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H. CON. RES. 397

Voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2000

Mr. SMITH of New Jersey (for himself, Mr. BEREUTER, Mr. HOYER, and Mr. FORBES) submitted the following concurrent resolution; which was referred to the Committee on International Relations

CONCURRENT RESOLUTION

Voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

Whereas the states of Central Asia—Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan—have been participating states of the Organization for Security and Cooperation in Europe (OSCE) since 1992 and have freely accepted all OSCE commitments, including those concerning human rights, democracy, and the rule of law;

Whereas the Central Asian states, as OSCE participating states, have affirmed that every individual has the right to freedom of thought, conscience, religion or belief, expression, association, peaceful assembly and movement, freedom from arbitrary arrest, detention, torture, or other cruel, inhuman, or degrading treatment or punishment, and if charged with an offense the right to a fair and public trial;

Whereas the Central Asian states, as OSCE participating states, have committed themselves to build, consolidate, and strengthen democracy as the only system of government, and are obligated to hold free elections at reasonable intervals, to respect the right of citizens to seek political or public office without discrimination, to respect the right of individuals and groups to establish in full freedom their own political parties, and to allow parties and individuals wishing to participate in the electoral process access to the media on a nondiscriminatory basis;

Whereas the general trend of political development in Central Asia has been the emergence of presidents far more powerful than other branches of government, all of whom have refused to allow genuine electoral challenges, postponed or canceled elections, excluded serious rivals from participating in elections, or otherwise contrived to control the outcome of elections;

Whereas several leaders and governments in Central Asia have crushed nascent political parties, or refused to register opposition parties, and have imprisoned and used violence against, or exiled, opposition figures;

Whereas Central Asian governments have the right to defend themselves from internal and external threats posed by insurgents, radical religious groups, and other anti-demo-

cratic elements which employ violence as a means of political struggle;

Whereas the actions of the Central Asian governments have tended to exacerbate these internal and external threats by domestic repression, which has left few outlets for individuals and groups to vent grievances or otherwise participate legally in the political process;

Whereas in Kazakhstan, President Nursultan Nazarbaev dissolved parliament in 1993 and again in 1995, when he also annulled scheduled Presidential elections, and extended his tenure in office until 2000 by a deeply flawed referendum;

Whereas on January 10, 1999, President Nazarbaev was re-elected in snap Presidential elections from which a leading challenger was excluded for having addressed an unregistered organization, "For Free Elections," and the OSCE assessed the election as falling far short of international standards;

Whereas Kazakhstan's October 1999 parliamentary election, which featured widespread interference in the process by the authorities, fell short of OSCE standards, according to the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas Kazakhstan's parliament on June 22, 2000, approved draft legislation designed to give President Nazarbaev various powers and privileges for the rest of his life;

Whereas independent media in Kazakhstan, which used to be fairly free, have been pressured, co-opted, or crushed, leaving few outlets for the expression of independent or opposition views, thus limiting the press's ability to criti-

cize or comment on the President's campaign to remain in office indefinitely or on high-level corruption;

Whereas opposition parties can function in Kyrgyzstan and parliament has in the past demonstrated some independence from President Askar Akaev and his government;

Whereas 3 opposition parties in Kyrgyzstan were excluded from fielding party lists and serious opposition candidates were not allowed to contest the second round of the February–March 2000 parliamentary election, or were prevented from winning their races by official interference, as cited by the OSCE's Office of Democratic Institutions and Human Rights (ODIHR);

Whereas a series of flagrantly politicized criminal cases after the election against opposition leaders and the recent exclusion on questionable linguistic grounds of other would-be candidates have raised grave concerns about the fairness of the election process and the prospects for holding a fair Presidential election on October 29, 2000;

Whereas independent and opposition-oriented media in Kyrgyzstan have faced serious constraints, including criminal lawsuits by government officials for alleged defamation;

Whereas in Tajikistan, a civil war in the early 1900's caused an estimated 50,000 people to perish, and a military stalemate forced President Imomaly Rakhmonov in 1997 to come to terms with Islamic and democratic opposition groups and agree to a coalition government;

Whereas free and fair elections and other democratic steps in Tajikistan offer the best hope of reconciling government and opposition forces, overcoming the legacy of the civil war, and establishing the basis for civil society;

Whereas President Rakhmonov was reelected in November 1999 with 96 percent of the vote in an election the OSCE did not observe because of the absence of conditions that would permit a fair contest;

Whereas the first multiparty election in the history of Tajikistan was held in February–March 2000, with the participation of former warring parties, but the election fell short of OSCE commitments and 11 people, including a prominent candidate, were killed;

Whereas in Turkmenistan under the rule of President Saparmurat Niyazov, no internationally recognized human rights are observed, including freedom of speech, assembly, association, religion, and movement, and attempts to exercise these rights are brutally suppressed;

Whereas Turkmenistan has committed political dissidents to psychiatric institutions;

Whereas in Turkmenistan President Niyazov is the object of a cult of personality, all political opposition is banned, all media are tightly censored, and only one political party, the Democratic Party, headed by President Niyazov, has been registered;

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, refused to send any representatives to the December 1999 parliamentary elections;

Whereas President Niyazov subsequently orchestrated a vote of the People's Council in December 1999 that essentially makes him President for life;

Whereas in Uzbekistan under President Islam Karimov, no opposition parties are registered, and only pro-government parties are represented in parliament;

Whereas in Uzbekistan all opposition political parties and leaders have been forced underground or into exile, all media are censored, and attempts to disseminate opposition newspapers can lead to jail terms;

Whereas Uzbekistan's authorities have laid the primary blame for explosions that took place in Tashkent in February 1999 on an opposition leader and have tried and convicted some of his relatives and others deemed his supports in court proceedings that did not correspond to OSCE standards and in other trials closed to the public and the international community;

Whereas in Uzbekistan police and security forces routinely plant narcotics and other evidence on political opposition figures as well as religious activists, according to Uzbek and international human rights organizations; and

Whereas the OSCE's Office of Democratic Institutions and Human Rights (ODIHR), citing the absence of conditions for a free and fair election, sent no observers except a small group of experts to the December 1999 parliamentary election and refused any involvement in the January 2000 Presidential election: Now, therefore, be it

1 *Resolved by the House of Representatives (the Senate*
 2 *concurring)*, That the Congress—

3 (1) expresses deep concern about the tendency
 4 of Central Asian leaders to seek to remain in power
 5 indefinitely and their willingness to manipulate con-

1 stitutions, elections, and legislative and judicial sys-
2 tems, to do so;

3 (2) urges the President, the Secretary of State,
4 the Secretary of Defense, and other United States
5 officials to raise with Central Asian leaders, at every
6 opportunity, the concern about serious violations of
7 human rights, including noncompliance with Organi-
8 zation for Security and Cooperation in Europe
9 (OSCE) commitments on democracy and rule of law;

10 (3) urges Kazakhstan, Kyrgyzstan, Tajikistan,
11 Turkmenistan, and Uzbekistan to come into compli-
12 ance with OSCE commitments on human rights, de-
13 mocracy, and the rule of law, specifically the holding
14 of free and fair elections that do not exclude genuine
15 challengers, to permit independent and opposition
16 parties and candidates to participate on an equal
17 basis with representation in election commissions at
18 all levels, and to allow domestic nongovernmental
19 and political party observers, as well as international
20 observers;

21 (4) calls on Central Asian leaders to establish
22 conditions for independent and opposition media to
23 function without constraint, limitation, or fear of
24 harassment, to repeal criminal laws which impose
25 prison sentences for alleged defamation of the state

1 or public officials, and to provide access to state
2 media on an equal basis during election campaigns
3 to independent and opposition parties and can-
4 didates;

5 (5) reminds the leaders of Central Asian states
6 that elections cannot be free and fair unless all citi-
7 zens can take part in the political process on an
8 equal basis, without intimidation or fear of reprisal,
9 and with confidence that their human rights and
10 fundamental freedoms will be fully respected;

11 (6) calls on the leaders of Turkmenistan and
12 Uzbekistan to condemn and take effective steps to
13 cease the systematic use of torture and other inhu-
14 man treatment by authorities against political oppo-
15 nents and others, to permit the registration of inde-
16 pendent and opposition parties and candidates, and
17 to register independent human rights monitoring or-
18 ganizations;

19 (7) urges the governments of Central Asia
20 which are engaged in military campaigns against
21 violent insurgents to observe international law regu-
22 lating such actions, to keep civilians and other non-
23 combatants from harm, and not to use such cam-
24 paigns to justify further crackdowns on political op-

1 position or violations of human rights commitments
2 under OSCE;

3 (8) encourages the Administration to raise with
4 the governments of other OSCE participating states
5 the possible implications for OSCE participation of
6 any participating state in the region that engages in
7 clear, gross, and uncorrected violations of its OSCE
8 commitments on human rights, democracy, and the
9 rule of law; and

10 (9) urges the Voice of America and Radio Lib-
11 erty to expand broadcasting to Central Asia, as
12 needed, with a focus on assuring that the peoples of
13 the region have access to unbiased news and pro-
14 grams that support respect for human rights and
15 the establishment of democracy and the rule of law.

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