salaries roughly four-times the national average and also receive generous housing subsidies” (EurasiaNet 2012b). Uzbekistan is the only country where the military service lasts only one year – thereby it avoids the problem of ‘devoshchina’, a fact that might further improve the conscripts’ willingness to serve in the military. Furthermore, Uzbek conscripts have the possibility to serve for a period of only one month. To do so, they have to pay around \$600 and subsequently become part of the reserve, and “can be called up until they are 27 if the situation requires it” (IWPR 2013b). Around seven out of ten conscripts choose this option, thereby acquiring:

“[...] advantages that come with serving in the military – a direct route into jobs in the police and the tax and customs services. In this authoritarian state, such jobs offer good pay and influence” (IWPR 2013b).

These incentives for Uzbek servicemen are available due to Uzbekistan’s high military expenditure. As we see from Table 18, Uzbekistan has (after Kazakhstan) the second highest military expenditure per capita. The Military Balance report states that compared to the other Central Asian countries, Uzbekistan’s armed forces are “significantly better equipped than those of its immediate neighbours” (Military Balance 2012: 290). Additionally, “the army is attempting to improve its mobility in order to manage internal security challenges” (Military Balance 2012: 291).

Table 18: Military Resources

	Kazakhstan	Kyrgyzstan	Tajikistan	Uzbekistan
Total paramilitary forces (Military Balance 2012)	49,000	10,900	8,800	67,000
Terms of service conscription (Military Balance 2012)	24 months	18 months	24 months	12 months
Military expenditures per capita in US \$ ⁴	155	67	35	126

It is not surprising that the two most populous Central Asian countries, which are at the same time those with the best economic situation and the highest GDP, are those with the highest military capacities. Kazakhstan's and Uzbekistan's military forces are more numerous and better equipped than those of Kyrgyzstan and Tajikistan.

8.3. INTERNATIONAL COOPERATION IN THE SECURITY SECTOR

International cooperation in the military domain is important to all Central Asian countries. Russia has been one of the region's main partners since independence. Other partners include members of the Russian-led Collec-

⁴ Calculated from military expenditures in % of GDP and GDP (CIA World Factbook 2010).

tive Security Treaty Organization (CSTO). The CSTO is a collective security organization, which means that if the territorial integrity or sovereignty of one of its member states is threatened, the collective will take action. Kazakhstan, Kyrgyzstan and Tajikistan were founding partners of the organization in 1991, together with Russia, Belarus and Armenia (CSTO). Uzbekistan has an ambivalent relationship to the collective treaty organization, although it is a member of it. For example, in 2012 Uzbekistan tried to withdraw from its membership but was not able to do so due to CSTO guidelines (*Litovkin 2012*).

At a CSTO summit in 2009, the organization “set up a collective rapid reaction force to protect the territorial integrity and sovereignty of the CSTO member states, and to provide security and respond to crisis situations [...]” (RT 2009). Due to the developments in Afghanistan between 1996 and 1998, “the potential of the Treaty was applied to prevent extremists’ attempts to destabilize the situation in the region” (CSTO).

Whereas the CSTO integrated non-traditional threats into its security objective, the Shanghai Cooperation Organization (SCO), another regional security organization, has been dealing with internal security threats since its inception: It was founded by the Central Asian states together with Russia and China in the late 1990s. The SCO’s main purpose is to fight the “three evils” of terrorism, extremism and separatism, and “is best characterized as a regional organization concerned with non-traditional security” (Aris 2009). Since 2004, years before the CSTO started to do so, it has maintained a Regional Anti-Terrorism Structure (RATS), located in Tashkent. RATS holds counterterrorism trainings and organizes conferences and seminars about terrorism.⁵

Kazakhstan, Kyrgyzstan and Uzbekistan became members of the NATO Partnership for Peace (PfP) in 1994, while Tajikistan joined in 2002 (NATO PfP).⁶ Since 9/11, western powers have become increasingly interested in the region. Indeed, what Matveeva says of Tajikistan is true for the whole region:

“The War on Terror brought new players into security field in a country, previously viewed as a Russia’s domain. Since 2001 the US and its allies in the Coalition of the

5 See the RATS’ website: <http://ecrats.org/en/> (13.9.2014).

6 http://www.nato.int/cps/en/natolive/topics_82584.htm (13.9.2014).

Willing paid increased attention to security issues in the states bordering Afghanistan [...]” (Matveeva 2005: 16).

Kyrgyzstan, Tajikistan and Uzbekistan in particular have become indispensable partners in the ISAF’s war in Afghanistan. Counter-terrorism is a key area of NATO’s cooperation with these countries. Furthermore, this cooperation includes support for “political, military and security-sector reforms” (NATO) with additional assistance for Kyrgyzstan and Tajikistan in the domains of “border security, crisis management, and civil emergency planning” (NATO). After presenting the different security treaty organizations in the region, I will now turn to the single countries’ relationship with them.

Kazakhstan emphasizes in its 2011 military doctrine that its “chief priority is to strengthen collective and national security through international joint peacekeeping activities” (Marat 2012: 18). Moreover, Kazakhstan “aspires to be a key regional leader in counterterrorism cooperation” (USDOS KZ 2012). In 2012, for example, it undertook the following activities (USDOS KZ 2012):

- Meeting of regional representatives in Almaty to discuss a joint plan of action for the implementation of the UN Global Counter-Terrorism Strategy in Central Asia
- Meeting of expert consultants from the Shanghai Cooperation Organization in Almaty to discuss upcoming joint activities
- Execution of joint counterterrorism drills by Kazakh security forces with counterparts from Russia and Ukraine.

As we will see, apart from the military cooperation with collective security organizations, the Central Asian states host foreign military forces on their territory and/ or cooperate bilaterally with other countries, accepting foreign troops on their territory. Additionally to this, bilateral exercises take place as we can see in the example of the US and Kazakhstan:

“The United States and Kazakhstan affirm their continued collaboration in support of stability in the region, including through our joint efforts on counterterrorism. Our commitment to security cooperation is demonstrated by activities such as U.S. support for Kazakhstan’s peacekeeping brigade and the annual military exercise *Steppe Eagle*” (USDOS 2012).

Furthermore, the US cooperate with Kazakh police forces in the domain of training and by providing “logistical support in the form of body armor, special helmets, binoculars, masks and other equipment” as the Kazakh Ministry of Internal Affairs explains (KZ MIA 2013). The importance of international cooperation for the Central Asian states is unlikely to diminish in the near future. For example, the Kazakh military doctrine of 2007 advocates “intensified cooperation with the Russia-led Collective Security Treaty Organization (CSTO) as well as with China, the United States, and NATO’s Partnership for Peace (PfP) programme” (Marat 2012: 12). As mandated by the CSTO in 2009, Kazakhstan has already established its Collective Rapid Reaction Forces units.

Kyrgyzstan also avails itself of diverse networks in the security domain. The new Kyrgyz National Security Concept of 2009 states that “to fit international terrorism, separatism, and religious extremism [...] the country collaborates with the CIS; CSTO, SCO, OSCE, EU, etc.” (Marat 2012: 31). For example, the Kyrgyz State Committee for National Security (GKNB) Anti-Terrorist Centre (ATC) works together with the OSCE and SCO (Sultanov 2013a). In the framework of these organizations, the country also participates in military exercises:

“Despite their weakness, Kyrgyzstan’s armed forces participate in Shanghai Cooperation Organisation exercises, such as the SCO’s counter-terrorism exercises, and has hosted SCO exercises within its training areas, indicating the ability to offer command and control facilities to disparate military units” (Military Balance 2012: 262).

After 9/11, the US expanded its Antiterrorism Assistance Program (ATA) to Kyrgyzstan, Uzbekistan and Kazakhstan. The US has rented Manas airport in Kyrgyzstan since 2001. In 2009, the Kyrgyz parliament decided to close the base but later revised this decision (RT 2009a). Today, the airport is still important for the transit of troops and supplies to Afghanistan (RT 2009a). In fact, Kyrgyzstan is the only country in the world that hosts both US and Russian troops. The latter are stationed at Kant airport, near Bishkek and in the south of the country (RT 2009b).

Like the Kyrgyz armed forces, the relatively weak Tajik military is also a member of regional security organizations although “there is little capaci-

ty to deploy other than token forces [...] the Tajik military is an active participant in CSTO and SCO military exercises" (Military Balance 2012: 285). Despite the fact that in the event of terrorist threats, the Tajik Military would act theoretically as a CSTO-member, "the understanding is that in case of a serious attack by 'international terrorists' it will be the Russian Armed Forces based in Tajikistan who would resist it" (Matveeva 2005: 9). To this end the Russian 201st Motor-Rifle Division is based in three different locations (Dushanbe, Qurgon Teppa and Kulob) in Tajikistan and "Russia reached a deal to keep troops [...] through 2042" (Freedom House 2013c, Yuldoshev 2013). Tajikistan also plays an especially important role in supporting Allied operations in Afghanistan through the hosting of French military aircraft at Dushanbe Airport (NATO). Additionally to Russia and France, India maintains an airbase in Tajikistan (Military Balance 2012: 285). The US have air-space rights and refuelling privileges at Tajik airfields (Beehner 2005).

Axyonova et al. argue that international military aid to Tajikistan helps the president to maintain his rigid control over the country and the West has accepted this compromise for fear of spill-over effects from Afghanistan. Thus short term stability takes precedence over the need to address corruption and establish good governance:

"This risks undermining Tajikistan's political and economic development by further strengthening the president's political control over the security sector at the expense of democratic development" (Matveeva 2005).

In addition to military assistance, in the domain of intelligence, "according to Tajikistan's Ministry of Justice, the country collaborates with ODIHR, the U.S. Helsinki Committee, and the U.S. Embassy on intelligence" (Marat 2012: 36). Because of its immediate neighbourhood and the mountainous border it shares with Afghanistan, Tajikistan is of great strategic importance for the West. The international community therefore seems to rank stability over human rights concerns – a similar situation is observable in Uzbekistan.

Military cooperation between the US and Uzbekistan also originated from pragmatic military strategic considerations. From 9/11 until 2005 the US spent \$150 million in annual aid packages to Uzbekistan (Beehner 2005). However, the cooperation of Uzbekistan with the US in specific and

with NATO in general has experienced even more ups and downs than the renting of Manas-airport by the US. For example, because of the events in Andijan, the cooperation between NATO and Uzbekistan was interrupted between 2005 to 2010, but was reaffirmed afterwards (NATO). Similarly, in 2005 US forces were recalled from the Karshi and Khanabad (K2) air-base, which they had used for Operation Enduring Freedom in Afghanistan. The reasons for the withdrawal might have been due to US criticism of the Uzbek government's behaviour in Andijan combined with the US airlifting of Uzbek refugees in the course of this event as well as the newly demanded loans for the airport which were initially provided for free by Uzbekistan. However, the vitally important geographical location of the country for the war in Afghanistan provided a strong incentive to overcome all these problems:

“Uzbekistan has largely repaired relations with the EU and United States in recent years, in part by agreeing to the overland transportation of NATO supplies to, and increasingly from, Afghanistan. The rapprochement continued in 2012, as the United States again approved waivers for Uzbekistan on some human rights-related sanctions, and high-level visits between U.S., European, and Uzbek officials increased. Nevertheless, Tashkent continued to resist public diplomacy efforts and educational exchanges, and to carefully restrict Uzbeks’ access to the outside world” (Freedom House 2013d).

In addition, Germany has now put itself on good terms with the authoritarian regime and still uses the airfield at Termez in Uzbekistan. “According to some German reports, the country has paid an average of 11 million euros since 2002 for basing privileges” (Nichol 2013b: 22). Despite its often changing foreign policies, Uzbekistan also participates in the joint exercises of SCO and CSTO (Military Balance 2012: 291). Despite the fact that Uzbekistan’s international security politics are changing on a regular basis, the country is still an ally of the West as well as of Russia and China because of its rather good military and transports infrastructures (especially important for the withdrawal of US-forces from Afghanistan in 2014) and its strategic location.

8.4. COMPARISON OF THE JUDICIARY: TRIALS AND TORTURE

The enforcement of religious laws has a lot to do with the general practice of the security forces and their lack of respect for human rights. Detainees suspected of belonging to a banned religious or extremist group are especially prone to maltreatment when arrested and during interrogation processes. For example in Kazakhstan, “the process of reregistration was used to cull around one-third of the country’s religious organizations, exposing unregistered believers to arrest and prosecution” (Freedom House 2013a). Similarly, the Tajik state treats “unregistered religious activity as a criminal offense” (Freedom House 2013c). Indeed, the United Nations Committee against Torture found that in Tajikistan “members of banned Islamic groups [...] are reportedly held in incommunicado detention and solitary confinement, and [are] subjected to torture and/or ill-treatment by law enforcement officials” (AI 2013: 51). Regarding the crueler treatment of members of religious groups, Amnesty International is especially concerned about the situation in Uzbekistan, where “thousands of devout Muslims sentenced [...] after unfair trials for alleged membership of banned Islamist organizations are being held in conditions which amount to cruel, inhuman or degrading treatment” (AI 2013: 55). This seems a rather harsh penalty for not registering religious activity and is indistinguishable from religious persecution:

“(The Uzbek government) treats unregistered religious activity as a criminal offense. [...] Suspected members of banned Muslim organizations and their relatives have been subjected to arrest, interrogation, and torture.” (Freedom House 2013d).

The fact that not only members of banned groups but also their relatives have to fear arrest, interrogation and torture means that collective responsibility or even clan custody is applied. This is a law enforcement strategy that terrorizes the population. On top of this, law enforcement authorities also “routinely justify the arrest of suspected Islamic extremists or political opponents by planting contraband or filing dubious charges of financial wrongdoing” (FH 2013). I show in this chapter that the already theoretically discriminating religious laws are accompanied by the even crueler practices of security forces.

8.4.1. Judicial System: Independence and Penalties

The judicial systems of the Central Asian states are problematic due to corruption, subservience to their respective presidents and a lack of independence. Freedom House summarizes the situations in the different countries as follows:

- *Kazakhstan*: “The constitution makes the judiciary subservient to the executive branch. Judges are subject to political bias, and corruption is evident throughout the judicial system” (Freedom House 2013a).
- *Kyrgyzstan*: “[...] serious flaws remained in the treatment of national minorities, due process, prevention of and accountability for torture, and judicial independence” (Freedom House 2012b)
- *Tajikistan*: “The judiciary lacks independence. Many judges are poorly trained and inexperienced, and bribery is reportedly widespread” (Freedom House 2013c).
- *Uzbekistan*: “The judiciary is subservient to the president, who appoints all judges and can remove them at any time. The creation in 2008 of a Lawyers’ Chamber with compulsory membership increased state control over the legal profession” (FH 2013d).

Convicted members of banned and extremist groups face trials which differ according to the extent to which the judiciary depends on the government and president. In this regard, Uzbekistan seems to fare the worst: according to the constitution, the Uzbek president is authorized to approve and dismiss judges as well as to declare state emergencies (Berkley Center d). “Since independence, Karimov has used his authority over the judicial system to persecute political dissenters in the name of ‘state emergencies’” (Berkley Center e). I already introduced in section 7.2 how Karimov misuses his constitutional power to crack down on his opponents.

Apart from such abuses of power, it is insightful to look at the legal sentences for detained terrorists. Today, Kazakhstan is the last of the four countries in my study where the death penalty is still reserved for crimes “committed in exceptional circumstances” or under military law. This means that “Terrorism with loss of life is the only Article in the Criminal Code which provides for the death penalty in peacetime” (AI 2013: 47). In Tajikistan the death penalty theoretically still exists for all crimes, but the

country's last execution took place in 2004 and therefore is classified by Amnesty International as "abolitionist in practice". Until recently, around 100 persons were executed every year in Uzbekistan, but the country abandoned the death penalty in 2008 for all crimes. The last execution in Uzbekistan is reported by Amnesty International to have taken place in 2005. In Kyrgyzstan, the death penalty has also been abolished for all crimes.

In addition to state executions, suspected terrorists are often killed in extrajudicial killings in Kazakhstan. Kazakh parliamentarians criticized "law enforcement bodies for their tendency to kill all suspected terrorists in shootouts, rather than capture them alive for questioning" (USDOS 2012). This might also be the case in the other countries. In Tajikistan for example, such incidents are reported, as well. However, so far I have not found enough reliable data regarding this issue to make a country comparison.

8.4.2. Torture, Ill-Treatment and Conditions of Imprisonment

The Political Terror Scale is an aggregated index that measures the "levels of political violence and terror" that a country experiences in a particular year based on a 5-level "terror scale originally developed by Freedom House" (PTS). It points to the range of state violence and to the dimension of the population that is affected by abuses of physical integrity rights. The index is based on Amnesty International and US State Department annual reports. In 2012, all Central Asian Countries were assigned 'level 3', which means,

"There is extensive political imprisonment, or a recent history of such imprisonment. Execution or other political murders and brutality may be common. Unlimited detention, with or without a trial, for political views is accepted" (PTS).

To be rated as level 3, torture and beatings must be more than exceptional and political murder more than rare (rare = level 2). However, with such a rating, murders, disappearances and torture have not yet become a common part of life (common part of life = level 4). As the index is very much dependent on annual reports and therefore on current events, the measure mostly reflects violent incidents. For example, the index shows the very bad rating of 4 for Uzbekistan in the year of the Andijan events (2005) and for Kyrgyzstan in 2010 in the year of governmental overthrow. Because I

am more interested in the general situation in the countries and the latent prevalence of state violence rather than in current political incidents, I present the average numbers of the index in Table 20.

Table 19: Political Terror Scale

	Kazakhstan	Kyrgyzstan	Tajikistan	Uzbekistan
Political Terror Scale (PTS) (1 – 5, lower means fewer human rights abuses)				
Average PTS values 1993-2012	2.40	2.38	2.75	2.83

Comparing the average values of the Central Asian states, we see that in Kyrgyzstan and Kazakhstan political violence by state bodies is least spread, whereas it is more common in Tajikistan and especially in Uzbekistan. In order to illustrate what ‘state violence’ means more concretely, I will now go into some details.

The protest of oil-workers in Zhanaozen (see section 6.2.1) illustrates how law is enforced in Kazakhstan: “at least 15 people were killed and more than 100 seriously injured” (AI 2013: 48). Lethal force even was commanded:

“Kazakhstan’s Interior Minister [...] has admitted that during the riots police forces were ordered to shoot and kill the protesters and said that any further riots organised by armed protesters will be countered with similar means” (see Marat 2012: 3).

In the wake of the Zhanaozen protest, the torture of detainees held *incommunicado* in police custody was reported, however, independent monitors had no access to the detainees and therefore could not verify these allegations (AI 2013: 48). “At least one man was alleged to have died as a result of the torture he was subjected to in police custody” (AI 2013: 48). Bad conditions of imprisonment lead to prison-riots which erupt on a regular basis in Kazakhstan. In the city of Balkash in southern Kazakhstan, even “sixteen prisoners died when they blew themselves up after an abortive at-

tempt to break out of a jail” in 2011 (NewsOK 2011). Such attempts have harsh consequences for those involved in the riots:

“Relatives of inmates say those involved in the unrest were subsequently badly beaten by prison officials. In August 2010, two inmates were killed after police intervened at another prison in Kazakhstan’s north to quell a mass brawl” (NewsOK 2011)

Not only physical violence poses a problems in Central Asian prisons – more general conditions in penitentiary institutions are very harsh in all four countries, as well. Whereas physical conditions such as poor food supply and the overcrowding of cells seem to be more severe in Uzbekistan and Tajikistan, denial of contacts with the outside world and a whole system geared more towards punishment than reintegration into the society is a problem in all four countries (see UN reports on torture).

In order to gain a better understanding of the Kyrgyz judicial system it is informative to look at the aftermath of the Osh 2010 events. “Since mid-2011, lawyers defending ethnic Uzbeks accused of participation in the June 2010 events have been threatened and physically attacked, even in the courtroom” (AI, 2013: 49). Torture of detainees is routine: “while people are being apprehended in the street, or on their way to detention centres, while their houses are searched, during interrogation, and in pre-charge detention facilities” (AI 2013: 49). Ethnic Uzbeks from the south are particularly prone to torture and ill-treatment by police officers working for the Ministry of Internal Affairs (AI 2013: 49). Theoretically, Kyrgyzstan has adopted a policy of zero tolerance towards torture, which “is intended to serve as model to end impunity for torture in the region as well” (Moreno 2012). However, a significant gap persists between the theoretical framework and the implementation of the new strategy.

Similarly, Tajikistan introduced “a new article in the criminal code criminalizing torture” in 2012 (AI 2013: 51). However, also here, torture and ill-treatment still often take place “during the first hours of interrogation in police custody as well as in temporary and pre-trial detention facilities run by the State Committee of National Security [SCNS] and the Department for the Fight against Organized Crime” (AI 2013: 51). Especially members of the IRPT are confronted with violence: in 2013, the deputy head of the party was heavily beaten by unknown men on the street and in

2014 a member of party died in police custody in Isfara under unclear circumstances (Asia Plus 2014).

According to the UN Special Rapporteur on Torture, in Uzbekistan, torture is systematically used. For this reason, the European Court of Human Rights has prohibited the return of individuals to Uzbekistan, “especially those accused of membership of Islamist parties or groups that are banned in the country, on the basis that they would be at risk of torture and other ill-treatment if returned” (AI 2013: 55).