Oppression by Design
Authoritarian Governance and Obstacles to Human Rights Reform in Eurasia
Freedom Now is a U.S.-based organization working internationally to protect individuals and communities from government repression and defend human rights through direct legal support, targeted high-leverage advocacy, and capacity-building analysis and assistance. Freedom Now has worked in Eurasian countries for more than ten years, seeking the release of political prisoners throughout and working to address systemic issues that pose grave threats to society. Support for this work has been provided by private foundations and individual donations.

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Front cover image: Security officers in Almaty, Kazakhstan detain demonstrators protesting the results of the June 2019 presidential election. (Photo credit: Associated Press).
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I. Executive Summary

Since declaring independence from the Soviet Union, the governments of Central Asia and Azerbaijan have adopted authoritarian approaches to governance and created feeble institutions that thrive on corruption and allow human rights abuses to proliferate. Intentional abuses committed by authorities and similar patterns of structural insecurity observed across the region indicate a common motivation—the will of powerful elites to maintain control. The brazenly abusive practices and increasingly outspoken illiberal policy rhetoric among Eurasian governments signal a discouraging regional trend, and the support offered by powerful authoritarian neighbors—Russia, China, and Turkey—pose significant obstacles to democratic reform in the former Soviet republics.

This report underscores patterns of repression observed in Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan, collectively referred to here as “Eurasia.” These authoritarian governments are not developing laws and policies in a vacuum. Once one regime successfully implements strategies to stifle human rights, similar practices often emerge across the region. Due to their synchronized repression, these regimes are better understood as a regional malign community of practice. This report identifies five significant regional trends that have been documented across the region:

1. Encroachment on the right to free expression, including through criminalization of legitimate expression as a form of extremism, outlawing criticism of government officials, and controlling the media.
2. Restriction on the right to freedom of assembly, especially laws that limit public protests.
3. Closing space for independent organizations, as evidenced by intolerance of opposition political parties and independent religious organizations, as well as by legal regimes that significantly impede the registration and operation of civil society organizations.
4. Retaliation against dissidents and their associates through judicial harassment and surveillance of individuals involved in human rights work, including journalists, civil society activists, and lawyers.
5. Weak judicial independence, which is severely lacking in the region, allowing governments to operate in an environment of impunity.

While understanding overall trends is essential, each country in the region has a unique and evolving human rights landscape. To capture this complexity, this report examines each country individually.

Azerbaijan’s government is run by a tightly-knit group that uses oil and gas profits to enhance its political and economic dominance. Media freedom has deteriorated severely in recent years, exacerbated by arrests of journalists and the shutdown of independent media outlets. Freedom of association is severely limited in the country as authorities have used so-called “NGO laws” to shutter independent organizations. Defendants face judicial harassment by the authorities, and are often left at a severe disadvantage due to increasing restrictions on independent lawyers. Torture is endemic in the prison system, with young activists and those with religious associations as common targets.
Kazakhstan’s long-time ruler President Nursultan Nazarbayev stepped down in 2019 and handed over power to Kassym-Jomart Tokayev, his close associate. President Tokayev promised reform, but has instead largely maintained the status quo. Political opposition is non-existent as the government continues to ban political parties through the misapplication of anti-extremism laws. The government suppresses freedom of expression through vague and overbroad laws intended to prevent “discord” and the spread of false information. The government also tightly regulates peaceful assembly through a new law that fails to meet international standards. Furthermore, lawyers face considerable hurdles in representing victims of government repression, and often face disbarment for working on politically-sensitive cases.

Tajikistan emerged from a devastating civil war in the 1990s that destroyed its economy, displaced millions, and cemented an intolerance for political opposition. President Emomali Rahmon’s regime and its subservient judiciary have imprisoned hundreds of political activists. Once imprisoned, these individuals face life-threatening prison conditions, including torture and violence initiated by Islamic extremists. Tajikistan has been a notable perpetrator of transnational repression in the region by forcing dissidents abroad to return home through both judicial and extrajudicial means, including abductions. Like its neighbors, Tajikistan has singled out independent lawyers and imprisoned those who represent opposition activists.

Turkmenistan is the most enigmatic country in the region due to its near-complete isolation from the outside world. Enforced disappearance and incommunicado detention are common practices, and many victims of politically-motivated arrests enter the prison system for decades. The prison system itself is considered life-threatening as authorities routinely subject prisoners to inhumane living conditions and torture. The government has also embraced transnational repression as a tool to pursue dissidents abroad, and it places enormous pressure on family members of dissidents who remain in the country.

Uzbekistan has undergone a partial transformation since the death of former President Islam Karimov in 2016. His successor, President Shavkat Mirziyoyev, released dozens of political prisoners, allowed some independent media and international groups back into the country, and purged thousands of names from the notorious “extremist blacklists.” However, human rights abuses still abound in the country. Despite the release of many political prisoners and others imprisoned without due process, it is believed that thousands remain in prison on dubious extremist convictions. Moreover, those who have been released have not been fully rehabilitated nor received reparations for the abuses they suffered or the wrongfulness of their detentions. Tashkent has maintained broad restrictions on civil society organizations, and former political prisoners have faced difficulties in resuming their civic work. A draft criminal code currently under consideration includes provisions that run contrary to international standards regarding freedom of expression, anti-extremism laws, prisoners’ rights, and decriminalizing homosexuality.

To understand developments in each country, it is important to examine the powerful relationships that influence domestic environments, trade, and governance systems. For this reason, this report reviews the political, economic, and cultural relationships of Central Asian States and Azerbaijan with Russia, China, Turkey, the European Union, and the United States that are crucial to the development of human rights laws and policies. Efforts to curtail human
rights violations in Eurasia, if they are to be effective, must take these important relationships into account.

**Russia** has worked to maintain and strengthen ties to the region, especially as its relationship with the West has deteriorated. Eurasian States are receptive to Russian partnerships, but remain fearful of Russian dominance. Moscow exercises economic leverage over the region through the Eurasian Economic Union, a crucial tool for supporting infrastructure to transport Central Asian oil and gas to European markets. It has a significant and growing capacity to project military power in the region, as it demonstrated by quickly deploying peacekeepers to monitor the armistice that ended the 2020 Nagorno-Karabakh war. It also demonstrates this capacity by helping address security concerns that stem from the withdrawal of international forces from Afghanistan, and by acting as a buttress against Beijing’s potential encroachment in the region. Although Moscow’s political relationships are complicated and varied across the region, it has effectively partnered to advance alternative terms of international cooperation, which challenge the role of international institutions advancing human rights. The Kremlin also uses soft power and other channels to introduce ideas hostile to human rights—such as foreign agent laws—in sympathetic States.

**China** has overtaken Russia in several key relationships with Central Asian States, particularly economics, a development which has dramatically shifted regional dynamics. The Belt and Road Initiative (BRI), a multi-billion-dollar global transportation strategy, is the cornerstone of China’s approach in the region. Beijing has also made significant investments in oil and gas, and has almost completely replaced Russia as the main destination for natural gas exports from the region. Regimes in the region have sought Beijing’s advanced surveillance technology—developed by the Chinese government to monitor minority communities in Xinjiang—to surveil their own citizens. Beijing has pursued bilateral and multilateral initiatives, most notably the Shanghai Cooperation Organization, to strengthen regional security as international forces withdraw from Afghanistan, and Beijing has indicated it is ready to work with the Taliban. While European elites have welcomed Beijing’s political and economic investments, they are skeptical about its overall agenda.

**Turkey** has long sought to establish itself as a preeminent regional power by leveraging cultural ties to Eurasian nations. Despite its limited success with this approach, Ankara is deeply involved in economic development and security issues. Although Turkey is not a major trading partner with the region, its geographical position makes it a key transportation hub; it hosts railways and pipelines that bring Central Asian oil and gas to Europe. Ankara has also positioned itself as a key security partner through its support to Azerbaijan in the Nagorno-Karabakh war, and is increasingly a sought-after supplier of military equipment. However, domestic discontent over Turkey’s current government may temper its support of Eurasian States if opposition parties are successful in the upcoming 2023 election.

**The European Union** has gradually built a relationship with Eurasian nations over the last 20 years. While the bloc lacks a geopolitically-minded strategy towards the region, it has strong economic ties to Azerbaijan and Kazakhstan, motivated by a desire to decrease energy dependence on Russia. The European Union has declared that security in Eurasia is a priority, but its involvement in this area is limited to issues that directly impact the E.U., such as drug
trafficking and rule of law. Bilateral agreements serve as the foundation of the E.U. relationship with the Central Asian States. These agreements primarily define the terms of their economic cooperation, E.U. assistance, and regional coordination over issues such as water, borders, and connectivity.

The United States’ engagement with Eurasia has largely focused on Washington’s immediate political, economic, and security priorities. The United States’ foremost regional priority concerns the withdrawal of the U.S. military from Afghanistan and the impact on regional security. The U.S. has sought to renew cooperation with Central Asian governments due to security and humanitarian concerns stemming the fall of the U.S.-backed government in Afghanistan. Historically, U.S. policy towards the region has focused largely on maintaining stability. The U.S. is an active participant in multilateral efforts to end the dispute over Nagorno-Karabakh, it has sought to present an alternative to the BRI, and it has established multilateral dialogues with Central Asian nations. The U.S. has also attempted to leverage its foreign aid spending and position in multilateral institutions, such as the Organization for Security and Cooperation in Europe (OSCE), to encourage human rights reforms to varying success.

Democracy and respect for the rule of law are noticeably absent in Eurasia, to the detriment of the millions of people living in the region. Genuine liberal democracy cannot exist in these countries until political elites relinquish their grip by implementing systemic reforms and holding truly free and fair elections.

The efforts to implement key human rights norms in policy and practice must be sustained across the region. The most urgent actions include the reforming laws that curtail fundamental rights such as freedom of expression and association, releasing and rehabilitating political prisoners, strengthening legal regimes to combat torture and ill-treatment, increasing the independence of the judiciary, ending harassment of lawyers, and ending the practice of transnational repression.
II. Introduction

Following the dissolution of the Soviet Union, the countries of Central Asia and the Caucasus formally adopted democratic systems, but in practice, they have not functioned as democracies. Over three decades, political leaders in the region have entrenched highly-centralized, tightly-controlled bureaucratic systems. Outside observers—including academics, human rights watchdogs, and governments—have consistently assessed the governments as authoritarian regimes devoid of civil and political freedoms.\(^1\)

Many regimes in the region continue to function as they did during the Soviet era, but with democratic window dressing. Following independence, former Soviet officials became state leaders and subsequently hand-selected their successors. Close allies of powerful elites have supported state leaders, enabling them to exert control over all institutions and branches of government. These trends are most apparent in Azerbaijan, Kazakhstan, Tajikistan, and Turkmenistan, and despite hopeful signs of progress, it is also currently true of Uzbekistan.

Here, we examine the former Soviet republics in the region with the highest levels of authoritarianism—Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan (referred to hereafter as “Eurasia”).\(^2\) While other countries in Central Asia and the Caucasus like Kyrgyzstan, Armenia, and Georgia also suffer from similar vulnerabilities, genuine pluralistic discourse and democratic institutions do exist. The States covered in this report, on the other hand, are categorically authoritarian.

True democratic reform in these countries requires foundational overhauls of systems and institutions. Otherwise, States will continue to carry out human rights abuses as they have for decades. While States have demonstrated varying levels of commitment to democratization—Turkmenistan, for example, exhibits extreme authoritarianism, while Uzbekistan ostensibly seeks liberal reform—they all share similar structural insecurities. Institutions consistently lack independence and integrity, which enables powerful elites to control these systems, silence dissent, and easily overcome political challengers. To varying degrees, elites control the media, the law, and the courts. The consolidation of power has enabled harmful practices—such as politically-motivated imprisonment and torture—to continue as a matter of course and with impunity.

Each country holds unique challenges, but the similarities in practice and policy demonstrated by these governments are striking. Once one regime successfully implements strategies to solidify control and stifle human rights, similar practices often emerge across the region. Because these States are moving in parallel on many issues, it is better to understand these States, for the purposes of international engagement, as a malign authoritarian community that was fundamentally shaped by the Soviet Union and that maintains historical and cultural roots extending back thousands of years.

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\(^1\) For example, see the Global State of Democracy Indices, which measures democratic trends based on 116 individual indicators devised by various scholars and organizations, https://www.idea.int/gsod-indices/#/indices/world-map.
\(^2\) The authors of this report note that Eurasia typically refers to the continental area comprised of all of Europe and Asia. However, to aid the reader, the phrase is used in this report to collectively refer to Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan.
Russia, China, and Turkey are powerful players in the region. This report includes a discussion of their interests and roles in the region. Russia’s influence is significant but not singular. China and Turkey’s increased activity in the region has captured the attention of close observers. Beijing spends lavishly in Eurasia; it invests in infrastructure to foster economic interdependence or, as some posit, to foster dependence on Beijing. Turkey has, on the other hand, sought closer ties through its cultural connections and strategic security cooperation. Together, Russia, China, and Turkey wield considerable, often competing, influence over the countries of this region. Also important are the varying motivations and interventions of the United States and European Union, whose inconsistent interest and approaches to security, trade, and human rights only complicate regional dynamics. Without examining these interconnected and powerful relationships, it is impossible to understand the political landscape of the region and what this landscape means for liberal democracy and human rights-based rule of law. Moreover, accounting for the complex relationships and regional authoritarian patterns is key to formulating the most effective means of engagement for the purposes of democratic reform and the elimination of human rights abuses.

Methodology

The purpose of this report is to identify major challenges to democratic reform in Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan and show how these challenges demonstrate a strong regional pattern that compels a more integrated approach to engagement and human rights advocacy with these countries.

First, the report provides a discussion of the major human rights trends and challenges to democratic reform that are observed to various degrees in the region. Next, the report offers short overviews of the political landscape in Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan, and it highlights major concerns and threats to human rights in each State. Finally, the conflicting influences of powerful regional governments, including Russia, China, and Turkey, as well as the conflicting interests of the E.U. and the U.S. are discussed.

The information in this report was compiled through desk research and interviews with 40 local activists, journalists, and organizations. The issues presented in each country section do not fully reflect the repressive environment or documented abuses in each place. Rather, the report presents the issues cited by local civil society and human rights watchdogs as the most threatening to democratic reform in each country. The report addresses some issues, such as the repression of political opposition parties, in several of the country summaries. While, other issues that are documented across the region, such as wrongful detention, are only addressed in one. The division reflects the primary feedback of local stakeholders.
III. Regional Human Rights Patterns

Countries in Eurasia share many similarities, from historical alliances and cultural connectedness to governance structures and endemic corruption. Following the fragmentation of the Soviet Union, high-level Soviet officials became leaders of the new States. Despite proclaiming that they were democratizing their States and taking limited and tentative steps in that direction, these leaders continued corrupt and authoritarian practices, which have subsequently permeated governance cultures in the region.

There are significant parallels between the governments of Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan. Each governs with a heavy hand, employing state facilities to protect government power, and systematizing mechanisms that lead to human rights abuses—especially those intended to stamp out opposition and quash pluralistic public discourse. Strong patterns in authoritarian laws, policies, and practices have emerged across the region. For instance, when repressive laws are enacted in one country, such as those used to control the eligibility of lawyers, similar laws often are enacted in others. Other abuses, such as torture, mistreatment, and persecution of dissidents are also ubiquitous. Meanwhile, the officials and police officers responsible for the abuse go unpunished. These laws and practices violate principles of human rights, inflict real harm on individuals, and inhibit the development of democracy.

Despite widespread similarities, the degree of repression in each country varies based on domestic context—localized events have a huge influence on government action. Nevertheless, all countries covered in this report have implemented laws and practices with the aim of minimizing legitimate political competition and preventing democratic reform. These governments all engage in similar actions in order to maintain control and limit democratic challenges:

1) Restricting speech and silencing dissent
2) Limiting public demonstrations
3) Stifling independent groups and organizations
4) Retaliating against dissidents, their families, and lawyers
5) Controlling the courts
Restricting Speech and Silencing Dissent

Freedom of expression is a universally-accepted right that is enumerated in international treaties and national constitutions worldwide. Notably, it is a central provision of the International Covenant on Civil and Political Rights (ICCPR), which binds more than 150 States, including those covered in this report.³

The right to freedom of expression is a foundational component of human rights principles and democracy, as it protects not only speech, but also the right to seek, receive, and impart information and ideas.⁴ The exercise of other core rights—such as religion, association, assembly, and political participation—generally includes and incorporates expression.

The right to free expression is not an absolute right, however, and governments often take advantage of restrictions permissible under international law. For example, libel and slander are not protected. And governments have the right to restrict the exercise of free expression, albeit narrowly, if it conflicts with state attempts to protect the public from threats to health, morality, and national security.⁵ For example, during the Nagorno-Karabakh conflict in late 2020, both Armenia and Azerbaijan invoked ICCPR permissible restrictions on freedom of expression as a legal basis for restricting citizens’ access to the internet.

Governments throughout the region have implemented criminal codes that restrict and punish peaceful expression that should be fully protected under international law. Many of these laws are too vague to provide sufficient grounds for a prosecution in an effective justice system and are increasingly used to penalize protected speech. For example, laws intended to address legitimate concerns over extremism and disinformation have been abused in some countries; they have been weaponized to prosecute and detain people engaging in internationally lawful, peaceful speech. Laws exist in every country of the region that criminalize certain types of expression, such as laws against sowing national or religious “discord.” There are also laws against insulting government leaders and criminal penalties for defamation.

In Eurasia, media freedom is heavily restricted and, in some countries, is almost entirely absent.⁶ Governments in Eurasia conduct broad campaigns against independent publications to control the media and eliminate critical voices. They have closed and blocked publications, and the few independent outlets that remain open operate with great caution and self-censorship. Journalists and bloggers often face arrest and imprisonment for exposing corruption and abuses by the government.

³ Status of Ratification Interactive Dashboard, UN Office of the High Commissioner for Human Rights (June 12, 2021), available at https://indicators.ohchr.org/. While 173 States are party to the ICCPR, as of July 28, 2021, 22 state parties had submitted reservations to Article 19 of the International Covenant on Civil and Political Rights. The Eurasian nations, however, have not expressed any such reservations.
State capture of media in a country poses a fundamental threat to democracy. By eliminating independent media and policing online content, ruling parties effectively eliminate opposition parties’ access to platforms and voters.

Limiting Public Demonstrations

The right of people to assemble for the purpose of peacefully expressing opinions and criticism of their government is enshrined in international law and is a pillar of democracy. The public forum—and now, online platforms that offer convenient and once-thought safer avenues of engagement—have served as key platforms for public discourse and criticism of government.

Public demonstrations remain among the most tightly controlled and punished activities in the region, especially when they are organized by opposition political parties and civil society organizations. Some countries, such as Kazakhstan are more permissive of demonstrations, while protests in Turkmenistan are almost unheard of.

Laws in each country regulate public assembly through burdensome rules, including requiring advance permits, but government entities often refuse or ignore permit requests. Permit requests for protests that are political in nature are the least likely to gain official approval. Authorities have also conducted preemptive arrests to prevent protests that have been publicized on social media. In May 2016, authorities in Kazakhstan initiated a nationwide sweep to arrest a dozen activists who were preparing to hold rallies to protest changes in the land code. When protests occurred without official approval, especially those which appear to be organized by political opposition groups, authorities are quick to break them up, sometimes using violence to disperse crowds. Organizers can face serious criminal charges and be subjected to years-long imprisonment while hundreds of participants are rounded up and placed in administrative detentions, which are usually around 30 days in duration.

Stifling Independent Groups and Organizations

The right of people to form associations is protected under international law and is foundational to democracy. Authoritarian governments, however, view independent organizations and associations with intense skepticism, and will go to great lengths to prevent organizations from gaining size and influence. Opposition political parties, independent civil society organizations, labor unions, and various religious groups often face the highest levels of scrutiny.

Authoritarian regimes view organized political opposition as an existential threat, and restrictions on them are a mainstay of authoritarianism. Opposition parties are often subject to significant surveillance, intense discreditation campaigns, harassment, and sometimes imprisonment. State control of media and elections curbs public appeal of opposition parties and helps ensure that the opposition can never enter office. Although no opposition party in the region has ever held a meaningful position in government, they have gained considerable popularity. Heightened public awareness of some parties has motivated governments to ban some opposition parties.

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Authorities in Kazakhstan and Tajikistan, for example, have designated opposition parties as extremist groups and their members as extremists—a designation that empowers the authorities to arrest and imprison party members under the law.

Civil society organizations and labor unions constitute another category of associations that are tightly controlled and monitored by the authorities in the region. Some governments boast about the number of organizations that supposedly operate freely inside their countries. Uzbekistan has claimed that thousands of organizations have been registered with the authorities in recent years. In reality, most organizations that receive approval and operate without state pressure are not engaged in politically-sensitive work, such as those working for animal rights or children’s charities. Other so called government-organized NGOs, or GONGOS, are instrumentalized by governments to present their policies in a positive light. Civil society organizations that serve as watchdogs face considerable repercussions for attempting to document human rights abuses committed by government officials and for exposing corruption.

Every country presented in this report has enacted “NGO laws” that require organizations to register with a government entity—often the Ministry of Justice—and to comply with onerous reporting and other procedures. Such laws are especially restrictive, and authoritative human rights bodies have routinely characterized them as tools for controlling NGOs. Some States, such as Azerbaijan, have rejected registration attempts by “unfavorable entities,” and have virtually eliminated all human rights organizations. These laws have also made it difficult for organizations and human rights defenders to obtain funding. In Azerbaijan, leaders of numerous organizations were jailed based on dubious criminal infractions of the NGO law.

Governments also tend to target religious groups through broad application of anti-extremism legislation, an area of law in which human rights bodies such as the UN generally give governments broader leeway. While religious intolerance and harassment are beyond the scope of this report, hostility to non-state sponsored religious activities and persecution of independent practitioners remains a widespread and complex issue. Religious radicalization and recruitment by violent extremist groups in the region is a genuine concern, both to the governments in the region as well as foreign States that fear the spread of radical Islam and the further empowerment of groups like the Islamic State. But while there are legitimate anti-terror activities conducted by the state and genuine prosecutions of dangerous people, there is concern about the systematic lack of due process in the courts that prosecute these cases, and convictions may rely on dubious evidence. Moreover, authorities are increasingly applying politically-motivated charges of extremism to target non-violent activists and political opponents. Applying charges under the guise of heightened national security further allows governments to hold trials in secret and sidestep the most basic procedural guarantees.

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9 See the International Center for Not-for-Profit Law’s Civic Freedom Monitor for information on specific NGO laws in each country, available at https://www.icnl.org/resources/civic-freedom-monitor.
Retaliating against Dissidents, Families, and Lawyers

Authorities in this region are known for heavy-handed punitive measures against critics. A common process for stopping “undesirable activities” often includes first harassing and threatening subjects, followed by detention and imprisonment of those who refuse to cease their work. Arrests typically occur on the basis of vague national security laws or laws prohibiting certain types of speech. Authorities also fabricate charges, such as allegations of fraud or drug trafficking.

In Azerbaijan, officials often use bribery as an initial attempt to control the work of journalists and human rights defenders. They offer money, jobs, and apartments to individuals to coax them to stop their undesirable activities. If subjects refuse the bribes, authorities may resort to threats and blackmail that may negatively impact the reputations of influential dissident voices. This tactic was used against journalist Khadija Ismayilova—officials secretly recorded her at home and threatened to release the footage to the public. After Ismayilova ignored the threats, officials posted the videos of her on the internet, but she continued her critical reporting of President Ilham Aliyev and his family. Ismayilova was ultimately jailed and subjected to a five-year travel ban upon release.

In some cases, especially those involving political rivals, authorities have gone abroad to pursue individuals who fled to escape persecution. The Tajikistani government is especially known for acts of transnational repression, and has sought out members of opposition political parties abroad through extradition requests, including through the INTERPOL Red Notice system, and kidnappings. For example, in March 2020, Tajikistani opposition activist Hizbullo Shovalizoda was extradited from Austria to Tajikistan despite calls from international organizations to deny the request due to the high chance that he would be abused upon return. In June 2020, he was sentenced to 20 years in prison on extremism charges following a closed trial. The other nations in the region also engage in transnational repression through similar tactics.

Retaliating against dissidents’ family members is especially common and well-documented in the region. Examples of such reprisal include threatening phone calls, police interrogations, and sometimes torture and arrest. Azerbaijani, Tajikistani, and Turkmen authorities are most known in the region for pursuing political opponents and using families as bait or replacements for punishment. Among the most common practices are interference with family members’ jobs and educational opportunities—especially of opponents who are abroad and beyond the grasp of authorities. In Turkmenistan, families often stay silent about abuses out of fear of reprisal. The climate of fear is so encompassing that little information escapes the country.

Furthermore, lawyers in the region are punished for working on behalf of clients and making public statements in their defense. Several lawyers in Tajikistan, such as Buzurgmehr Yorov and

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Abdulmajid Rizoev, are serving lengthy prison sentences for their work. In Kazakhstan, prominent lawyer Aiman Umarova has faced numerous types of harassment, including the poisoning of her family dog.

Governments in the region have sought ways to prevent independent lawyers from being able to work at all. New rules and regulations on law licenses have allowed some governments to control admission to the bar and disciplinary sanctions, and have effectively imposed control over the legal profession. In Tajikistan, lawyers must register with the Ministry of Justice, enabling the government to decide who may defend the accused. While independent bar associations exist in Azerbaijan and Kazakhstan, government officials are suspected to be the ones actually instigating many disciplinary inquiries, suspensions, and disbarments of lawyers based on contentious public statements and client representation.

The number of independent lawyers admitted to the bar in Tajikistan and Azerbaijan has decreased so significantly that there is virtually no available independent legal support. Lawyers in Tajikistan and Azerbaijan have been convicted and imprisoned for taking on sensitive cases, and the few remaining independent lawyers do not take on sensitive cases out of fear of retaliation. While lawyers in Kazakhstan and Uzbekistan have faced pressure, the scope is less than that of their neighbors.

**Controlling the Courts**

Judicial independence is critical to the stability of States, and is considered another foundational component of democracy. Courts must be venues for justice and operate entirely within the rule of law.

The right to fair trial requires independent judges that are not directed or unduly influenced by the state. The ICCPR establishes the principles of equality before the law; the presumption of innocence; and the right to a fair and public hearing before a competent, independent, and impartial tribunal established by law. If judges fail to operate by international standards, or if the judiciary is subservient to police and prosecutors, they are merely agents of the executive branch and tools for persecution. Without fairness in the courts, there is no check on the power of the authorities.

Courts in Central Asia and Azerbaijan are not independent. According to Freedom House’s Nations in Transit report, the five countries discussed in this report scored an average of 1.1 on a seven-point scale that measures judicial independence. This lack of independence is built into the framework of the courts. Most critically, the executive branches control the selection of judges.

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14 Local human rights groups hypothesize that the number of independent lawyers who are still barred and able to work in courtrooms in Azerbaijan and Tajikistan is less than a hundred in each country. It is difficult to verify these calculations, but based on the number of assessments made, these estimates are probably fairly accurate.
judges. This is most often done through the establishment of judicial commissions, whose commissioners are hand-selected by the president and chosen among their most favored advisors.

To keep judges compliant, authorities exert considerable pressure and influence over sitting judges who often lack sufficient education and training. Judges are notoriously low paid, and authorities leverage bribes and threaten to terminate judges to ensure compliance. Prosecutors wield considerable power over the court, and courtroom observers remark that judges appear to take direction from them. For example, the European Court of Human Rights pointed out that in the case of Azerbaijani opposition politician Ilgar Mammadov, “the domestic courts limited themselves to copying the prosecution’s written submissions…. [which limited] their role to one of mere automatic endorsement of the prosecution’s requests.”

Political trials, which face the most international scrutiny, are largely conducted with familiar rhythms, including multiple due process violations and the outcomes that have long been predetermined. With the further attacks on defense lawyers in the region, defendants often find themselves completely surrounded in court by agents of the government.

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IV. Eurasian Countries in Focus

i. Azerbaijan

The Republic of Azerbaijan sits on the western shore of the Caspian Sea and borders Armenia, Georgia, Russia, Turkey, and Iran. It has a population of 10 million people, approximately 20 percent of whom live in the capital city of Baku.

Azerbaijan’s economy is dominated by oil and gas, which account for 88 percent of its nearly $20 billion in annual export revenue. Several pipelines that supply the region start in Azerbaijan. The most consequential of these is the Southern Gas Corridor, the European Union’s twelve-year, $45 billion project to build a network of pipelines from Azerbaijan to Italy to reduce European dependence on Russian natural gas. Azerbaijan exports approximately 10 billion cubic meters of natural gas to Europe annually through the corridor, amounting to 10 percent of gas imports to the European Union. Natural gas sector profits are significantly concentrated among a small group of the Aliyev regime’s supporters and relatives, while the country’s GDP per capita has dropped significantly from a high of $7,891 in 2016 to $4,214 in 2020.

Since Azerbaijan declared independence in 1991, a tightly-knit group centered around the late President Heydar Aliyev—and now his son, Ilham Aliyev—have ruled the country. Although the country’s constitution establishes a dual executive system with a president, a prime minister, and separate branches of government, Aliyev and his New Azerbaijan Party have effective control over the executive, legislative, and judicial branches. The New Azerbaijan Party controls the legislature, the “National Assembly,” and exerts tremendous influence over the legislation that it adopts. A deeply flawed referendum in 2016 resulted in the adoption of nearly 30 constitutional amendments that significantly expanded Aliyev’s power, and was denounced by Western observers. Among the changes were: the extension of the presidential term from five to seven years; the creation of the post of first vice president; directing succession from the president to the first vice president; and granting the president the ability to dissolve parliament. Five months after the changes were passed, Aliyev named Mehriban Aliyeva, his wife, to the post of first vice president.

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Corruption is endemic in Azerbaijan. In its 2020 Corruption Perceptions Index, Transparency International ranked Azerbaijan 129 out of 180 countries, where a higher ranking denotes higher corruption.26

Aliyev maintains power through political domination of and tight restrictions on civil society and independent media. Violations of international human rights are systematic and well-documented. Baku is quick to retaliate against critics—local Azerbaijani activists have catalogued more than 120 political prisoners in the country as of December 2021, including journalists, lawyers, human rights defenders, civil society activists, and religious minorities.27 The most serious human rights concerns in Azerbaijan include government control over civil society and independent media, the judicial system’s lack of independence and campaign to target lawyers, and the police’s systematic use of torture.

Restrictions and Control of Civil Society

Azerbaijan should revise NGO registration and administration laws to bring them in line with international standards for freedom of association.

Azerbaijan uses legislation to control associations that it deems threatening or anti-government. Under Azerbaijan’s NGO law, the government can interfere with an organization’s operations and funding, or even shutter them completely. Moreover, prosecutors have used the criminal code to imprison NGO leaders for ostensibly failing to adhere to regulations.28 Amendments between 2013 and 2015 gave authorities broad discretion to dissolve, fine, and freeze assets of NGOs for infractions of administrative regulations.29 More recently, amendments granted tax exemptions to some NGOs and established a simplified online registration (although in practice, the web portal is not operational). However, many organizations are unable to register because they are officially rejected or never receive a decision.30 In May 2021, the European Court of Human Rights issued 25 judgments that found Azerbaijan violated its citizens’ right to freedom of association by failing to register NGOs.31

Since 2011, numerous international organizations have been forced to stop operating inside Azerbaijan, including the National Democratic Institute, IREX, and Radio Free Europe/Radio Liberty (RFE/RL).32 Although the process for foreign registration has recently been reformed,

28 For example, in August 2014, Azerbaijani authorities arrested human rights activist Rasul Jafarov and accused him of repeatedly failing to properly register grants from foreign funders to his organization Human Rights Club. Despite this violation being under the NGO Registration Law, Jafarov was charged with a series of criminal code violations, including tax evasion, illegal business activity, abuse of office, forgery, and embezzlement.
substantial obstacles remain, and the government maintains complete discretion over whether to approve registration requests.\textsuperscript{33}

\textbf{Intolerance of Independent Lawyers}

\begin{quote}
\textit{Azerbaijan should stop harassing human rights lawyers with specious disciplinary procedures and bring the Administrative Codes and the Law on Lawyers and Lawyer Activities into compliance with international standards for the independence of the legal}
\end{quote}

The government has escalated its harassment and attacks on lawyers in the country, which has reduced the number of independent lawyers. Since 2018, amendments to the Codes of Civil and Administrative Procedures and the Law on Lawyers and Lawyer Activities have prohibited lawyers from representing clients in court unless they are members of the Azerbaijan Bar Association (ABA), which is controlled by the government. According to some estimates, lawyers who were not members of the ABA handled up to 90\% of civil and administrative cases when the amendments were enacted.\textsuperscript{34} Lawyers known for representing political prisoners or publicly speaking out about human rights abuses are routinely disbarred or refused membership. What is more, Azerbaijan suffers from a paucity of qualified lawyers. As of June 2021, Azerbaijan has only 20 lawyers per 100,000 inhabitants (as compared to an average of 162 lawyers per 100,000 inhabitants in Council of Europe member States).\textsuperscript{35}

Since 2016, at least 15 independent lawyers that were known to take controversial cases or dissident clients have faced disbarment, disciplinary procedures, or other forms of judicial harassment designed to impair their practice.\textsuperscript{36} Shahla Humbatova, a prominent human rights lawyer and the first Azerbaijani to win the U.S. Department of State International Women of Courage award, was disbarred in March 2021 for allegedly failing to pay bar fees and submitting false information to a court. When the proceedings against her were initiated, she was representing imprisoned blogger Mehman Huseynov and several individuals who were imprisoned for protesting police brutality. She was ultimately reinstated to the bar in May 2021 after a sustained international campaign.\textsuperscript{37}

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\textit{33 Civic Freedom Monitor: Azerbaijan, supra footnote 30.}
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Freedom of Expression

Despite constitutional protection for freedom of expression, the media climate in Azerbaijan is extremely restrictive and forces independent journalists and bloggers to self-censor or otherwise face reprisal from the government. Reporters without Borders ranked Azerbaijan as 167 out of 180 countries in its 2021 World Press Freedom Index—the second lowest press freedom score in the region, behind Uzbekistan.38

The Media Sustainability Index provides an in-depth analysis of conditions for independent media in 80 countries across the world. Since 2016, Azerbaijan has consistently ranked 19 out of 21 countries in media sustainability in the Europe and Eurasia region, just above Uzbekistan and Turkmenistan.39 Azerbaijan’s low media freedom score is largely due to the pro-government ruling elites’ near-total media capture of traditional media outlets such as television, radio, and newspapers—the only exception is the independent Turan Information Agency. There are a few independent and opposition-run online news outlets, but they struggle to operate with fewer resources than their better-funded competition.40 The few independent Azerbaijani journalists and opposition media sources operate at great personal risk. As of September 2021, seven journalists and bloggers remain in prison,41 including Poland Aslanov, who was sentenced to sixteen years in prison in November 2020 on treason charges after he published articles about government corruption.42

Many independent media outlets remain blocked in the country. In March 2017, the Prosecutor General ordered local internet providers to block access to the RFE/RL Azerbaijani service website after it published investigative reports on financial activities of the Aliyev regime’s family and inner circle. The government filed a lawsuit seeking to block five websites, including RFE/RL, opposition newspaper Azadliq, the Berlin-based Meydan TV, and two other independent internet TV programs. The lawsuit claims the websites pose a threat to national security by “posting content deemed to promote violence, hatred, or extremism, violate privacy, or constitute slander.”43 Foreign media outlets Voice of America and BBC are banned from broadcasting on FM radio frequencies. However, Sputnik, a Russian state-owned news agency, is able to broadcast freely in Azerbaijan.44

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41 List of Political Prisoners, supra footnote 27.
42 Azerbaijani journalist Polad Aslanov sentenced to 16 years on treason charges, Committee to Protect Journalists (Nov. 16, 2020), available at https://cpj.org/2020/11/azerbaijani-journalist-polad-aslanov-sentenced-to-16-years-on-treason-charges/.
Media censorship and respect for freedom of expression worsened considerably in 2020 due to significant events including parliamentary elections, the COVID-19 pandemic, and the month-long Nagorno-Karabakh war. Baku responded with measures that restrict expression, including by blocking popular social media websites and implementing new laws against spreading disinformation. Although international law permits some restrictions on free expression, Baku’s new measures fit within a broader trend in which the Azerbaijani government has over time increased restrictions on freedom of expression. During the pandemic, there were multiple reports of reprisals against journalists that covered the pandemic. Teymur Karimov, for example, was physically assaulted by unknown individuals in April 2020 after he attempted to conduct interviews about the economic repercussions of the lockdown.45

Throughout 2021, the government conducted a secretive process to develop a new media law. The contents of the bill were not revealed until a draft copy was leaked days before it was sent to parliament on December 14, 2021. The new law, which went into effect on January 1, 2022, contains numerous problematic provisions. For instance, the law creates a register of journalists who will be officially recognized by the government. Authorities will control who is on the list by administering a test, the details of which have not been disclosed. Additionally, journalists are banned from disseminating information from an unofficial source; cannot use photos of individuals, even in public places, without their written permission; and must comply with a vaguely worded provision to provide an “objective” interpretation of facts and events.46

The Nagorno-Karabakh war, which was conducted under enormous domestic propaganda campaigns, brought to light Baku’s efforts to control the information environment. Authorities detained activist Giyas Ibrahimov twice during the conflict after his prolific social media posts called for an end to the war.47 Numerous other activists reported receiving death threats and being subject to vicious online harassment for their anti-war sentiment.48

Torture and Mistreatment

Azerbaijan should strengthen its anti-torture laws, bolster torture-prevent efforts and policies, and investigate and prosecute all instances of torture or ill-treatment.

Individuals placed under detention continue to report instances of torture, which remains a systematic abuse in Azerbaijan. Individuals face the highest risk during investigations and pre-trial police custody. Young people, those with religious associations, and those detained by police in rural areas are among the most likely to report torture.

In May 2016, youth activists Giyas Ibrahimov and Bayram Mammadov were told by police that they would be released from detention if they apologized on camera for painting graffiti. Both men refused, and police subsequently beat them, forced them to remove their pants, and threatened to rape them in order to coerce them into confessing to a new charge, drug possession. Members of the Muslim Unity Movement reported similar allegations. The group’s spokesperson, Abbas Huseynov, reported being severely beaten and forced to incriminate other members. Officials were not held responsible in either case for their abuse and mishandling of the activists, as required by international law.

Deaths in custody under perplexing circumstances are another alarming trend. In April 2017, opposition blogger Mehman Qalandarov reportedly committed suicide while in prison. Authorities initially denied reports that he had died and swiftly buried him without investigation. Fakhraddin Abbasov, a human rights activist, allegedly committed suicide in detention in November 2020. In a letter sent a month earlier, Abbasov explained how government officials threatened to make his life unbearable and push him to commit suicide or to otherwise stage his death as a suicide.

In May 2017, authorities opened a criminal case against a number of Azerbaijani military personnel and civilians on charges of allegedly working for Armenian intelligence. Security services arrested 78 individuals in the case, mostly from the Tartar region. By July 2017, at least 11 of those arrested had died in custody under mysterious circumstances.

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42 General Comment No. 20, Human Rights Committee, UN Doc. HRI/GEN/1/Rev.1 (Mar. 10, 1992) at ¶ 14.
ii. Kazakhstan

The Republic of Kazakhstan shares borders with Russia, China, Kyrgyzstan, Uzbekistan, and Turkmenistan. Although it is the ninth-largest country in the world by area, it has a relatively small population of 18.9 million.

Kazakhstan’s economy largely relies on oil and gas due to the country’s abundant natural energy resources. Producing approximately 1.8 million barrels of oil per day, Kazakhstan has the twelfth-largest crude oil reserves in the world, which has helped it establish strong partnerships with European countries. Italy, for example, receives 20 percent of Kazakhstan’s crude petroleum exports. These resources have enabled Kazakhstan’s economy to become the most-developed in Central Asia. They have also fueled economic expansion over the past three decades—GDP per capita has increased from $1,647 in 1990 to $9,055 in 2020.

Officially, Kazakhstan is a constitutional unitary republic with an executive branch overseen by a president who acts as the head of state and holds the power to nominate the prime minister, who acts as the head of government. Former President Nursultan Nazarbayev ruled Kazakhstan under this system since Kazakhstan’s independence in 1991 until he officially stepped down in 2019. He continued to exercise considerable influence over the government as the chair of the ruling political party Nur Otan and as Chairman of the Security Council, until recently relinquishing those positions. His successor, Kassym-Jomart Tokayev, has largely maintained the status quo, although he has ostensibly sought to implement reform. National elections in the country have repeatedly failed to meet international standards.

In January 2022, a series of protests swept the country. The impetus was rising fuel prices, however protestors expressed broader discontent over corruption and the political system. Within days the protests turned violent, resulting in the destruction of government buildings, at least 10,000 arrests and 225 deaths. Outside observers have suggested the violence may have been connected to a power struggle between ruling elites. After the protests were contained, Tokayev promised a series of reforms, to largely be implemented in late 2022. He also stripped Nazarbayev and his family of several key posts.

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56 Id.
61 Kazakhstan’s Tokayev vows to present new package of political reforms in September, TASS (Jan. 11, 2022), available at https://tass.com/world/1386269.
Freedom House considers Kazakhstan a “consolidated authoritarian regime.”\footnote{Nations in Transit 2021: Kazakhstan, Freedom House, available at https://freedomhouse.org/country/kazakhstan/nations-transit/2021.} The government frequently violates fundamental freedoms through law and practice to maintain power and quash calls democratic reforms. The most corrosive violations of fundamental freedoms include broad restrictions on political opposition, limitations on freedom of expression, newly-enacted laws that restrict peaceful protests, and attacks on the independence of lawyers.

**Curtailment of Political Opposition**

*Kazakhstan should revise Article 405 of the Criminal Code to comply with international standards of freedom of association and release individuals wrongfully detained under the provision.*

The ruling Nur Otan party has dominated Kazakhstan’s political landscape since Nazarbayev founded it in 1999. Following the January 2021 elections, the party controls 76 of the 98 directly-elected seats in the 107-seat lower house of parliament with two broadly pro-government parties holding 22 seats. The remaining nine seats are appointed by a body controlled by Nazarbayev.\footnote{Elections in Kazakhstan yield results as predicted, Chatham House (Jan. 20, 2021), available at https://www.chathamhouse.org/2021/01/elections-kazakhstan-yield-results-predicted.} The upper house of parliament consists of 49 members—fifteen of whom are appointed by the president, and 34 elected by Nur Otan-controlled regional legislatures.

Nur Otan has consolidated political control through legislation, including laws against extremism and participation in banned groups. Its primary target has been the opposition party, Democratic Choice of Kazakhstan (QDT), founded by controversial former government minister and banker Mukhtar Ablyazov in 2001. QDT claims to have 80,000 members in Kazakhstan.\footnote{Kazakhstan outlaws exiled banker’s political movement, Reuters (March 13, 2018), available at https://www.reuters.com/article/us-kazakhstan-ablyazov/kazakhstan-outlaws-exiled-bankers-political-movement-idUSKCN1GP29V.} In March 2018, a court designated QDT as an extremist organization and subsequently banned it.\footnote{Id.} In early 2020, the Koshe (Street) Party was formed with a loose affiliation with QDT, and the government banned it in May 2020.\footnote{The activities of “Keshe Partyasy” were banned in Kazakhstan, Tengri News (May 19, 2020), available at https://tengrinews.kz/kazakhstan_news/5-kazakhstane-zapretill-deyatelnost-koshe-partyasyi-402783/.}

According to an analysis conducted by Human Rights Watch, since 2018 authorities have charged at least 135 individuals under Article 405 of the Criminal Code, which prohibits participating in a banned organization. In these cases, sentencing has ranged from a one-year non-custodial sentence to three years in prison.\footnote{Kazakhstan: Crackdown on Government Critics, Human Rights Watch (July 7, 2021), available at https://www.hrw.org/news/2021/07/07/kazakhstan-crackdown-government-critics.}

The government favors Article 405 because it sets a low evidentiary threshold—it does not require a prosecutor to prove a crime was committed. A prosecutor, for example, need only demonstrate that a social media post references a banned organization to establish just cause. This was the case with journalist Aigul Utepova, who was arrested under Article 405 in
November 2020. The prosecution cited her social media posts to prove she was an alleged member of both the QDT and the Koshe Party, and she was ultimately charged in April 2021 and sentenced to one year of restricted freedom and a two-year ban on “public and political activities.”

Individuals convicted under Article 405 are automatically added to a list of individuals who have allegedly financed terrorism, even if their alleged crimes did not involve financial elements. Those convicted under Article 405 are subject to strict financial limitations. They are also often banned from using social media networks and participating in political and civic activities for a certain period of time.

**Freedom of Expression**

Kazakhstan should revise Criminal Code Articles 174 and 274 to comply with international standards of freedom of expression and release all individuals wrongfully detained under these provisions.

While space for public discourse about politics and other sensitive topics has opened up somewhat since Nazarbayev stepped down in March 2019, journalists and members of the media continue to face trumped-up charges, assault, and other threats due to their work exposing human rights violations and corruption.

The authorities primarily rely on two laws to suppress freedom of expression and silence critics: articles 174 and 274 of the Criminal Code.

Article 174 of the Criminal Code prohibits “incitement of social, national, tribal, racial, class or religious discord.” Officials add individuals convicted under this provision to a list of extremists, surveil them, and hinder their participation in public and political life through the threat of initiating new criminal proceedings. Local civil society activists, who oppose the provision’s use of the vague word “discord,” have repeatedly called for Article 174 reform. In June 2020, lawmakers amended the law to introduce minor changes to the wording, but failed to make any significant improvements. Article 174 requires a government expert to determine whether any document or statement produced by the accused contains an extremist element in order to successfully convict a subject. The defense can summon its own experts, but the judiciary tends to rely on experts with government training and access to confidential documents that are not provided to defense experts. International observers have criticized the judiciary’s reliance on these experts. In October 2018, a group of Muslim men was arrested for allegedly violating Article 174 by participating in a WhatsApp group discussion about religion. The only connection

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70 Kazakhstan: Crackdown on Government Critics, supra footnote 68.


between the men was their membership in the group, and their participation in the group varied—some posted frequently, while one only reposted comments from other users. In August 2019, they were convicted of inciting religious discord on the basis of opinions issued by two government experts. The men’s sentencing ranged between five and eight years in prison.

Article 274 of the Criminal Code prohibits the dissemination of knowingly false information and has been increasingly used against activists during the COVID-19 pandemic. According to government records, 92 cases were opened under Article 274 in the first eight months of 2020, compared to only 81 cases in all of 2019. Political activist Alnur Ilyashev was convicted in June 2020 under this provision for posting criticism of the Nur Otan Party and the government’s handling of the pandemic on social media. The previous year, Ilyashev and three others were ordered to pay Nur Otan Party members around $15,500 for allegedly disseminating false information.

**Freedom of Assembly**

Kazakhstan should revise Article 400 of the Criminal Code and the Law on the Procedure of Organization and Conducting Peaceful Assemblies to comply with international standards of freedom of assembly and end the use of these laws to prosecute peaceful protestors.

The government has traditionally kept a tight rein on the public’s right to assemble and protest through burdensome permitting regulations, permit refusals, and police disruption of unsanctioned gatherings. Organizers of “anti-government” demonstrations, as well as participants and those voicing support online, can be subject to fines and jail terms. Despite these restrictions, the number of peaceful public assemblies is the highest in a decade. A local civil society organization documented 227 assemblies in 2019, which marked a significant increase from 32 in 2018.

Article 400 of the Criminal Code prohibits aiding illegal assemblies, including by “means of communication.” The UN Special Rapporteur on the rights to freedom of peaceful assembly and association has interpreted this Article as the criminalization of social media as an organizing tool. In a notable example, Kazakhstani authorities denied a permit to assemble and subsequently arrested activists Maks Bokaev and Talgat Ayan in May 2016 for staging the

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79 Id.
protest without approval. The prosecution based its case on statements the men made on social media. They were sentenced to five years in prison. Both activists have since been released with court-imposed limitations on their rights to organize rallies and engage in activism.

President Tokayev promised in June 2019 to adopt a new law to revise regulations on freedom of assembly. In May 2020, he signed the Law on the Procedure for Organizing and Conducting Peaceful Assemblies, which falls short of international human rights standards in several areas. The UN and the OSCE have stressed that States should generally allow peaceful assemblies, and requiring state permission to assemble undercuts the free exercise of this right. The law does not require preapproval for assemblies, but it does require advance notice and enables the authorities to deny requests. The government can refuse a request for a number of reasons, including organizers’ membership in a banned organization or “unreliable” notification documents. The law also requires nearly all types of assemblies to be held in locations specifically designated by the government for assembly.

The authorities continue to violate citizens’ freedom of assembly despite the alleged reforms. In January 2021, a protest was held against the lack of serious opposition parties in the parliamentary elections. Police arrested dozens of protesters, detained some for several hours under administrative charges, and subjected others to an especially punitive form of “kettling” in which police physically restrict movement to a small area and play loud, repetitive music. After an incident in February 2021 during which protestors were “kettled” for more than ten hours, the government’s Human Rights Commissioner claimed in a statement that the practice is legal and permitted by OSCE standards. However, she failed to note the OSCE strongly advises against the practice.

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86 Id., Article 14.
87 Id., Article 9.
Independence of Lawyers

Nur-Sultan has created a stifling environment for lawyers who work on contentious and politically-sensitive issues. The central government exercises control over who is able to obtain the required license to work as a lawyer in Kazakhstani courts. The government has also harassed and intimidated lawyers with adversarial stances.

The 2018 Law on the Professional Activities of Advocates and Legal Assistance designates the Ministry of Justice as the sole body responsible for issuing law licenses, giving it considerable influence over which lawyers are allowed to practice law. Further, Tokayev signed an updated version of this law in June 2021, which requires lawyers to join the state bar association, pay higher membership fees, and register on a state-controlled online information system. Human rights organizations and Western bar associations have criticized the law for further restricting citizens’ access to lawyers and violating international standards for the independence of the legal profession.

Additionally, the government exercises undue influence over disbarment proceedings and disciplinary procedures. State influence diminishes the independence of lawyers, and particularly those who take adversarial postures against the government in legal proceedings. International standards require that an independent professional association, an independent statutory body, or a court handles disciplinary proceedings against lawyers. But the 2018 Law on the Professional Activities of Advocates and Legal Assistance provides the Ministry of Justice with a significant role in disciplinary proceedings. Under the Law, a judge may initiate disciplinary proceedings through an “interim ruling” against a lawyer for misconduct. The case is then sent to the Ministry of Justice, which can disbar the accused lawyer or refer the case to the bar association’s disciplinary committee—a six-person body that contains at least three members selected by the Ministry of Justice. In July 2017, lawyers Yerlan Gazimzhanov, Amanzhol Mukhamedyarov, and Assel Tokayeva filed an ethics complaint against a judge and a motion requesting he recuse himself from a criminal case. In response, the judge initiated disciplinary proceedings against the lawyers.

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92 Kazakhstan: ICJ deprecates new law restricting independence of lawyers, supra footnote 90.
93 Id.
Lawyers who are publicly critical of the government or who work on politically fraught cases have been subject to judicial harassment and intimidation. For example, after lawyers Khamida Aitkaliyeva and Larysa Yakubenko criticized the then-new Law on the Professional Activities of Advocates and Legal Assistance in 2018, the government revoked their licenses. Similarly, lawyers Amanzhol Mukhamedyarov and Erland Gazumzhanov were permanently disbarred in 2018 after posting video clips on social media that showed inappropriate judicial behavior during a trial.

Intimidation can take more severe forms. Aiman Umarova is one of Kazakhstan’s most prominent human rights lawyers, well-known for advocating for the independence of lawyers and for representing individuals who have publicly denounced internment camps in the Xinjiang region of China. The government has allegedly tried to silence Umarova in severe ways. For example, in June 2019, she found her family dog dead in her garden. The following year, after making a public appeal to Tokayev about government corruption, she discovered that her brakes no longer worked as she was driving her car at night.

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98 Kazakh human rights lawyer harassed, supra footnote 13.
iii. Tajikistan

The Republic of Tajikistan is a small, landlocked, and mountainous country in Central Asia. It has a population of nine million citizens and shares borders with Kyrgyzstan, China, Afghanistan, and Uzbekistan.

Shortly after declaring independence from the Soviet Union in 1991, a civil war broke out as the Soviet-era ruling elite vied for power against loosely-aligned ethnic and regional opposition groups. The five-year conflict left more than 150,000 dead and 2.2 million displaced. The parties reached a ceasefire in 1997 that provided general amnesty and allocated 30 percent of government positions to opposition party members.\(^\text{100}\)

The Constitution of Tajikistan provides for a multi-party system, and the peace agreement allows for opposition party participation. Regardless, one man—People’s Democratic Party Leader President Emomali Rahmon—has ruled the country since November 1992. International observers criticized Rahmon’s initial election and three subsequent re-elections for being neither “free nor fair.”\(^\text{101}\) Rahmon has consolidated power through nepotism and by filling many high-level government positions with family members. For example, his eldest son, Rustam, is the chair of the National Assembly; one daughter, Ozoda, is presidential chief of staff; and another daughter, Zarina, is deputy head of one of the largest banks in the country.\(^\text{102}\) Rahmon’s extended family members also hold high-level positions in many of the country’s key industries and are rumored to control the country’s largest corporation, the Tajikistan Aluminum Company.\(^\text{103}\)

Tajikistan’s GDP per capita is the lowest in the region at $859, and more than a quarter of its population lives below the poverty line.\(^\text{104}\) Tajikistan exports approximately $1.3 billion in mining and agricultural goods each year, but its economy is buoyed by remittances and the black market. Remittances amount to approximately $3 billion or 30 percent of Tajikistan’s total GDP in 2019.\(^\text{105}\) At least 100 tons of opium and heroin are smuggled through Tajikistan from

\(^{100}\) The long echo of Tajikistan’s civil war, openDemocracy (June 23, 2017), available at https://www.opendemocracy.net/en/odr/long-echo-of-tajikistan-s-civil-war/.


Afghanistan each year, and the black market makes up an equivalent of 30 percent of the country’s GDP.\textsuperscript{106}

Rahmon’s authoritarian control is absolute. Freedom House has described the nation as a consolidated authoritarian regime in which Rahmon and his family control the economy, and where the majority of citizens cannot enter politics.\textsuperscript{107} Through law and practice, the government has outlawed opposition parties, banned independent media, and harshly punished dissent. His regime has driven most civil society activists and associated independent lawyers underground or into exile. Even those who flee the country are not safe, as numerous accounts of transnational harassment and repression have demonstrated. In this environment, the primary human rights concerns include the crackdown on opposition parties, the systematic use of arbitrary detention and dangerous prison conditions, transnational repression, and the persecution of lawyers.

\textbf{Crackdown on Political Opposition}

\textit{Tajikistan should comply with UN decisions and immediately release, rehabilitate, and compensate unlawfully detained people. In order to prevent future political persecution, Tajikistan should revise the Counter-Terrorism Act (1999), the Anti-Extremism Act (2003), and the Criminal Code to align them with international standards.}

Rahmon’s regime has sought to dismantle all viable political opposition in the country. The main target of the regime is the Islamic Renaissance Party of Tajikistan (IRPT). With membership once reaching 40,000, the IRPT is the most prominent opposition party in the country.\textsuperscript{108} Founded in 1990, the IRPT formed the backbone of the opposition coalition during the civil war.\textsuperscript{109} After the war ended, the IRPT reoriented as a leading moderate Islamist voice in the region.\textsuperscript{110}

The IRPT lost all of its seats in the 2015 parliamentary elections due to a government smear campaign and a lack of free and fair elections.\textsuperscript{111} The regime subsequently accelerated its repression campaign. In August 2015, the Ministry of Justice ordered the closure of IRPT on the grounds that it lacked a sufficient number of members.\textsuperscript{112} In September 2015, the government

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\textsuperscript{108} \textit{Interview with Muhiddin Kabiri Leader of the Islamic Renaissance Party of Tajikistan in-exile}, Central Asia Policy Brief (Jan. 2016), available https://app.box.com/s/mx8rhxb3iz4lf1qy6cx3qvdjipwkk2
\textsuperscript{111} In previous elections, the IRPT won only 9 percent of votes, but domestic observers maintained that the IRPT would have received up to 30 per cent of votes in free and fair elections. See, \textit{Islamic Education in the Soviet Union and Its Successor States}, Michael Kemper, et al. (2010), pg. 336.
\textsuperscript{112} Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression on his Mission to Tajikistan, UN Human Rights Council, 34th Sess., 6 -23 June 6-June UN Doc. A/HRC/35/22/Add.2 (9 June 2017), ¶ 40 (hereinafter}
accused the IRPT of supporting a failed coup and arrested its top leadership.\textsuperscript{113} In June 2016, the Supreme Court issued prison sentences ranging from fourteen years to life to thirteen IRPT leaders, including Deputy Chairman Mahmadali Hayit. The UN Working Group on Arbitrary Detention subsequently found their imprisonment to be a violation of international law and called for their release.\textsuperscript{114}

In September 2015, the Supreme Court declared the IRPT a terrorist organization engaged in extremist activities.\textsuperscript{115} The decision authorized the government to shutter IRPT offices and arrest scores of additional IRPT members.\textsuperscript{116} Dushanbe used the Law on Combatting Terrorism to ban all IRPT activities and prohibit distribution of any materials related to the party.\textsuperscript{117} The government placed similar bans on other oppositions groups, including Group 24 and the Youth Revival of Tajikistan.

### Arbitrary Detention and Life-Threatening Prison Conditions

Tajikistan should investigate, prosecute, and punish all instances of torture, ill-treatment and deaths in torture—which includes those who died in the attacks at Prison 3/3 and Kirpichniy Prison—and ensure that victims are appropriately rehabilitated and compensated.

Rahmon exerts near-total control over the judiciary. He has the power to appoint and dismiss judges and prosecutors with few constitutional checks. Under the Rahmon regime, the judiciary is an extension of the executive branch. Government critics can be arrested with scant evidence, politically-motivated trials proceed swiftly without respect for due process or fair trial rights, and defendants can be subjected to lengthy prison sentences without the ability to appeal. Once convicted, these individuals are kept in prisons where conditions are poor and potentially life-threatening.

Torture and other forms of cruel, inhuman, and degrading treatment are endemic in Tajikistani police stations, prisons, and other places of detention throughout the country. Article 18 of Tajikistan’s Constitution and Article 143(1) of the Criminal Code prohibit torture, but law enforcement officers routinely torture and mistreat individuals to extract self-incriminating evidence, confessions, and money. Individuals targeted on political grounds face torture and
mistreatment. For example, authorities severely beat IRPT Deputy Chairman Mahmadali Hayit in prison after his conviction, and the abuse worsened over time. In March 2019, Hayit showed his wife injuries on his forehead and stomach, allegedly incurred when authorities beat him for his refusal to record videos denouncing Tajikistani opposition abroad.118

The Tajikistani government holds detainees in extended pre-trial detention before moving them to detention facilities post-conviction, which exacerbates overcrowding in detention facilities. For example, lawyer Buzurgmehr Yorov was held in pre-trial detention for about eight months, during which authorities regularly beat him and held him in solitary confinement.119

Prisoners with life sentences suffer particularly harsh conditions, including: virtual isolation in cells for up to 23 hours a day; small, cramped, unventilated cells; extreme temperatures; inadequate nutrition and sanitation arrangements; denial of contact with lawyers and only rare contact with family members; excessive use of handcuffing or other types of shackles or restraints; physical or verbal abuse; lack of appropriate health care, both physical and mental; and denial of access to books, newspapers, exercise, education, employment or any other type of prison activities.120

Tajikistan recently experienced two deadly prison riots in a six-month period. The first riot occurred in November 2018 at maximum-security Prison 3/3 and reportedly resulted in the deaths of 50 prisoners.121 The Tajikistani government did not publicly acknowledge the riot until two weeks later.122 The second riot occurred in May 2019 at the maximum-security Kirpichniy Prison in the Vahdat district, and reportedly resulted in the deaths of 29 prisoners.123 Among the prisoners killed at Kirpichniy were three IPRT members. Members of the Islamic State instigated both riots, and at Kirpichniy, they reportedly sought out members of IRPT and other religious minority groups.

The COVID-19 pandemic exacerbated health risks faced by detainees. Numerous prisoners reported experiencing respiratory illnesses consistent with COVID-19 symptoms. Journalist Daler Sharipov, lawyer Buzurgmehr Yorov, and IRPT activist Rahmatulloi Rajab are believed to have been exposed to COVID-19.124 Prison authorities forbade any type of quarantine, health provisions, or treatment for infected prisoners during the outbreak in prisons.125 On March 31, 2021, at least 50 inmates were killed in Tajik prison riot, sources say, Radio Free Europe/Radio Liberty (Nov. 13, 2018), available at https://www.rferl.org/a/at-least-50-inmates-were-killed-in-tajik-prison-riot-sources-say/29597824.html.

2020, the Tajikistani government cancelled all prison visits indefinitely, yet it did not acknowledge that COVID-19 was present in the country until April 30. The ban on prison visits was eventually lifted in November 2020.

Persecution of Lawyers

Tajikistan should end judicial harassment of lawyers and release those already imprisoned on wrongful charges, including Buzurgmehr Yorov, Saidnuriddin Shamsiddinov, Abdulmajid Rizoev, and Izzat Amon.

Independent lawyers who represent individuals in politically-sensitive cases—such as those from banned political parties—face enormous pressure and punishment, including arbitrary arrests, intimidation, and death threats. Authorities charged Buzurgmehr Yorov, a well-known lawyer who represented IRPT activists, with fraud for allegedly failing to provide satisfactory legal services. In addition to prior convictions on allegedly unrelated matters, a judge in 2017 sentenced him to twelve years in prison.

Authorities arrested and sentenced Nuriddin Makhkamov, Yorov’s defense lawyer, to 21 years in prison alongside him. Shukhrat Kudratov, the lawyer who attempted to defend opposition political Zayd Saidov from the spurious charges, was convicted to nine years in prison. Although he was released and resettled in Moscow, Kudratov currently faces charges in Russia for protesting the arrest of his colleague. More recent cases have been brought against Saidnuriddin Shamsiddinov, who had publicly criticized judges; Abdulmajid Rizoev, who was investigating corruption; and Izzat Amon, who was deported from Russia where he was helping Tajik migrants.

Furthermore, the government has taken steps to curtail the independence of the bar. Passed in November 2015, the Advokatura and Advocate’s Activities Act requires all lawyers to renew their law licenses with the Ministry of Justice instead of with the independent bar association, and to retake the bar examination every five years. The bar exam now includes questions on a

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129 Tajikistan: Long Prison Terms for Rights Lawyers, supra note 127.
132 Abdulmajid Rizoev Sentenced to 5 Years and 6 Months Imprisonment for Posts on Facebook, Front Line Defenders (June 18, 2021), available at https://www.frontlinedefenders.org/en/case/abdulmajid-rizoev-sentenced-5-years-and-6-months-imprisonment-posts-facebook
135 Id.
broad range of subjects unrelated to law, such as history, culture, and politics. Tajikistani lawyers have expressed concern that the reforms only “appear” to safeguard rule of law, but instead allow authorities to eliminate lawyers whose cases oppose government interests. In the wake of these changes, the number of licensed lawyers in the country fell from more than 1,200 in 2015 to just 600 in 2017, which has left about one lawyer per 13,000 individuals in Tajikistan—by far the lowest in the region.

Transnational Repression

Tajikistan should stop conducting transnational repression and abusing international measures, such as the INTERPOL Red Notice system, to target dissident Tajik citizens living abroad.

Tajikistan frequently harasses and threatens dissidents living abroad and applies pressure to their relatives at home. The most extreme cases include extradition and kidnappings.

In March 2020, Austria complied with Tajikistan’s extradition request of opposition activist Hizbullo Shovalizoda despite calls from international organizations that they deny the request. In June 2020, he was sentenced by a Tajikistani court to 20 years in prison on extremism charges following a closed trial. An Austrian court has since ruled that his extradition should have never taken place.

The government has also resorted to kidnapping. In February 2019, former deputy leader of Group 24, Sharofiddin Gadoev, travelled from Amsterdam to Moscow to brief Russian officials on political developments in Tajikistan. Once in Moscow, Gadoev was abducted, handed over to Tajikistani security service officers, and placed on a flight to Dushanbe. He was brought to the Interior Ministry the next day and offered three options: execution, 25 years to life in prison, or to otherwise cooperate with authorities and allege that Iran and Western human rights groups finance the IRPT. The court charged Gadoev with various crimes, and eventually released him from custody. He eventually returned to the Netherlands.
iv. Turkmenistan

The Republic of Turkmenistan is a flat, arid nation bordered by Kazakhstan, Uzbekistan, Afghanistan, and Iran. It is the least populous country in the region with a reported population of approximately six million—this number is likely inflated, however, and experts estimate the true population is closer to 2.8 million.144

Turkmenistan declared independence from the Soviet Union in 1991. The country is formally a secular democracy and a presidential republic,145 but in reality it is one of the world’s most authoritarian countries. President Gurbanguly Berdimukhamedov has controlled the country since 2006146 and has exercised total control over all aspects of public life.147 Turkmen law provides for an independent judiciary, but in practice, the judiciary is subordinate to the president.148 The judiciary is widely reputed to be both corrupt and inefficient.149 There have been credible reports that judges and prosecutors often predetermine trial outcomes and sentences.150 The Turkmen judiciary is also notorious for its lack of transparency, particularly in politically-sensitive cases.151

Turkmenistan’s economy is largely reliant upon its fossil fuel industry. The country has substantial oil deposits and the fourth-largest natural gas reserves in the world. The revenue from fossil fuels makes up 35 percent of its $45 billion gross domestic product, 90 percent of total exports, and 80 percent of fiscal revenues.152 In 2016, Berdimukhamedov headed an initiative to restructure the oil and gas industry in which he consolidated operations under NAPECO, the national oil and gas company. Nearly no information exists about NAPECO—it does not have a website, there is no listing of its board of directors, and none of its financial reports are publicly published.153

Despite its fossil fuel industry, Turkmenistan has experienced a dire economic crisis due to falling gas prices, poor harvests, and corruption.154 Food scarcity and rising food prices have led to increased poverty rates and significant food insecurity in the country, and food shortages have

148 Concluding observations on the second periodic report of Turkmenistan, UN Human Rights Committee (April 20, 2017), ¶ 30, CCPR/C/TKM/CO/2.
149 Id.
154 Spotlight on Turkmenistan, supra footnote 152, pgs. 7-9.
accelerated since 2016. However, the true extent of the crisis is unknown, as the government does not publish reliable economic data.

Berdimukhamedov’s regime is one of the most repressive and closed-off States in the world. There is virtually no political opposition and independent media, and the government reacts to public dissent with harsh punishment. Freedom House considers Turkmenistan “Not Free” on the grounds that its government almost completely denies civil liberties in practice, does not facilitate free and fair elections, dominates the economy, systemizes corruption, persecutes religious groups, and does not tolerate political dissent. The most pressing human rights issues facing Turkmen citizens include enforced disappearances, transnational repression, and poor prison conditions.

The Turkmen government is notorious for its lack of transparency and use of disinformation to obfuscate and inflate perceptions of the country’s political, economic, and human rights situation. It is difficult to construct an accurate perception, based on reliable data, of the human rights situation due to Ashgabat’s secrecy and misdirection.

Enforced Disappearances & Incommunicado Detention

Arbitrary arrests, incommunicado detentions, and enforced disappearances are hallmarks of government repression in Turkmenistan. International human rights organizations have documented 162 cases of enforced disappearances since 2002. Of these, at least 29 individuals have died in custody. The true number of people forcibly disappeared and who have died in custody is likely much higher.

Turkmenistan often does not release any information about arrests and imprisonments to the domestic public, the families of those impacted, and to the international community. The lack of transparency makes it difficult to understand the full scope of enforced disappearances. In a notable example of this practice, Gulgeldy Annaniyazov, a prominent Turkmen political dissident, was abducted and “disappeared” by plainclothes officers in 2008 and supposedly

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156 Spotlight on Turkmenistan, supra footnote 152, pg. 7.
157 Freedom in the World 2021: Turkmenistan, supra footnote 147.
161 Id. at 1-3, 6.
convicted in a closed trial on a number of trumped-up charges.\textsuperscript{162} The Turkmen government did not publicly disclose any information about Annaniyazov’s whereabouts and condition for over a decade. In 2019, Annaniyazov was finally allowed to see his family for the first time since his arrest in 2008. Shortly thereafter, authorities moved him from a detention facility to a remote industrial town on the Aral Sea, however he remains under strict government supervision and his movement is restricted.\textsuperscript{163} In a more recent case, authorities arrested lawyer Pygambergeldy Allaberdyev in September 2020 and sentenced him to six years in prison after a closed trial. Since that time, his whereabouts remain unknown and the government has not responded to his family’s attempts to secure additional information about his condition.\textsuperscript{164} For years, Turkmen authorities responded to international pressure on this issue with vague promises and incomplete information. In 2018, after sustained international pressure, Turkmen authorities allowed unprecedented visits for relatives of over a dozen recently-convicted prisoners held \textit{incommunicado} in the notorious Ovadan Depe prison.\textsuperscript{165} Authorities also publicly committed to discussing a possible first visit by the UN Working Group on Enforced or Involuntary Disappearances.\textsuperscript{166} Ashgabat nevertheless contended that because individuals considered “disappeared” had been sentenced by a court, their imprisonment could not be considered an “enforced disappearance.”\textsuperscript{167} This claim is not supported by facts gathered by local watchdogs. In 2018, the families of more than 100 persons received no official information about the fate or whereabouts of their loved ones following their deprivation of liberty at the time of arrest or trial.\textsuperscript{168} 

\textbf{Transnational Repression}

\textit{Turkmenistan should stop harassing, intimidating, and surveilling human rights activists, journalists, and students living abroad without authorization.}

Ashgabat has used transnational repression to target Turkmen nationals living abroad. Targeted individuals—especially those studying at foreign universities—are subject to heavy surveillance.\textsuperscript{169} For example, leaked documents have revealed that Turkmen officials compile lists of Turkmen students living abroad and recruit a small number of individuals to spy on their

\textsuperscript{163} International community should urgently intervene on behalf of Turkmen political prisoner Gulgeldy Annaniyazov, Prove They Are Alive! (May 10, 2019), available at https://provetheyarealive.org/international-community-should-urgently-intervene-annaniyazov/.
\textsuperscript{168} Id.
fellow international students. The purported objective of this monitoring is to identify the students’ extracurricular activities related to political or religious affiliations.

Authorities targeted Omruzak Omarkuliev, a Turkmen student studying in Turkey who had founded a student organization for Turkmen students abroad. In February 2018, authorities lured him back to Turkmenistan under the guise of an invitation to participate in preparatory events for the then-upcoming elections. Once in Turkmenistan, authorities disappeared Omarkuliev, seemingly to end his involvement in organizing students abroad.

Authorities often subject the families of dissidents living abroad to intimidation and harassment. For example, in spring 2021, Turkmen security officials repeatedly harassed family members of Rozybai Jumamuradov and Devlet Bayhan, independent Turkmen journalists based abroad. Authorities reportedly summoned Jumamuradov’s fourteen-year-old nephew to question him about contact with his uncle and ultimately threatened to jail him, jail his family, and murder Jumamuradov.

Human rights groups have reported on Turkmen authorities’ efforts to recruit informants among the Turkmen diaspora in places such as Turkey. Informants may have led to greater harassment of exiled dissidents. In July 2020, Turkish officials detained Dursoltan Taganova—an activist living in Istanbul, Turkey—during a protest in front of the Turkmen consulate. Taganova was subjected to deportation proceedings on the grounds that her passport was due to expire. Ultimately, authorities released Taganova and granted her a refugee visa for one year after international human rights organizations pressured them on her behalf. However, Turkmen authorities harassed Taganova’s family in Turkmenistan and pressured them to publicly denounce her advocacy activities.

These informants may also play an active role in disrupting peaceful protests abroad. For example, during a protest at the Turkmen embassy in Istanbul in August 2021, witnesses

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171 Id.
173 Id., pgs. 6-7.
176 Id.
180 “Turkmenistan’s Tiskhanouskaya”: Activists Determined to Fight for Democratic Change, Says “We Are Not Afraid Anymore”, supra footnote 178.
181 Id.

**Prison Conditions**

\textit{Turkmenistan should establish a program to allow independent monitoring of places of detention without prior notice, including by independent organizations, and ensure that those held in prisons and other detention facilities are treated with dignity and are free from torture and ill-treatment.}

Living conditions in Turkmen prisons are particularly harsh, characterized by overcrowding and a lack of sanitation.\footnote{Amnesty International Public Statement: Turkmenistan: Free 18 Men Tortured, Sentenced in Unfair Trial, Amnesty International (June 9, 2017), available at https://www.amnesty.org/download/Documents/EUR6163602017ENGLISH.pdf, pg. 4.} Former prisoners have described prisons as inhumane, dangerous, and life threatening. Independent bodies are not permitted to monitor prisons in Turkmenistan,\footnote{2020 U.S. State Dep’t Report, supra note 150.} which makes it difficult to make an assessment of conditions.

Numerous UN institutions tasked with reviewing Turkmenistan’s human rights situation have found that Turkmenistan’s prison conditions do not meet international standards. These findings are based on personal accounts which have been shared with UN bodies. The UN Committee on Economic, Social, and Cultural Rights found that prisons in Turkmenistan suffer from high levels of overcrowding and very poor prison conditions.\footnote{Concluding Observations on the Second Periodic Report of Turkmenistan, supra footnote 148. pg. 6.} While noting the efforts made to renovate and build new prison facilities, the Human Rights Committee expressed concern about continued reports of inhuman prison conditions, including serious overcrowding, unsanitary conditions, inadequate access to drinking water, malnutrition, and exposure to extreme temperatures in the Ovadan-Depe and Turkmenbashi prisons.\footnote{Compilation on Turkmenistan: Report of the Office of the United Nations High Commissioner for Human Rights, UN Office of the High Commissioner for Human Rights (Feb. 26, 2018), available at https://undocs.org/A/HRC/WG.6/30/TKM/2, pg. 5.} The committee also noted the failure to separate prisoners suffering from tuberculosis from other inmates, and to provide them with adequate health care. The UN Committee against Torture reported that numerous prisoners might have died because of the conditions at Ovadan-Depe prison and has also expressed concern at “the use of solitary confinement and the reduced regime for persons placed in solitary confinement, which has resulted in mental health problems and suicides.”\footnote{Id.}

Government decisions to reduce state support across various institutions have led to food and medication shortages in detention facilities.\footnote{2020 U.S. State Dep’t Report, supra note 150.} Former prisoners have reported that they had to rely on their families to send food, as officials frequently failed to feed them.\footnote{Report on the Penitentiary System of Turkmenistan, Rights and Freedoms of Turkmenistan Citizens, on file with author; see also Penitentiary System, Turkmen Yurt TV, available at https://turkmenyurt.tv/category/penitenchiarmaya/.} Prisoners’ relatives report that prison authorities sometimes deny family members access to prisoners and refuse family members from providing some with food, medicine, and other supplies.\footnote{Id.}

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\footnote{184 2020 U.S. State Dep’t Report, supra note 150.}

\footnote{185 Concluding Observations on the Second Periodic Report of Turkmenistan, supra footnote 148. pg. 6.}


\footnote{187 Id.}

\footnote{188 2020 U.S. State Dep’t Report, supra note 150.}

\footnote{189 Report on the Penitentiary System of Turkmenistan, Rights and Freedoms of Turkmenistan Citizens, on file with author; see also Penitentiary System, Turkmen Yurt TV, available at https://turkmenyurt.tv/category/penitenchiarmaya/.}

\footnote{190 Id.}
Lesbian, gay, bisexual, transgender, and intersex (LGBTI) prisoners face heightened discrimination—former prisoners report that authorities routinely place LGBTI prisoners in life-threatening situations, such as by instigating fights in order for other prisoners to demonstrate their “honor.”\footnote{191 \textit{Id.}}

Although torture is prohibited by Article 182(1) of the Criminal Code, it remains endemic in the pre-trial detention and prison systems.\footnote{192 \textit{Id.}} Former prisoners have reported that officials beat prisoners with so much force that it lifts them off the ground.\footnote{193 \textit{Id.}} International NGOs have reported that at Ovadan-Depe prison, “[b]eatings are used to initiate prisoners, as a direct order from the President for his imprisoned rivals, for any perceived offense inside the prison, and often for no reason at all.”\footnote{194 \textit{The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan}, Prove They Are Alive Campaign (2016), available at http://provetheyarealive.org/wp-content/uploads/2014/09/FInal-O-D-Report-September-2014-compressed.pdf, pg. 16.} Officials reportedly assault prisoners with batons, plastic bottles filled with water, and dogs, which has reportedly led to loss of consciousness, damage to kidneys, and an inability to walk.\footnote{195 \textit{The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan}, supra footnote 194; \textit{Report on the Penitentiary System of Turkmenistan}, supra footnote 189; \textit{see also Penitentiary System}, supra footnote 189.} Other forms of reported torture in prisons include the use of “hunchback cells,” which are less than five feet tall; the use of “kartsers,” which are cylindrical dark solitary confinement cells; absence of air conditioning or insulation in prisons in which temperatures can reach up to 122 degrees Fahrenheit; and refusal to address insect infestations.\footnote{196 \textit{Id.}}

\footnote{191 \textit{Id.}}
\footnote{192 \textit{Id.}}
\footnote{195 \textit{The Ovadan Depe Prison: Medieval Torture in Modern Turkmenistan}, supra footnote 194; \textit{Report on the Penitentiary System of Turkmenistan}, supra footnote 189; \textit{see also Penitentiary System}, supra footnote 189.}
\footnote{196 \textit{Id.}}
v. Uzbekistan

The Republic of Uzbekistan lies at the center of the Silk Road, and borders Afghanistan, Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan. It is the most populous country in the region with 33 million citizens—nearly twice as many as Kazakhstan.

President Islam Karimov ruled Uzbekistan from the fall of the Soviet Union in 1991 until his death in September 2016. His reign was distinguished by brutal human rights abuses, the most notable of which was the Andijan massacre in 2005. A Human Rights Watch report at that time declared “Uzbekistan’s human rights record remained abysmal across a wide spectrum of violations.”197 Shavkat Mirziyoyev assumed the presidency after Karimov’s death, and made successive declarations about reform in many sectors. Most remarkably, in Mirziyoyev’s first few years in leadership, more than 50 political prisoners were released, 16,000 people were removed from the religious/extremist blacklist, and some international human rights organizations and foreign media were invited back to the country.198

Agriculture is the backbone of Uzbekistan’s economy. It accounts for 25 percent of its GDP and employs 27 percent of its labor force.199 Cotton is the country’s principal crop, and its harvest is of particular concern to human rights observers. For years, the government forcibly mobilized millions of citizens to grow and harvest cotton, including children as young as eleven years old. The government had imposed penalties such as criminal charges, fines, loss of pensions, and expulsion from employment to compel citizens to do this work.200 Tashkent has made significant progress in ending forced labor; an International Labor Organization analysis found that in 2020, child labor had been eradicated, and that 96 percent of those participating in the harvest did so voluntarily.201 Aside from agriculture, international remittances constitute a considerable portion of Uzbekistan’s economy. Although impacted by COVID-19, money sent from migrants abroad accounted for $7 billion, or 12 percent, of the country’s GDP in 2020.202

Mirziyoyev has implemented some reforms, and many agree that the climate of repression has somewhat lifted, but considerable efforts are needed to address systematic deficiencies and uphold the rights of citizens. Freedom House still ranks Uzbekistan as “Not Free” citing a lack of genuine opposition parties, a media environment tightly restricted by the state, an authoritarian executive that controls all branches of government, and lack of accountability for torture and ill-

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treatment, which remain common.203 Areas of immediate concern in which Tashkent can make tangible reform include revising the Criminal Code, rehabilitating former political prisoners, and lifting restrictions on civil society.

Reforming the Criminal Code

Uzbekistan should amend the Criminal Code to decriminalize defamation, specify proscribed activities and narrow the definition of extremism in compliance with international law, decriminalize homosexuality, and end the arbitrary extension of prison sentences.

Since 2016, Mirziyoyev has issued dozens of decrees to reform Uzbekistan’s criminal laws. While the parliament so far has selectively amended provisions of the 1994 Criminal Code, it has recently presented a new Draft Criminal Code for public comment in February 2021. The draft remains under parliamentary consideration.204 While many international observers consider the draft code better than the prior code, some problematic provisions remain unchanged in the realms of freedom of expression, extremism-related provisions, arbitrary extension of prison sentences, and criminalization of homosexuality.

Freedom of expression:205 Mirziyoyev committed to decriminalizing defamation in December 2019. In the 2021 Draft Criminal Code, however, defamation remains a criminal offense. Article 171 merely substitutes the word “slander” for “defamation,” and substantially increases fines—including some up to two hundred times the initial amount. This is particularly troubling as authorities continue to harass bloggers such as Miraziz Bazarov, who faces libel charges for publishing a report on a school that conducted homosexuality tests.206

Extremism-related provisions:207 Politically-motivated prosecutions of human rights activists are often initiated under vague and overly-broad criminal code provisions relating to extremism. For example, in August 2020, journalist Bobomurod Abdullaev was unlawfully extradited from Kyrgyzstan to Uzbekistan for allegedly violating the anti-extremism laws by posting criticism of Mirziyoyev on social media.208 These provisions remain unchanged in the Draft Criminal Code.
Arbitrary extension of prison sentences: Under Karimov’s regime, it was common practice to extend prison terms mere weeks before a prisoner’s sentence was set to expire. For instance, at the end of his nine-year prison sentence, human rights activist Azamjon Formonov was sentenced to an additional five years in prison for allegedly violating prison rules. Uzbekistan has stated this practice has ended, but there is reason to believe it still persists. The revised code provision permits extensions only to those who engage in terrorism or criminal gang activity. Because Tashkent often uses anti-terrorism laws against government critics, the new version can still be abused.

Criminalization of homosexuality: Article 120 of the Criminal Code criminalizes homosexuality in Uzbekistan, and authorities have convicted at least 44 individuals since 2016 under this provision, according to the Ministry of Interior. It poses an ever-present threat to gay and bisexual men in their daily lives and contributes to homophobic and transphobic violence. A young man who had been imprisoned under Article 120 and recently released reported that he was regularly subjected to violence by other detainees while the guards looked the other way. Homophobic mobs frequently target LGBTI individuals and those perceived to be gay and subject them to physical abuse and extortion. Moreover, groups defending the human rights of LGBTI persons are unable to operate safely in Uzbekistan. Uzbekistani authorities have maintained that homosexuality is contrary to Islam, conflicts with the country’s traditional values and cultural norms, and asserts that the public is not ready to repeal this article. However, some Muslim-majority countries that border Uzbekistan have legalized homosexuality, including Kazakhstan, Kyrgyzstan, and Tajikistan.

Rehabilitation of Former Political Prisoners

Uzbekistan should establish an independent Reparations Committee to evaluate cases of former political prisoners and determine their individual reparation and rehabilitation needs.

One of the most heralded changes in Uzbekistan since Mirziyoyev assumed power has been the release of more than 50 political prisoners from wrongful detention. These individuals represent only a small percentage of the estimated thousands of those wrongfully imprisoned in the country, but these releases may signal that Mirziyoyev is serious about making a clear break

209 Draft Criminal Code, supra footnote 204. Article 287 allows for prison sentences to be extending for violating prison rules.
215 Id.
216 Charting Progress in Mirziyoyev’s Uzbekistan, supra footnote 198.
from the Karimov era. These releases can be commended, but Tashkent must help those released meaningfully regain their lives through full rehabilitation and restoration.

In December 2005, the UN adopted a framework for reparations to victims of gross violations of human rights, including restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition. Uzbekistan itself has a mechanism for reparations in its domestic law. Article 83 of the Criminal Procedure Code allows individuals to be rehabilitated in the absence of valid law, insufficient legal elements of a crime, or if the individual did not commit a crime. Article 302 further provides that individuals falling into one of these categories are entitled to full compensation, “elimination of the consequences of moral damage” caused by the wrongful detention, and restoration of employment, pension and housing.

While Uzbekistan has rehabilitated numerous Soviet-era victims of human rights violations, more recently released former political prisoners have been unable to obtain reparations from the government. Samandar Kukanov, who served over 23 years in prison for his political activities, was released from prison in November 2016. He attempted to file an appeal in September 2018 against his conviction, but authorities informed him that all materials related to his criminal case had been destroyed as part of standard operating procedure. Andrei Kubatin, an academic imprisoned on treason charges in 2017, was released after authorities reversed his conviction in September 2019. He was entitled to rehabilitation and had his rights reinstated under Article 83. However, he tragically died of COVID-19 in 2020, and the government has refused to award his family adequate compensation, as they are not the injured party.

Chuyan Mamatkulov is the only living former political prisoner to successfully attain reparations. He was arrested in 2012 and sentenced to 10 years in prison on various crimes, including the violation of constitutional order and preparation of extremist materials. He was released in 2018, and later that year the Supreme Court granted him a re-trial, during which the court acquitted him of some charges. He won a subsequent civil case in October 2020 and was awarded damages, but he continues to pursue acquittal of the remaining charges.

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219 Id., Article 302.
223 Id., pg. 47.
Karimov’s regime heavily regulated and targeted independent NGOs and human rights defenders. A mandated re-registration of NGOs in 2005 and re-inspections by the Ministry of Justice in 2013 forced many NGOs to close. Mirziyoyev has introduced reforms in this realm, but NGOs that work on issues deemed sensitive by the government, such as human rights or forced labor, still face challenges. The Uzbekistani government claims that 10,500 NGOs operate in the country, but an analysis by a local organization has determined that at least 66 percent of these are government-organized organizations, and a government decree created half of them.

The Law on Non-Governmental Non-Profit Organizations, the Law on Public Associations, and Resolution 57 of the Cabinet of Ministers guide the registration process for NGOs. Registration is mandatory for all NGOs, and unregistered groups are illegal. By law, the government must decide whether to register or reject applications within one month of receipt. In practice, registration takes between seven and ten months. NGOs have reported that on average they receive at least four rejections before a gaining approval. In some instances, the registration authority justifies the rejection by citing errors in the application from previous rejection notices, which include small errors in spelling or grammar. Golden Wing, an NGO intending to work on youth issues, was rejected eighteen times for alleged minor infractions, such as ambiguities in their charter. Independent observers suggested the repeated rejections stemmed from favoritism for a government-aligned NGO called The Union of Youth of Uzbekistan. A group can appeal registration rejections in court. However, there is widespread skepticism of the judicial system, so many groups skip such proceedings. Moreover, if an application has not been processed, NGOs have no legal recourse.

Authorities have used the registration process to intimidate human rights activists. For example, former political prisoner Agzam Turgunov has attempted to register his organization Human Rights House since February 2019 and authorities have rejected the application eight times. Shortly after one rejection, State Security officials visited all eleven founding members, ostensibly to verify their identities, even though the registration documents included the pertinent information.

Uzbekistan should amend NGO laws to bring them into compliance with international standards and ensure the process is transparent and open to input from independent civil society.

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226 Why is it difficult to open an NGO in Uzbekistan?, supra footnote 8.
228 Id.
Once registered, NGOs are required to inform authorities about planned events 10 days in advance (20 days if international organizations are involved). NGOs also must disclose receipt of foreign funding to the Ministry of Justice.²²⁹

In March 2021, Mirziyoyev issued a decree approving a plan to improve the legal framework for civil society.²³⁰ It remains unclear when or how his administration will implement this plan.

²²⁹ Why is it difficult to open an NGO in Uzbekistan?, supra footnote 8.
²³⁰ Civic Freedom Monitor: Uzbekistan, supra footnote 224
V. International Relations

Various world powers have attempted to assert political and economic dominance in Eurasia for centuries. In the nineteenth and early twentieth centuries, the British and Russian empires faced off in the “Great Game” to gain influence in the region. After eras of vast colonial influence in the region, the former Soviet Republics realigned their priorities upon independence. Major powers once again prioritize relations with Eurasian States due to their plentiful energy reserves and perceived security threats stemming from the region. This section examines the most crucial international relationships between the region and Russia, China, Turkey, the European Union, and the United States, and how these might impact efforts to improve human rights in the region.

i. Russia

Russia’s size, economy, and military might give it broad latitude in its relations with Central Asian countries and Azerbaijan. Some countries fear Russian domination and have sought distance from what they perceive as a former colonial power. Nonetheless, the attraction to Russia is generally stronger than the repulsion. The nations are linked by economic ties, people, commerce, and culture.

As Russia’s relations with the West have steadily worsened, Moscow has pivoted away from efforts to integrate with the West and has instead strengthened bilateral and multilateral economic cooperation with Central Asia, the Caucasus, China, and other countries in Asia. The Kremlin accelerated and prioritized this strategy after Ukraine pursued closer ties to the European Union in 2013, and Russia intervened militarily in Ukraine soon thereafter. Russia-dominated multilateral organizations, such as the Eurasian Economic Union (EAEU) and the Collective Security Treaty Organization (CSTO), have given it some sway in setting the tone and terms of regional cooperation. Azerbaijan, Kazakhstan, and Turkmenistan, counties more skeptical of Russian power, have generally not embraced the Kremlin’s attempts to establish enhanced cooperation beyond the economic sphere.

The Kremlin has also played a decisive role in regional security, including most recently when it brokered the cessation of fighting between Azerbaijani and Armenian forces over Nagorno-Karabakh. However, Russia’s involvement in security matters, such as its ongoing

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intervention in Ukraine, often raises alarm across the region, even among its close allies. Despite these concerns, the Kremlin has consistently supported the authoritarian leaders and their repressive policies in Eurasia.

Moscow backs multilateral organizations in the political and security spheres, such as the Shanghai Cooperation Organization (SCO) and the CSTO, to bolster its regional security strategies. The organizations also serve as tools in Russia’s efforts to undermine institutions that advocate for human rights and democracy, such as the UN and OSCE. Under this campaign, Moscow advances its “worst practices,” such as broad “anti-extremism” policies aimed at suppressing political opposition movements and minority religious communities, at the same time eroding the human rights standards to which it has formally committed to advancing that are upheld by the OSCE and UN.

**Economic Relations**

Russia’s economic relations with the region center on energy, labor migration, and transport ties, as well as efforts to coordinate the region’s external relations with China, Europe, and the United States. However, despite Russia’s historic and deep ties with Central Asian States and Azerbaijan, Beijing has replaced Moscow as the region’s biggest investor. Russia’s share of trade with Central Asia was around 80 percent in the 1990s, but is now between four and 34 percent.

238 According to 2019 data, the percentage of exports to Russia and imports from Russia ranges from approximately 4% to 34%. See *Russia, Observatory of Economic Complexity*, available at https://oec.world/en/profile/country/rus.
Eurasian Economic Union

Established in 2015, the EAEU is now Russia’s most important economic and political tool in the region. Russia dominates the Union and pressures other countries to join or align with the bloc. Only two Central Asian countries—Kazakhstan and Kyrgyzstan—are EAEU members. The EAEU has had some success in integrating the economies of its members. It has helped harmonize external customs tariffs and plans to call for the creation of a common energy market, among other plans.  

Ironically, the EAEU plays an important role in China’s Belt and Road Initiative (BRI) given that a significant amount of overland transportation, the “belt,” flows through EAEU countries. However, it has also been useful to Russia and other EAEU members in complementing their existing cooperation efforts and coordination on China policy. The EAEU and the BRI are complementary, but Russian elites see the EAEU and other interstate organizations as tools to contain China’s growing power. Russia perceives the BRI as a threat to its regional power.

EAEU membership brings other benefits to its members. For example, it has enabled Kazakhstan to strengthen economic ties with important markets in the West since much of that trade travels through Russia. Nur-Sultan also sees the union as a way to help manage Russia, which has repeatedly pushed to expand the EAEU’s scope, by establishing institutions and rules enabling Kazakhstan and others to join together to resist Russian pressure. Uzbekistan, currently an observer state, initiated the process to join the EAEU in late 2020, which signals that despite concerns about Russia, there remains some enduring appeal to joining the trade bloc.

Energy

Central Asia has significant oil and gas deposits, but because the region is landlocked, there are challenges in exporting oil and gas products to major markets. Russia, however, has the infrastructure to transport these products to market, mostly in Europe.

Oil and gas development in Eurasia accelerated after the 1998 worldwide recession. Governments—especially Moscow and Nur-Sultan—and companies, newly flush from booming

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240 Mapping the Belt and Road initiative: this is where we stand, Mercator Institute for China Studies (June 7, 2018), available at https://merics.org/en/tracker/mapping-belt-and-road-initiative-where-we-stand
243 Id., pg. 46.
oil prices, began making sizable investments in exploration and transport.\textsuperscript{247} Still, Kazakhstan and its neighbors relied mostly on Russian pipelines to send their hydrocarbons to market.\textsuperscript{248} This dynamic changed significantly following a 2009 Turkmenistani gas pipeline explosion, in which Russia is implicated,\textsuperscript{249} and culminated with the 2014 completion of natural gas pipelines that bring gas from Central Asia to China. As Russian purchases of Central Asian gas decreased, Chinese purchases increased.\textsuperscript{250}

Azerbaijan is in a more advantageous geographic position than Central Asia. Located between the Black and Caspian Seas, Azerbaijan has both sea and overland opportunities to export its own hydrocarbons. It has also been in negotiations to transport gas from Turkmenistan across the Caspian Sea to the West.\textsuperscript{251} European countries are eager to decrease their energy dependence on Russia, and have remained interested in developing the “Southern Gas Corridor”—a project opposed by Moscow.\textsuperscript{252}

Moscow maintains significant economic and political leverage in Central Asia, which enables it to influence Central Asian governments. In the 1990s, Russia was known for deploying “hard power resources to force former Soviet States to comply with Russian interests,” but it is now more of a “pole of attraction” due to the size of its market and opportunities for labor migrants.\textsuperscript{253} Labor migrants from the poorest Central Asian States—mainly Tajikistan and Kyrgyzstan—are especially drawn to work in Russia, and remittances have made up around 30 percent of the countries’ GDPs since at least 2010.\textsuperscript{254} Russia’s allure, however, has waned as “[rising] xenophobia and shoddy deals with Russia are attracting many Central Asians to other destinations.”\textsuperscript{255}

Security

Moscow views its relationships with its neighbors as essential to its security, not only because of proximity, but also for less apparent reasons, such as prestige. Periodic scuffles among Central Asian States, such as the April 2021 border clashes between Tajikistan and Kyrgyzstan, and instability in Afghanistan, also heighten Moscow’s security interest in the region. Russia has a significant and growing capacity to project military power in Central Asia and the Caucasus, as it has recently bolstered its presence in Tajikistan, Kyrgyzstan, Azerbaijan, and

\textsuperscript{251} Azerbaijan and Turkmenistan agreement advances Caspian gas cooperation, EurasiaNet (Jan. 22, 2021), available at https://eurasiанет.org/azerbaijan-and-turkmenistan-agreement-advances-caspian-gas-cooperation
\textsuperscript{252} Bad News For Russia, As Gas From Azerbaijan Now Flows To Western Europe, supra footnote 20.
\textsuperscript{255} Russia Loses Credibility as Central Asian Migrant Destination, Caspian Policy Center (July 9, 2021), available at https://www.caspianpolicy.org/russia-loses-credibility-as-central-asian-migrant-destination/
Moscow sent “peacekeeping” and other forces to Azerbaijan and Armenia following the 2020 Nagorno-Karabakh war. The conflict ended following the Kremlin’s diplomatic intervention. The warring parties viewed Russia as the only indispensable powerbroker, which helped secure Moscow’s role in the negotiations. In addition to ending the war, the Moscow-brokered armistice helped bolster Russia’s role as a security guarantor of the two countries.

In addition to ending the war, the Moscow-brokered armistice helped bolster Russia’s role as a security guarantor of the two countries.

Russia and the host countries in Central Asia—especially weaker States like Tajikistan—generally welcome Russia’s role as a security guarantor, especially through military basing agreements and deployments.

Afghanistan looms large in official justifications for Russia’s forces abroad, especially in Tajikistan, which shares an 843 mile border with Afghanistan, and Uzbekistan, where militant groups active across the region pose major threats to Russia. A 2019 attack on a Tajikistani border post by the Islamic State, along with summer 2021 incidents of Afghanistani soldiers crossing the border to flee Taliban advances, have further heightened Moscow’s concerns about Afghanistan’s impact on regional security. The U.S. withdrawal from Afghanistan in 2021 has only increased these concerns about border security and regional stability (see United States chapter for more on this). Russian-Uzbekistani relations, especially in the security sphere, improved following the death of Uzbekistan’s long-time leader, opening new opportunities for cooperation. Russia and Uzbekistan have also grown closer over shared concerns about threats from Afghanistan. However, the shift demonstrates how Moscow continues to leverage arms sales and reliance on Soviet and Russian weapons to maintain influence. In a short time, Uzbekistan went from spurning Russia-backed multilateral security organizations to purchasing significant weapons and training its officers in Russian schools.

Finally, Beijing’s increased presence in the region has presented growing challenges to Russia’s efforts on nearly every front in the region. Though Beijing is frequently commended for delicately managing affairs to avoid offending Moscow, its more recent moves into security cooperation with Central Asian States may force a shift. While Russia may have come to terms with the fact that it cannot compete with Chinese economic largess, the fact that China for the first time placed security forces in Central Asia in 2017 likely raised alarm in Moscow, adding a new dimension to the power competition in the region.

257 Armenia, Azerbaijan and Russia sign Nagorno-Karabakh peace deal, supra footnote 235.
258 How is Russia Responding to China’s Creeping Security Presence in Tajikistan?, supra footnote 237, pg. 7
259 Id.
264 In one typical example, Chinese diplomats “have taken exquisite care to reassure Moscow of their peaceful and benevolent intentions,” concluding that, as a result of this, the China-Russia “alliance is therefore unlikely to disintegrate anytime soon.” See China’s Military Base in Tajikistan: What Does it Mean?, The Central Asia-Caucasus Analyst (April 18, 2019), available at https://www.cacianalyst.org/publications/analytical-articles/item/13569-chinas-military-base-in-tajikistan-what-does-it-mean?.html.
265 Id.
Political Relations

Russia’s role as a security guarantor, and to a lesser degree, economic player, across Eurasia, provide it a natural role in national and regional politics, though not always a clear one. Azerbaijan, Kazakhstan, Uzbekistan, and Turkmenistan, have expressed skepticism toward Moscow since their independence, and have been less willing to rely upon or cede power to their large neighbor. Kazakhstan, which has a large ethnic Russian population and long border with Russia, has long-held concerns about Russia’s intentions in the region, especially in border regions. Meanwhile, Uzbekistan—which for a long time refused to join Russia’s regional projects and had an antagonistic relationship with Russia—moved closer to Russia in 2020 when it received observer status with the EAEU.

Turkmenistan, which has a neutral foreign policy, has recently reduced its dependence on Russia. Rather than relying exclusively on exporting gas to Russia to support its economy, Turkmenistan now exports its gas mostly to China. Nonetheless, Turkmenistan still needs a strong relationship with Russia to diversify its hydrocarbon exports in the short and medium-term. As a possible concession, it began more actively participating in Russia-led regional multilateral organizations, and has taken other Russia-supported steps on the domestic level, such as addressing concerns among the country’s ethnic Russian minority.

Russia has a relatively strong relationship with Tajikistan and Kyrgyzstan, the poorer and more chaotically-governed countries in the region. Russia draws significant labor migration from them, which gives Moscow a major role in the two countries’ economic wellbeing. Kyrgyzstan is the most politically-open country in the region, and has sometimes strayed from policies favored by Moscow. Nonetheless, Moscow continues to be Kyrgyzstan’s most important patron, even after the 2010 ousting of President Kurmanbek Bakiev.

Finally, Azerbaijan also maintains a complex relationship with Russia. Following its independence, Azerbaijan rejected membership in the Commonwealth of Independent States (CIS). Instead, it sought ties with Turkey—with which it has a strong linguistic and cultural connection—and with the West. However, Azerbaijan has also maintained ties with Russia, partly due to the connections between the countries’ leading classes. As western governments have insisted more emphatically that Azerbaijan implement democratic reforms, the country’s leaders have increasingly turned towards Russia, and began deploying anti-western rhetoric.

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266 Annexation of Crimea has magnified divisions inside Kazakhstan, supra footnote 234.
269 Id.
while cracking down on civil society organizations, journalists, and others they labeled as “agents of the West.”

Russia’s governance model—in particular its strict control, lack of tolerance for political opposition, and rejection of international human rights and democracy standards—appeals to leaders across Eurasia. Russia’s subsequent efforts to redefine the terms of international cooperation to order sovereignty as the highest value has had some success. For example, Moscow has championed regional intergovernmental organizations that directly challenge UN and the OSCE security and human rights standards. Following the toppling of unpopular authoritarian leaders in so-called color revolutions across Eurasia, Russian, Azerbaijani, and Central Asian governments embraced a narrative that equated the promotion of human rights and democracy with regime change and instability. Organizations such as the CSTO, the SCO, the CIS, and the EAEU have provided a veneer of legitimacy for efforts to reject international human rights discourse and entrench authoritarians under the guise of countering terrorism and extremism. In addition to creating a somewhat plausible legal basis for the backlash against international human rights norms, the institutions have facilitated cooperation and information sharing among the authoritarian governments of Russia, Central Asia, and China. The regimes can more easily persecute political opposition activists located abroad with little oversight or protections. Soon after they emerged in Russia, “foreign agents” laws targeting civil society, rhetoric vilifying the National Endowment for Democracy, and laws in support of “traditional values” gained traction across the region.

Moscow is able to advance such ideas and to tarnish stakeholders it views as hostile to Russian interests through a variety of soft power channels. Many across Eurasia understand Russian, have family or other personal ties to Russia, and consume Russian media, including government-owned and operated channels such as RT and Sputnik that explicitly target foreign audiences. The Russian government’s sizable investment in these outlets, including the recruitment of top local talent, helps Moscow influence consumers and increase skepticism toward adversaries. For example, as Russia’s reputation was falling around the world following its intervention in Ukraine, approval remained steady in Central Asia, where Russia-sponsored media effectively bolstered the country’s reputation and soured their audience’s attitudes toward the West.

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273 Id., pg. 10.
ii. China

China’s emergence as an economic, military, and political power has dramatically shifted the orientation of Eurasia. Since the dissolution of the Soviet Union, Russia had been the region’s essential partner and patron. But since the early 2000s, China has recognized its geostrategic importance and has overtaken Russia in several spheres—especially economic. China shares over 2,000 miles of border with Kazakhstan, Kyrgyzstan, and Tajikistan, and their relations span trade, culture, security, and politics. Turkmenistan and Uzbekistan do not border China, but Beijing’s considerable appetite for their oil and gas resources drives their relationship. Meanwhile, the China-Azerbaijani relationship is growing, especially since the launch of new transport routes through Azerbaijan for Chinese goods.

While China has supplanted Russia in key spheres, Russia continues to be a major player. But Beijing and Moscow have recognized that cooperation and coordination can help achieve their mutual and separate objectives.

Economics

![Trade with China](https://wits.worldbank.org/CountryProfile/en/Country/CHN/Year/2019/TradeFlow/EXPIMP/Partner/by-country)

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Belt and Road Initiative

Most prominent in China’s foreign economic and political policy is the BRI, China’s multisectoral initiative to strengthen economic connectivity with countries across the world by investing in trade and transport infrastructure. Kazakhstan, Kyrgyzstan, and Tajikistan make up a considerable share of China’s western border and are instrumental in the BRI overland routes. The BRI has a considerable global footprint—it development projects span broad swaths of Africa, Eurasia, Asia and Oceana, and increasingly Latin America. In Central Asia, Chinese BRI-associated investment covers sectors beyond international transportation, including oil and gas, nuclear fuel, industrial production, mining, and public transport.\(^{281}\) In Azerbaijan, the BRI-associated Trans-Caspian East-West Transport Corridor is a new rail corridor launched in 2017 to transport cargo between Europe and China by avoiding Russia.\(^{282}\) It stands to gain steam after Azerbaijan’s victory over Armenia in the late 2020 war opened another new rail route to Turkey.\(^{283}\)

While BRI-related investments have contributed to infrastructure improvements in many countries, Eurasian governments’ deepening ties with China have perpetuated top-down, non-transparent economic development and authoritarian governance. Autocrats and other parties not accountable to local stakeholders are attracted to working with Beijing—BRI financing lacks transparency and conditions traditionally associated with development bank operations, such as gender equality and human rights benchmarks.\(^{284}\) As Beijing’s trade and development policy in Eurasia has satisfied its demand for certain commodities, its lack of conditions has eased its way. While Beijing receives valuable resources and influence over Eurasian governments and economies, autocrats in the region can show off marquee projects they secured with Chinese financing.

Of great concern, the BRI has contributed to increasing the debt burden of less-developed nations and their dependence on China, in what some criticize as “debt-trap diplomacy.”\(^{285}\) Partly due to this imbalance, Central Asian countries are among the most indebted to China.

| Major Chinese Investment Since 2005 |
|-------------------------------|------------------|
| Kazakhstan                    | $34.12 billion   |
| Uzbekistan                    | $6.21 billion    |
| Turkmenistan                  | $6.8 billion     |
| Tajikistan                    | $2.32 billion    |
| Azerbaijan                    | $2.19 billion    |
| Entire World                  | $2,095.49 billion|

Source: https://www.aei.org/china-global-investment-tracker

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\(^{283}\) Nakhchivian rail plans promise to rewire Caucasus connections, EurasiaNet (March 31, 2021) available at https://eurasiagnet.org/nakhchivian-rail-plans-promise-to-rewire-caucasus-connections


Tajikistan’s external debt to China, for example, amounts to $1.1 billion or approximately 40% of all its foreign debt.²⁸⁶

Beijing initiated the Asian Infrastructure Investment Bank (AIIB) in 2014 as an alternative to U.S.-dominated development funders such as the World Bank and the Asian Development Bank, and AIIB now funds BRI projects. Eurasian States are among the AIIB’s biggest beneficiaries. Two of the bank’s eight funded projects in its first year going towards Azerbaijan and Tajikistan.²⁸⁷ The AIIB gives Beijing special privileges²⁸⁸ and enables it to funnel jobs, profits, and business to Chinese companies, which bolsters China’s domestic and foreign policies.

²⁸⁷ Our Projects, Asian Infrastructure Investment Bank, available at https://www.aiib.org/en/projects/list/year/2016/member/All/sector/All/financing_type/All/status/Approved.
Energy

One of China’s largest priorities in Central Asia is to facilitate its import of oil and gas from Eurasia. Turkmenistan, which holds nearly 10 percent of the world’s proven natural gas reserves, and Kazakhstan, which ranks twelfth in the world for oil reserves, offer plentiful and accessible supplies just west of China. The Central Asia-China gas pipeline, inaugurated in 2009 and financed by Chinese banks, is capable of transporting 55 billion cubic meters of gas per year to China. Beijing buys at least 82 percent of Turkmenistan’s overall exports, and has almost completely replaced Russia as the destination for Turkmenistan’s gas exports. Turkmenistan supplies 25 percent of China’s gas imports. Other Central Asian States also provide gas to China via pipeline, mainly Kazakhstan and Uzbekistan, supplying five percent and four percent of China’s natural gas imports, respectively. The Russia-China Power of Siberia pipeline launched in late 2019, and has created new competition for Turkmen gas in China.

Transport routes across the Caspian Sea could significantly impact the sale of oil and gas to China and Europe. Turkmenistan has long sought these routes to diversify its export options. In January 2021, Azerbaijan and Turkmenistan ended a long-running dispute over gas fields along their maritime border in the Caspian and decided to jointly develop the area now known as Dostluk.

Authoritarian Technology

Beijing is a world leader in developing and deploying high-tech surveillance and tracking technologies for managing and tracking its own people. China has employed these technologies most intensely in its westernmost Xinjiang province to target members of the Uyghur and other ethnic groups where “facial recognition technology and other advanced tools are being used to

293 Country Analysis Executive Summary: China, U.S. Energy Information Administration (Sep. 30, 2020), available at https://www.eia.gov/international/content/analysis/countries_long/China/china.pdf, pg. 10
294 Id.
296 Azerbaijan and Turkmenistan agreement advances Caspian gas cooperation, supra footnote 251.
monitor the local population and thwart any actions deemed to harm ‘public order’ or ‘national security.’”

In 2017, President Xi Jinping announced plans to transform China into a “cyber superpower,” and to use its knowledge and technology to support countries’ efforts to “speed up their development while preserving their independence.” While high-tech repression of ethnic minority communities does not always sit well with Central Asians, the Chinese technology is appealing to the region’s autocratic leaders eager to track and stifle dissent. Under initiatives over the past decade like the Safe Cities program, governments in Kazakhstan, Kyrgyzstan, Tajikistan, and Uzbekistan have installed artificial intelligence-powered cameras to monitor public spaces and manage traffic, incorporated Chinese-managed telecommunications infrastructure, and embraced other technology with the capacity to track and manage citizens.

Central Asia’s adoption of Chinese digital tools yields considerable benefit to China. On the geostrategic level, it amounts to a buy-in to Chinese norms for managing society through expansive surveillance. Additionally, the data from surveillance in Central Asia “both aids in developing new technology and allows greater monitoring of the cross-border movement that Beijing sees as a key threat to security in Xinjiang.”

Security

Beijing has constructed its security policy toward Central Asia around two primary concerns: the perceived threat to stability posed by ethnic minority communities living in Xinjiang and its Central Asia neighbors, and the spillover of instability from Afghanistan. In both cases, control over borders and the movement of people across them tops the agenda. Regarding Xinjiang—the Chinese region along the border with Central Asia—Beijing is concerned that people in Central Asia will provide support to minority communities or join their cause. Since the 2000s, China has embarked on a brutal campaign to control residents of Xinjiang, because the Chinese government views ethnic Uyghur, Kazakh, Kyrgyz, and other minority communities as opponents of its policies. Beijing also perceives external security challenges posed by its ethnic-minority residents—who share cultural, religious, and familial ties with people in Central Asia—and has sought to extend its anti-minority campaign beyond its borders. In Kazakhstan, for example, authorities initiated a crackdown on civic activists who support Uyghur rights, presumably to bolster relationships with China.

Beijing also fears potential instability that may flow from Afghanistan. As the U.S. withdraws forces from Afghanistan and the Taliban has gained control, Beijing worries about whether

299 Id.
Turkmenistan, Uzbekistan, and especially Tajikistan have the capacity to protect their borders with Afghanistan and prevent extremists and refugees from crossing. These concerns were heightened in summer 2021 when Afghanistani soldiers began crossing the border into Tajikistan and Uzbekistan, fleeing advancing Taliban forces.  

In order to address these concerns, Beijing has pursued a variety of bilateral and multilateral initiatives. First and foremost is the SCO, the China-backed multilateral regional security organization with members in and around Central Asia and China. The SCO brings China and its other members together through joint military exercises, educational and professional exchanges, and information exchanges, many of which inculcate Central Asian participants into Chinese approaches and policies toward security and other challenges.

Two more forums aim to strengthen security coordination between China and Central Asia. First, the Quadrilateral Cooperation and Coordination Mechanism (QCCM), established in 2017, aims to institutionalize military cooperation between China, Afghanistan, Tajikistan, and Pakistan; address regional security threats emanating from Afghanistan; and initiate strategies to combat extremism. It is unclear if this forum will continue following the collapse of the Afghanistani government in August 2021. Second, China’s 5+1 group is a newly-established forum that unites China and the five Central Asian governments. It mirrors similar 5+1 groupings initiated by the United States, Russia, and others. There are sparse reports on the group’s meetings, and their contribution to policy coordination is unclear. Through these mechanisms Beijing is accomplishing a primary goal of multilateral coordination with Central Asia without Russia, the United States, or other powers.

While bilateral security cooperation between Beijing and Central Asia has strengthened, Moscow continues to be the main security guarantor with the largest military presence in the region. Out of concern for aggravating Moscow, Beijing has advanced cautiously. Nonetheless, Beijing has increased its security engagement over the past decade through joint drills, police and military training, and increased armament sales across the region. The increased involvement is most apparent in Tajikistan, where China has bolstered its security engagement “in order to maintain domestic security in Tajikistan and to prevent instability from spilling over from Afghanistan into Tajikistan and then into Xinjiang.” In addition to boosting Tajikistan’s security capabilities and conducting joint operations with Tajik forces since 2016, Beijing quietly

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306 Id., pg. 14.
308 Kennan Cable No. 52: In Russia’s Shadow: China’s Rising Security Presence in Central Asia, supra footnote 256.
309 Securing the Belt and Road Initiative, supra footnote 305, pg. 72.
established a small military base in Tajikistan on the border with Afghanistan the same year.\footnote{In Central Asia’s forbidding highlands, a quiet newcomer: Chinese troops, The Washington Post (Feb. 18, 2019), available at https://www.washingtonpost.com/world/asia_pacific/in-central-asias-forbidding-highlands-a-quiet-newcomer-chinese-troops/2019/02/18/78d4a8d0-1e62-11e9-a759-2b8541b6b20_story.html} The base “overlooks a crucial entry point from China into Central Asia”\footnote{China’s Military Base in Tajikistan: What Does it Mean?, supra footnote 264.} and appears aimed at “[ensuring] that terrorists are prevented from traveling to regions near the PRC border.”\footnote{Securing the Belt and Road Initiative, supra footnote 305, pg. 85.}

**Political Relations**

Given Beijing’s economic and security objectives in Eurasia, the region’s proximity to China, and its role in Beijing’s global ambitions, friendly political relationships are important to maintain. Beijing’s geopolitical priorities also include promoting non-intervention in a country’s domestic affairs. Beijing generally engages with few strings attached, and expresses no qualms about working with corrupt and authoritarian institutions and leaders, which makes it a desirable partner to Eurasian governments. While Chinese soft power is weaker than Russia’s across the region, its unique authoritarian governance model—which some believe is a key ingredient of its dramatic economic rise—also holds great appeal to the developing nations of Eurasia.

The authoritarian governance style shared by China and Central Asian States has contributed to a mutual attraction among them. According to a report by the International Crisis Group, “China sees a certain affinity between Central Asia’s authoritarian regimes and its own, and … defends them with similar rhetoric.”\footnote{China’s Central Asia Problem, International Crisis Group (Feb. 27, 2013), available at https://www.crisisgroup.org/europe-central-asia/central-asia/china-s-central-asia-problem, pg. 7.} In this view, China’s anti-Western rhetoric defends not only its own interests but also those of its friends. While such rhetoric may provide some cover for its allies, China’s position as a global power makes it a valuable political ally for Eurasian governments. For this reason, “Azerbaijan attaches great importance to the development of bilateral political relations with the People’s Republic of China, a permanent member of the UN Security Council and the world’s second largest economy,”\footnote{Azerbaijan-China relations, supra footnote 282.} according to an analysis by an Azerbaijani think tank.

The creation of the SCO in 2001 marked Beijing’s first major foray into regional diplomacy. Its goals included combating the “three evils:” terrorism, separatism, and extremism.\footnote{The League of Authoritarian Gentlemen, Foreign Policy (Jan. 30, 2013), available at https://foreignpolicy.com/2013/01/30/the-league-of-authoritarian-gentlemen/} Due to their vague definitions, SCO members can easily interpret these “evils” to match perceived threats to their regimes’ stability. In most cases, perceived threats include the political and civil liberties necessary for political pluralism to thrive, the realization of minority communities’ rights, and the formation of democratic institutions. By creating an organization around these goals, Beijing has been able to diffuse illiberal ideas and norms among the SCO’s members.\footnote{The “Moscow Consensus”: Constructing autocracy in post-Soviet Eurasia, openDemocracy (May 25, 2016), available at https://www.opendemocracy.net/en/odr/moscow-consensus-constructing-autocracy-in-post-soviet-eurasia.} The SCO has also established mechanisms for implementing shared authoritarian norms by, for example, persecuting political opposition movement members across the region. Authorities have facilitated the return of Uyghur activists to China from Central Asia, and of opponents of Central
Asian regimes, labeled as “extremists,” to their native countries.317 As a result, the SCO makes it possible to ignore or undermine international rights principles, which generally prohibit returning people to countries where they are likely to be tortured, under the guise of international cooperation and law.

Beijing’s massive investments and its focus on regime stability have contributed to positive relations with its counterparts in Central Asia and Azerbaijan. But tensions remain, particularly regarding concern among Central Asian populations about Chinese influence. Elites generally receive Beijing well, as they stand to benefit the most, but “domestic opinion, particularly in China’s immediate neighbors [Tajikistan and Kazakhstan], remains skeptical of it and largely resistant to its soft power.”318

317 The League of Authoritarian Gentlemen, supra footnote 315.
iii. Turkey

Following the collapse of the Soviet Union, Turkey sought to fill the power vacuum in Eurasia and establish itself as the major regional power. With Western backing, Turkey encouraged the former Soviet Republics in Central Asia to adopt the “Turkish model”—a secular, modern, democratic state with a majority Muslim populace. Both Washington and Ankara viewed the “Turkish model” as a hedge against Iranian and Saudi influence in the region as Russia’s influence receded. This approach largely failed. Nevertheless, Turkey remains deeply involved in economic development and security in the region, including by facilitating trade and energy exports and most recently, by providing substantial support to Azerbaijan in the 2020 Nagorno-Karabakh war.

Turkey has leveraged its shared Turkic identity with Azerbaijan and other Central Asian States to enhance ties across the region. It has established cultural exchanges and universities throughout the region, launched Turkish satellite television, and offered visa-free travel from most Eurasian States, which has made it a popular travel destination.

Among Ankara’s most important foreign policy tools is the Cooperation Council of Turkic-Speaking States, or Turkic Council. The Council’s main objective is to promote “comprehensive cooperation among Turkic-speaking States,” including through trade, transportation, education, and tourism between its member States of Azerbaijan, Kazakhstan, Kyrgyzstan, Turkey, and Uzbekistan. In a February 2021 meeting, the Turkic Council announced plans for a Turkic Investment Fund, as well as a Turkic Chamber of Commerce and Industry (TCCI).

Turkish Foreign Policy Orientation

Turkish President Recep Tayyip Erdoğan has held power since 2003, first as prime minister, and since 2014 as president. One of his primary goals has been to establish Turkey as a distinct world power with productive relations with China, Russia, and Western countries. In order to establish self-reliance in an era of great power rivalry, Ankara is increasingly willing to employ hard power to protect its interests and bolster partnerships. For example, Turkey has entered the

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321 Id
conflicts in Syria, Libya, and Nagorno-Karabakh, and it has asserted itself in the eastern Mediterranean.

Ankara is mindful of Russian and Chinese interests in Eurasia and plays a careful balancing act to avoid jeopardizing Russia’s economic input in the hydrocarbon and tourism sectors. Moreover, Turkey cannot compete with Russia militarily, nor with China economically, and must therefore accept Beijing and Moscow’s overwhelming power. One example of Turkey’s pragmatic foreign policy is its silence regarding Beijing’s abuse of the Uyghurs and other Turkic minority groups living in China. While Erdoğan described Beijing’s treatment of the Uyghurs as genocide in 2008, his government is now considered complicit in their persecution.

**Trade**

Turkey’s economic engagement in the region is modest when compared to China and Russia. Turkey is not a top trading partner for any of the Central Asian countries, except for Turkmenistan.

While Turkey has historically depended on natural gas imports from Iran and Russia, Azerbaijan overtook Russia in 2020 as Turkey’s largest supplier. Located within proximity to 72 percent of the world’s gas supply and 73 percent of its oil reserves, Turkey is uniquely positioned as an energy bridge between suppliers in the East and consumers in the West. The recent resolution of disputes between Turkmenistan and Azerbaijan over the Dostluk gas field paved the way for greater Turkish connections to the region’s energy supply. The resolution has created the possibility of the long-sought Trans-Caspian Pipeline, which would enable natural gas to be transported directly from Central Asia to Europe and potentially increase Turkish involvement in exploring the area’s hydrocarbon.

In recent years, Turkey has been steadily building international transportation infrastructure to establish itself as a crucial bridge between Central Asia, the Caucasus, and Europe. In 2014, China completed a high-speed rail link between Ankara and Istanbul. The following year, the two countries signed an agreement on joint investment and infrastructure projects in the

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327 Why Erdogan Has Abandoned the Uyghurs, Foreign Policy (Mar. 2, 2021), available at https://foreignpolicy.com/2021/03/02/why-erdogan-has-abandoned-the-uyghurs/.


332 Azerbaijan and Turkmenistan agreement advances Caspian gas cooperation, supra footnote 251.


The Baku-Tbilisi-Kars (BTK) railway, which opened in 2017, is the keystone of Turkey’s Middle Corridor Initiative—a rail network designed to complement China’s BRI by ensuring that Chinese goods can be shipped to markets through Turkey, rather than Russia.

Another transportation breakthrough emerged following the conclusion of the 2020 Nagorno-Karabakh war. As part of the armistice, Armenia agreed to allow some territory to serve as a transit corridor between the main part of Azerbaijan and its Nakhchivan exclave, which borders Turkey. If established, the corridor would provide Turkey direct access to the Caspian Sea and Central Asia through Azerbaijan, while avoiding trade routes through Georgia, Iran, and Russia. It could also have a significant impact on regional power dynamics by finally creating real alternatives for Central Asia to trade with the world without Russia’s or China’s involvement. It may also lead Moscow and Beijing to reconsider their acceptance of Turkey’s activity in the region. Nonetheless, since Russian troops are responsible for securing the corridor under the armistice, Moscow will continue to have considerable control over this route.

Security

Turkey has supplied Azerbaijan with military equipment and support since at least 2010. Turkey is only Azerbaijan’s fourth-largest arms supplier, but its arms transfers increased six-fold just prior to the 2020 Nagorno-Karabakh war. Turkish-supplied Bayraktar-TB2 combat drones were described as instrumental in Azerbaijan’s successes during the war. There has since been growing interest in Turkish armaments in the wider region—Uzbekistan, Ukraine, and others have expressed interest or made recent purchases. In June 2021, Turkey and Azerbaijan agreed to deepen their cooperation in the Shusha Declaration, which calls for expanding political and commercial ties, including through the development of joint media and transport routes. Most of the agreement aims to deepen military commitments by helping modernize Azerbaijan’s military and through a mutual defense pact.

Moscow has concerns about enhanced cooperation between Turkey, Uzbekistan, and Kazakhstan, and in particular, bilateral military agreements and defense cooperation pacts between the countries. Kazakhstan is a member of the Russian-led CSTO, but its enhanced

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339 Has Turkey Outfoxed China in Azerbaijan to become a rising Eurasian power?, supra footnote 335.
344 Turkish, Uzbek defense ministers sign military agreement, underline further defense cooperation, Daily Sabah, (Oct. 27, 2020), available at https://www.dailysabah.com/politics/diplomacy/turkish-uzbek-defense-ministers-sign-military-agreement-underline-further-
security cooperation with Turkey strengthens its partnership with a founding member of NATO, a competing military bloc. The security agreement inked in October 2020 by Turkey and Uzbekistan raises similar questions.

Political Relations

Turkey offers Central Asian States opportunities to diversify their economic and political ties and to break their geographically-imposed dependence on Russia and China. However, Central Asian countries do not effectively leverage their partnerships with Turkey to negotiate with the major powers. These unrealized opportunities may be due to regional squabbles and the tendency to negotiate with foreign countries bilaterally rather than collectively as a region. Intra-Turkic cooperation with Turkey’s support offers Central Asian nations opportunities to balance against China and Russia.

Turkey also finds itself increasingly isolated due to its interventions in the Middle East and Eastern Mediterranean, authoritarian overreach, and the deterioration of its relations with the West. However, two recent developments—Turkey’s support of Azerbaijan in the Nagorno-Karabakh war and its renewed ties with Uzbekistan following the death of Islam Karimov in 2016—have expanded Turkey’s options in the region. Antagonism and distrust between Ankara and Tashkent have been an obstacle to grander Turkish strategy in Central Asia as Uzbekistan, Central Asia’s most populous country, abstained from Turkish-led initiatives. However, in 2018, the presidents of Turkey and Uzbekistan visited each other’s country, signed new trade deals, and increased their political integration.

Turkey’s growing activity in Central Asia raises the question of how long Moscow and Beijing will tolerate Turkey’s Central Asia overtures and pan-Turkic project. Beijing’s most important consideration is Turkey’s support for the Uyghurs and other Turkic communities persecuted in China. While Turkey has recently been silent regarding China’s abuse, which has eased some of the Beijing’s concerns, it has criticized Russia’s persecution of Crimean Tartars in Crimea. Crucially, the end of the Nagorno-Karabakh war shifted the regional dynamic by raising Turkey’s profile in Central Asia and enabling Ankara to station troops in Azerbaijan, which

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346 *Turkish, Uzbek defense ministers sign military agreement, underline further defense cooperation*, supra footnote 344.
347 *Turkey’s Return to Central Asia, supra footnote 333.
348 *Turkey’s Comeback to Central Asia, supra footnote 320.
350 *Uzbekistan as a Gateway for Turkey’s Return to Central Asia*, Insight Turkey, (Fall 2018), available at https://www.jstor.org/stable/26542171?ab_segments=0%2FSYC-5917%2FTest&refreqid=fastly-default%3A3f64ed35275faa53ad08ac8e2704db4e.
created the opportunity for a possible Turkish military base in the country.\footnote{Russia monitoring talk of Turkish military base in Azerbaijan, says Kremlin, Reuters, (June 18, 2021), available at https://www.reuters.com/world/russia-monitoring-talk-turkish-military-base-azerbaijan-says-kremlin-2021-06-18/.

354 Turkey could also gain additional leverage if it becomes a provider of Turkmen gas to Europe, which would add additional opportunities to decrease European dependence on Russian gas.\footnote{Turkey’s Return to Central Asia, supra footnote 333.}

While Turkey’s position may appear strong on the regional and geo-political level, its domestic situation suggests otherwise. A failed coup attempt in July 2016 led Erdoğan to purge the Turkish political structures of opposition figures and crackdown on independent civil society, which culminated in the switch from a parliamentary to a presidential system in July 2018. This switch allowed Erdoğan to consolidate power by adopting a hyper-presidential, populist constitution that grants the president more power and autonomy than any Turkish leader has held since 1946.\footnote{Erdogan’s Proposal for an Empowered Presidency, Center for American Progress, (Mar. 22, 2017), available at https://www.americanprogress.org/issues/security/reports/2017/03/22/428908/erdogans-proposal-empowered-presidency/.

356} Turkey is economically weak, however, and Erdoğan has slowly but steadily declined in popularity.\footnote{Order from Chaos: The Turkish Constitutional referendum, explained, Brookings.edu., (Apr. 13, 2017), available at https://www.brookings.edu/blog/order-from-chaos/2017/04/13/the-turkish-constitutional-referendum-explained/.

357 Much of the blame is said to rest on “Erdonomics,”\footnote{COMMENT: Whisper it – ‘Erdonomics’ could be driving Turkey into a meltdown, bne IntelliNews, (Apr. 9, 2018), available at https://www.intellinews.com/comment-whisper-it-erdonomics-could-be-driving-turkey-to-a-meltdown-139660/.


360 With poll support dropping, Erdogan’s party looks to change Turkish relection law: officials, Reuters (March 2, 2021), available at https://www.reuters.com/article/us-turkey-politics/with-poll-support-dropping-erdogans-party-looks-to-change-turkish-relection-law-officials-idUSKCN2AU1V4; CHP slams gov’t over foreign policy amid tension with US, Hurriyet (April 27, 2021), available at https://www.hurriyetdailynews.com/chp-slams-govt-over-foreign-policy-amid-tension-with-us-164288.} Erdoğan’s policies have also led to a crisis in Turkish governance. His government is increasingly populist and personality-based, his regime has jailed hundreds of academics and other experts, and as a result, the Turkish foreign policy establishment has become increasingly stripped of its expertise. Erdoğan’s actions in Central Asia will likely focus on quick-fix popularity boosters rather than sound long-term policy solutions. The true test of Erdoğan’s popularity will be the upcoming presidential and parliamentary elections scheduled for the first half of 2023. Although still early, opinion polling shows Erdoğan in a close race with the opposition Republican People’s Party, which has publicly criticized Erdoğan’s involvement in the affairs of foreign countries.\footnote{With poll support dropping, Erdogan’s party looks to change Turkish relection law: officials, Reuters (March 2, 2021), available at https://www.reuters.com/article/us-turkey-politics/with-poll-support-dropping-erdogans-party-looks-to-change-turkish-relection-law-officials-idUSKCN2AU1V4; CHP slams gov’t over foreign policy amid tension with US, Hurriyet (April 27, 2021), available at https://www.hurriyetdailynews.com/chp-slams-govt-over-foreign-policy-amid-tension-with-us-164288.}
iv. European Union

Despite a decade of challenges to the European Union and its institutions, it remains the strongest and most integrated supranational, intergovernmental, and regional political system in the world. The E.U. and its members aim to construct a growing union based on human rights, democracy, and the rule of law through which its members—especially the smaller ones—engage the world.

Since 1992 the 27 members of the bloc officially have a unified foreign policy. Throughout the 2000s, its collective interest in security partnerships spread beyond its borders. The E.U. was unable, however, to help resolve crises within its wider sphere of interest, such as the 2008 Russo-Georgian war and the 2013-14 Ukraine Crisis, which has revealed major weaknesses in its approach to regional stability. Upon renewing its security strategy in 2016, the E.U. deemphasized democracy promotion, and began prioritizing resilience.

Central Asia did not appear on the E.U.’s policy radar until the late 1990s and 2000s when it signed bilateral Partnership and Cooperation Agreements with Eurasian States. Following the September 11, 2001 terrorist attacks in the U.S., the E.U. adopted a more security-based cooperation with the Central Asian States. Following the accession of Bulgaria and Romania to the European Union in 2007, Central Asia grew more strategically important for the bloc. But above all, Russian actions in Ukraine—first the Ukraine-Russia gas crisis in 2006 and then Russia’s intervention in Ukraine in 2014—focused E.U. attention on vulnerabilities in its energy supply, some of which comes from Azerbaijan and Kazakhstan.

In 2007, the E.U. launched its first Central Asia strategy, which established long-term goals to deepen diplomatic relationships. The goals also aimed to address country-specific and regional challenges in areas including rule of law, education, environment, water, security, and stability. In many respects, the E.U.’s strategy was unsuccessful, as it failed to bolster the E.U.’s influence and to achieve its democratic aims in the region. The E.U. launched a new iteration of its strategy for the region in 2019 that seeks to address these shortcomings. Like the U.S.’s regional strategy, the new E.U. strategy prioritizes cooperation among Central Asian States. The E.U., however, stands to benefit more directly from enhanced cooperation among Central Asian States due to its more significant economic ties.

Economy and Energy

The E.U. and its members enjoy a significant stake in Eurasia’s economic development as the region’s largest trading partner. Unlike China’s BRI and Russia’s EAEU, the E.U.’s economic engagement with Central Asia is generally void of grand geopolitical strategies, which leads to a trade generally based on mutual benefit and need.366 The E.U. and its members' largest economic relationship in Eurasia is with Kazakhstan—the bloc is Kazakhstan’s largest trade partner, and represents nearly 30 percent of the country’s trade.367 Kazakhstan’s E.U. exports are almost entirely in the oil and gas sectors.

Trade with Uzbekistan has increased since the 2016 amendment to the bilateral Partnership and Cooperation Agreement allowing E.U. member States to import textiles from Uzbekistan, a major cotton producer. The E.U. delayed the agreement until the International Labor Organization confirmed that Uzbekistan had largely ceased using child labor during the annual cotton harvest.368 Many human rights groups did not support the renewed textile trade because forced labor of adults partly made up for the decrease in child labor.369 In 2020, Uzbekistan was granted favorable access to the E.U. market under the Generalized Scheme of Preferences plus, or GSP+, a benefit conditioned upon the ratification and implementation of 27 international human rights, labor, and environmental treaties. Human rights groups again criticized the granting of such benefits, and noted that Uzbekistan was “not even close” to meeting the formal conditions.370

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368 Systemic forced labour and child labour has come to an end in Uzbek cotton, supra footnote 201.
Azerbaijan, like Kazakhstan, imports a variety of E.U. goods and products, but approximately 98 percent of its exports are oil and gas products.\textsuperscript{372} Given the heavy concentration of hydrocarbon and commodities in both countries’ exports, the worldwide drop in these sectors’ prices have significantly affected the value of their exports to the E.U. Economic shocks associated with E.U. sanctions on Russia, through which much of Kazakhstan’s trade with the E.U. flows, have affected all EAEU members and further contributed to a decrease in the overall value of trade, which has still not recovered.

The E.U.’s reliance on hydrocarbons from Kazakhstan and Azerbaijan and desire to decrease energy dependence on Russia have provided the impetus for the Southern Gas Corridor. The project cements Azerbaijan’s role in providing natural gas to Europe, but the project has been criticized for subsidizing Azerbaijan’s authoritarian government, underwriting corruption in Azerbaijan and the E.U., and contributing to climate change at a time when E.U. gas demand is decreasing.\textsuperscript{373} A détente between Azerbaijan and Turkmenistan over Caspian Sea mineral rights and talks over a second phase of the corridor suggest that Turkmen gas may one day flow to the E.U. via the Corridor.\textsuperscript{374}

Despite Azerbaijan’s role in E.U. energy security, E.U. relations with Azerbaijan have still not deepened as they have with other Eastern Partnership countries. Moldova and Ukraine have rushed to integrate with and eventually join the E.U., but Azerbaijan is pursuing a “path of unique relations with the European Union” well short of integration.\textsuperscript{375} This is not surprising, given Azerbaijan’s policy to avoid alliances, but it is also a sign of significant disagreements about the nature and depth of their cooperation. While the E.U. and Azerbaijan can agree on energy cooperation, Azerbaijan bristles at “unilateral instruction” and at European norms for human rights and democracy which are necessarily a part of any integration effort. For this reason, the E.U. and Azerbaijan are pursuing a renewed comprehensive partnership agreement to replace the one which entered force in 1999.\textsuperscript{376}


\textsuperscript{373} Southern Gas Corridor, Bankwatch Network, supra footnote 19.

\textsuperscript{374} Azerbaijan and Turkmenistan agreement advances Caspian gas cooperation, supra footnote 251.


The cornerstone of the E.U.-Eurasian partnership is bilateral Partnership and Cooperation Agreements (PCAs). These agreements provide the framework for dialogue and cooperation, as well as development assistance and support for political transition. The PCAs focus mostly on economic cooperation and trade, with democratic aspirations coming as a secondary consideration.\textsuperscript{378} The E.U. also holds regular bilateral human rights dialogues with Eurasian States, though their impact is unclear. Due to ongoing human rights concerns, Turkmenistan is the only country in the region without a PCA.\textsuperscript{379}

The E.U. refreshed its strategy for Central Asia in 2019. With little trade or other effective cooperation among Central Asian States, the new E.U. strategy prioritizes supporting rules-based cooperation and connectivity.\textsuperscript{380} Recent developments suggest that regional cooperation was already underway as the E.U. finalized its strategy. In Uzbekistan, Shavkat Mirziyoyev came to power in 2016 and reshuffled domestic and foreign policies to prioritize regional relations. In 2018, the five Central Asian heads of state launched their first meeting without the mediation of outside powers.\textsuperscript{381} They also welcomed foreign investment and requested assistance to join the World Trade Organization (WTO), as well increased trade with the E.U.

The new E.U. strategy also calls for updating bilateral relations with Central Asian States. Since the PCAs are largely outdated, the E.U. has begun negotiating Enhanced Partnership and

\textsuperscript{377}EU Aid Explorer, European Commission, available at https://euaidexplorer.ec.europa.eu/explore/recipients_en. The chart excludes approximately 150 million euros in French assistance to Uzbekistan in 2019 for a single project on improving the water supply system.

\textsuperscript{378}The EU in Central Asia: successful good governance promotion?, supra footnote 363.


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Oppression by Design
Freedom Now
Cooperation Agreements (EPCAs), meant provide a comprehensive framework to take bilateral relations to “the next level.” EPCAs cover a wide scope of issues including strengthening democracy, human rights, rule of law, and market economies with a focus on diversifying economies through private sector support. Kazakhstan is the only state with an EPCA, and has lauded it as “visionary” and inclusive of its concerns and needs. Uzbekistan requested an EPCA in 2019, and Tajikistan is said to be considering this also.

The E.U. has attempted to translate its own experience as a regional bloc to develop a unique niche as a regional player in Central Asia. While China and Russia largely prefer bilateral arrangements with Central Asia States—which have resulted in systems of dependence and zero-sum negotiations—the E.U. uses long-term assistance to address problems that require collective and regional action, such as water, borders, and connectivity. The 2019 policy also establishes education as a focus.

Like the E.U.’s PCAs with Central Asian States, the E.U.-Azerbaijan PCA is outdated. The parties have been negotiating a new framework since 2017. Baku’s typical approach has been marked by neutrality—Azerbaijan recently rejected a proposal to bolster political and trade relations with E.U. and EAEU members. The E.U.’s new emphasis on resilience, rather than on political and democratic reform, likely appeals to Azerbaijan. Talks of E.U.-Azerbaijan visa liberalization, coupled with recent economic reforms and Azerbaijan’s efforts to join the WTO, remove some barriers to broader cooperation.

However, Azerbaijan has often failed to be a reliable partner. It regularly flouts human rights norms and democratic values and covers up abuses through manipulation and corruption of foreign officials. Baku has engaged in “Caviar Diplomacy,” a concerted effort to cover up flagrant and ongoing human rights abuses by co-opting European institutions and political leaders through lobbying and bribery. Furthermore, a September 2017 investigation revealed

382 The EU and Central Asia: New Opportunities for a Stronger Partnership, supra footnote 380.
386 How Rising Great Power Tensions Will Affect Central Asia, supra footnote 381.
that Azerbaijani authorities were engaged in a money laundering scheme to pay for luxury items abroad and reportedly to bribe European officials. 392

Security

According to the E.U. External Action Service, “The European Union sees Central Asia as one of the most strategically important regions.” The region’s shared challenges, including trafficking, organized crime, and terrorism, affect E.U. interests. The E.U. aims to become a major security actor in Eurasia by focusing its security strategy on these challenges, rather than by pursuing hard security interests and geopolitical ambitions. 393 As noted in previous sections, E.U. energy security is also a key consideration, given its dependence on Kazakhstani and Azerbaijani hydrocarbons.

The 2019 E.U. strategy for Central Asia establishes “anticipating and addressing the challenges affecting [Central Asia’s] socio-economic goals and security and enhancing [its] ability to embrace reform and modernization” as a pillar of its approach to the region. 394 By promoting human rights, addressing common security challenges, and focusing on climate change under a single pillar, the E.U. aims to address key factors of instability in the region. For example, it has long sought to bolster border security and eliminate drug trafficking in Central Asia via the Border Management Program in Central Asia, now in its tenth phase. 395 Enhanced engagement with governments in the region is also important aspect of E.U. security engagement. The E.U. has had a diplomatic presence in every Central Asian country since it opened a mission in Turkmenistan in 2019 and launched the E.U.-Central Asia High Level Political and Security Dialogue, ostensibly at the minister level. Since then, it has begun regional-level political engagement and has met two of the benchmarks of its previous strategy for the region. 396

Azerbaijan’s “balanced” foreign policy has not prevented it from cooperating with E.U. members on security matters. For example, Azerbaijan bought significant armaments from Russia while simultaneously cooperating with NATO members in a variety of its missions. But the E.U. has been largely absent in one of the biggest security issues in Azerbaijan—the status of Nagorno-Karabakh and other areas Azerbaijan lost control of to Armenia and Armenian-aligned forces in the 1990s. Although E.U. member France is a co-chair of the OSCE’s Minsk Group, 397 the Group was unsuccessful in brokering an end to the conflict. The E.U. largely gave up on its involvement in resolving the conflict, after it found that its efforts to support conflict resolution and negotiate efforts were ineffective or unwelcome. 398 Further, the E.U. balked at Azerbaijan’s demands for explicit acknowledgement of its sovereignty over Nagorno-Karabakh in bilateral

392 The investigation by the Organized Crime and Corruption Reporting Project, The Guardian, and other international media partners uncovered the scheme dubbed the Azerbaijani Laundromat, wherein $2.9 billion was funneled into European shell companies and used to pay for the alleged bribes. The Azerbaijani Laundromat, Organized Crime and Corruption Reporting Project (Sept. 4, 2017), available at https://www.occrp.org/en/azerbaijanilaundromat/.

393 A Steady Hand: The EU 2019 Strategy and Policy Towards Central Asia, supra footnote 361.

394 The EU and Central Asia: New Opportunities for a Stronger Partnership, supra footnote 380.


agreements to balance its relationship with Azerbaijan and Armenia. Its reaction likely contributed to Azerbaijan’s refusal of closer integration with the European Union.399

In the wake of the Taliban taking control of Afghanistan in August 2021, the E.U. has sought to enhance support to the region, particularly to Tajikistan, Turkmenistan, and Uzbekistan, all of which may see an influx of refugees across their borders. The E.U. was in discussions to provide an assistance package of approximately $700 million to the region to deal with the humanitarian crisis.400

399 Id.
v. United States

Major powers—including United States, Russia, and China—are attracted to Eurasia’s natural resources and strategic locations. However, unlike China and Russia, the U.S. shares neither a border with nor close proximity to the region, which leads to significant fluctuations in U.S. involvement and investment based on the political, economic, or security priorities of the day.

The U.S. withdrawal from Afghanistan, which shares a border with Tajikistan, Turkmenistan, and Uzbekistan, is the most momentous development in U.S. policy towards Central Asia since the U.S. launched its campaign against the Taliban in 2001. As the U.S. withdrew in August 2021, the Taliban’s quick uprooting of the U.S.-backed government significantly undermined the U.S. regional influence. The subsequent return of the Taliban and reduced U.S. military capacity has increased concerns across the region about the flow of extremists, extremism, and refugees from Afghanistan to Central Asia, China, and Russia. Governments in the region have repeatedly used concerns about regional instability to justify draconian limitations on human rights.

Aside from Afghanistan, U.S. policy towards Eurasia since the fall of the Soviet Union has focused on supporting and maintaining States’ independence, sovereignty, and territorial integrity. These priorities would also theoretically balance against Russia and China gaining outsized influence. More recently U.S. policy has focused on the region’s poor infrastructure by stressing the importance of “connectivity” and trade among Central Asian countries and with the outside world.

Security

The U.S., China, Russia, and Turkey have a variety of security interests in Eurasia, and the region has served as a theater for competition. U.S. engagement began soon after these countries gained independence from the Soviet Union. Early on, U.S. security strategy focused on securing, dismantling, and removing the nuclear and biological weapons and infrastructure then found across the Soviet Union. Associated activities continued for decades across Eurasia, but especially in Kazakhstan, which hosted the Soviet Union’s primary nuclear weapons test site. This U.S. mission to secure materials and facilities in Central Asia is generally considered a major success of U.S. post-Soviet security policy.

For decades, the U.S.’s dominant security interest in the region was eliminating the Afghanistan-based militants that launched the September 11, 2001 terrorist attacks. Now that the U.S. ground campaign in Afghanistan is largely over, the U.S. withdrawal from Afghanistan in 2021 has major implications for Afghanistan and its northern neighbors of Tajikistan, Turkmenistan, and Uzbekistan. People fleeing Afghanistan are seeking safe-haven in nearby countries, potentially leading to a massive flow of refugees. The takeover of Afghanistan by the Taliban also raises the

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specter of extremist groups, unencumbered in Afghanistan or supported by the Taliban, that may cross country’s northern border and threaten the stability of Central Asian countries.

Since its withdrawal from Afghanistan, the United States has sought to renew military cooperation with Central Asian governments to facilitate safe-havens for refugees, support ongoing evacuation efforts, and continue military activities in Afghanistan. Although Central Asian States share U.S. concerns about the Taliban and other extremist groups active in Afghanistan, U.S. efforts to reestablish a physical military presence in Central Asia have so far been unsuccessful. Uzbekistani authorities closed the U.S. base there in 2005, and since 2012, Uzbekistan has formally banned foreign military bases on its territory. A U.S. military “transit center” operated in Kyrgyzstan from 2002 until Moscow and local critics in Kyrgyzstan pressured authorities to close it in 2014. U.S. forces have also considered using facilities in Tajikistan and Turkmenistan over the years, but reached no apparent official agreements. Russian opposition to U.S. bases in the region remains strong; Russian President Vladimir Putin reportedly communicated to U.S. President Joe Biden during their June 2021 summit in Geneva that Russia opposes a “permanent” U.S. military presence in Central Asia, but also suggested that Russia may allow the United States to use Russian bases in the region to conduct limited Afghanistan-related activities.

Instead of basing forces in Central Asia, the U.S. will likely have to rely on other forms of cooperation, such as flyover rights or bolstering local capacities via security assistance. Since 2001, Central Asian States have responded positively to U.S. security cooperation due to shared concerns over spillover from Afghanistan. According to the U.S. Department of State, security cooperation with Central Asian States continues to this day through significant sales of U.S. materiel and defense items, support for dealing with the explosive remnants of war, logistical support, training.

The end of the 2020 Nagorno-Karabakh war between Azerbaijan and Armenia reshuffled U.S. security considerations in the South Caucasus. Azerbaijan claimed victory in the war and regained territory lost to Armenia in the 1990s. Russia and Turkey played major roles during and after the conflict. Russia’s role as a mediator and later as a guarantor of peace assured it a...
powerful position in regional security for years to come. It has also, however, undermined the Minsk Process—the U.S.-supported peace negotiations that have sought to peaceably resolve the conflict in Nagorno-Karabakh since 1995. Although the Minsk Process endures, its future is unclear. Russia’s presence, however, will likely be enduring.

Azerbaijan remains located at an important strategic crossroads, with the Caspian Sea and Central Asia to the east, Iran to the south, Turkey, the Black Sea, and Europe to the west, and Russia to the north. Above all, its proximity to the Middle East, and especially its border with Iran, heighten U.S. security interests. Azerbaijan has bristled at U.S. concerns about human rights and democracy in the country—which were notably absent under the Trump administration—but has recently generated some good will in Washington, D.C. due to its location, participation in U.S.-led interventions in Kosovo, Afghanistan, and Iraq, and participation in NATO’s Partnership for Peace program.

U.S. security and economic interests in Azerbaijan’s geographic location include enhancing regional connectivity and European energy security. The existing infrastructure in Azerbaijan is conducive to these ends, which include the Baku-Tbilisi-Ceyhan oil pipeline (one million barrels/day capacity), the South Caucasus Pipeline (with 25 bcm/year capacity), a part of the EU’s Southern Gas Corridor, and the BTK railway, which transports freight between China, Central Asia, and Europe via Azerbaijan. Additional infrastructure development under consideration, such as the Trans-Caspian Gas Pipeline, would further heighten these energy security interests.

413 OSCE Minsk Group, supra footnote 397.
U.S. economic relations with Eurasia focus largely on stability and connectivity under the reasoning that stable neighbors with productive economic ties are more equipped to withstand internal and external threats and challenges. Bilateral trade between Eurasian countries and the United States is relatively small, as is U.S. foreign direct investment in the region. The exception is the significant investments in oil and gas infrastructure, especially in Kazakhstan and Azerbaijan, made by U.S. companies many years ago.

Since at least 2011, connectivity has been a major focus, particularly regarding the legal frameworks and infrastructure necessary for trade among Eurasian countries and the outside world. In 2011, the U.S. announced the New Silk Road initiative, an effort aimed to economically integrate and develop Central Asia and Afghanistan. Key initiatives included the CASA-1000 regional electricity grid, “which would allow Tajikistan and Kyrgyzstan to transmit hydropower electricity to consumers in Afghanistan and Pakistan,” and the Turkmenistan-Afghanistan-Pakistan-India gas pipeline. Progress on these and other initiatives has been glacial—security in Afghanistan, inadequate funding, and lack of interest in such projects among Central Asian governments continue to pose barriers. Despite U.S. desires to link Central Asia with Afghanistan and beyond, “[with] the exception of Turkmenistan, Central Asian States have shown little commitment to regional economic integration or to a north-south transportation network that would connect the region to its neighbors in South Asia.” The takeover of Afghanistan by the Taliban in August 2021 only make such grand infrastructure plans less likely.

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418 Central Asia, Russia, and China: U.S. Policy and Eurasia’s Core, supra footnote 410, pg. 5.
Other U.S. connectivity initiatives, particularly the C5+1, have replaced the New Silk Road initiative. Launched in November 2015, the C5+1 format aims to improve regional trade flows, address “common security and environmental challenges,” and “enhance prospects for U.S. trade and investment with the region.” However, like the New Silk Road initiative that preceded it, C5+1 suffers from relatively small investments—a 2020 press release discloses “over $34 million from the United States Government” has been invested in the initiative. The investment is small relative to the billions in investments managed by the Chinese government and its state-backed companies.

Regarding Azerbaijan, the U.S.’s 125th-largest trading partner, the key U.S. concern is to maintain European energy security because “Washington benefits whenever Europe reduces its dependence on Russian oil and gas,” according to a view held by many foreign policy analysts. Additionally, the integrity of Azerbaijan’s pipeline and transport infrastructure is a key concern of U.S. government and business due to growing interests in East-West trade via land routes, which generally must go through Azerbaijan to avoid Russia.

**Political Relations**

All of the countries highlighted in this report are illiberal authoritarian regimes, which makes U.S. political relations challenging. Unlike China and Russia, the U.S. has few concrete benefits to offer, given its distance and modest economic engagement with the region itself. Major U.S. interests in Central Asia’s neighbors however, have helped prioritize those relationships. As a result, U.S. engagement tends to be geopolitical in nature—it views Central Asia through the lens of its neighbors, such as Afghanistan, China, Russia, Turkey, and Azerbaijan through that of Iran and Syria.

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U.S. support for democracy, rule of law, and human rights abroad is evident in U.S. assistance to Eurasia. However, the volume of aid in these areas compared to security and other types of assistance suggest that they are not prioritized. The U.S. supports governments, local civil society, and other democratic institutions to pursue a variety of human rights priorities in the region, such as ending torture, protecting the rights of minority communities, and bolstering media freedom. Unfortunately, considerable U.S. efforts to support and encourage democratic development and respect for human rights have had mediocre success. Since 2015, the U.S. has spent around $763 million on foreign assistance to the region, approximately 14 percent of which has gone to support democracy, human rights, and governance programs.\footnote{425 \textit{Foreign Aid Explorer}, U.S. Agency for International Development, available at https://foreignassistance.gov/.

426 According to data on assistance disbursements in the Foreign Aid Explorer at https://foreignassistance.gov.}

One thorn in U.S. relations with the region is the so-called Jackson-Vanik Amendment, a provision that limited trade with and assistance to communist countries during the Cold War, and now to former Soviet Republics, due to their restrictions on emigration. While Russia, Kyrgyzstan, and Moldova, among others, have been cleared from this restriction, it still technically applies to Azerbaijan, Kazakhstan, Tajikistan, Turkmenistan, and Uzbekistan. The U.S. Department of State has routinely waived the restrictions, which has limited their value as an enticement for reforms. But the restrictions still exist, and continue to be a thorn on the side of U.S. relations with the region.

The U.S. has pursued democratization efforts in the region not only through financial assistance, but also through diplomatic engagement, including sharing concerns about laws and policies that restrict human rights, supporting engagement through international organizations such as the OSCE, and pressuring to open societies by encouraging governments to comply with their international human rights obligations. Authoritarian governments, fearful that opening their societies would enable challenges to their authority and possibly more “color revolutions,” have
resisted pressure by the U.S. and others, sometimes dramatically. For example, after the Uzbekistani government killed hundreds of mostly peaceful protesters in the city of Andijan in 2005, the U.S. joined many countries in sharply criticizing the government. Soon thereafter, Uzbekistan demanded that the U.S. vacate the base it was using on Uzbekistan’s territory for its Afghanistan campaign, and “curtailed other anti-terrorism cooperation, including military-to-military exchanges and training.” In the words of one diplomat, the U.S. “made a clear choice, and that was to stand on the side of human rights” in its response to the massacre, but this marked one of the few instances in which the U.S. risked major security and political considerations in support of human rights.

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427 Uzbekistan’s Closure of the Airbase at Karshi-Khanabad: Context and Implications, supra footnote 404, pg. 5.
428 Id.
VI. Conclusion

Decades of authoritarian rule have taken a tragic toll on human rights and democracy in Eurasia. Entrenched ruling elites have dedicated efforts to preventing the rise of independent political movements by limiting fundamental freedoms, violating human rights, and manipulating institutions to suit their needs. The unfolding crisis in Afghanistan will likely be used by leaders to justify these abuses as they have in the past. The patterns of abuse documented across the region mirror in many ways the trajectories of the region’s authoritarian patrons: Russia, China, and more recently, Turkey. These patrons not only encourage the rejection of human rights and democracy through words and practice, they also provide the resources and tools to make it possible, such as massive investments, underwriting authoritarian leaders, and high-tech, brutal security tactics. This illiberal ideological alliance, combined with international institutions purpose-built to legitimize this approach, poses a significant challenge to the human rights framework that nearly the entire world has joined, at least on paper.

The United States and the European Union are also powerful players in the region, albeit with less presence and access. They have both at times turned a blind eye to abuses in an effort to secure natural resources or pursue military and security objectives in the region. Nonetheless, their diplomatic engagement has often been principled, and has offered persistent, vigorous, and meaningful support for a wide range of human rights priorities in their bilateral engagement. Both the United States and the European Union have also devoted considerable resources to support human rights in Eurasia, provided technical and financial support to governments and civil society, and facilitated health reforms and economic development, among other actions. These efforts, though sometimes diminished by poor communication and sabotaged by ambivalent officials in the region, have a meaningful, though often difficult to measure, impact.

Rather than backing down from principled support for human rights and democracy, E.U. and U.S. strategies in the region should entail multiplying efforts to encourage Eurasian States to uphold their international legal commitments by protecting, respecting, and expanding human rights. Respect for human rights law should be at the heart of their relationships with these governments. Western officials must reject expedient compromises and cynical arguments. They must also avoid diluting their messaging out of fear of pushing these countries closer to their authoritarian neighbors. Authoritarian governance is anathema to U.S. and E.U. founding principles, and this ethos should guide their foreign policy.

The U.S. and E.U. offer governments in the region opportunities to counterbalance Russian, Chinese, and Turkish influences. All of these countries offer desirable benefits clouded by self-serving ambitions. The E.U. and U.S. have both opportunities, such as some opening by the new Uzbekistani government, and leverage, such as the E.U.’s position as a key trading partner for Eurasian States. There is interest on all sides to develop strong relationships. Elites from the region value the reputation and international standing they gain from engaging with the world’s democracies. While the fall of the Taliban in Afghanistan has brought new urgency to engaging neighboring Central Asian States, Western governments should reject false claims—frequently trotted out in the past—that the path to stability is paved with repression. While these same elites support illiberal policies in rhetoric and practice, or threaten the West with closer relations with
Russia and China, they prefer to conceal their human rights abuses from the outside world. This concealment indicates that the image their governments project internationally matters. Thus, western democracies offer enticing benefits such as prestige and trade. The U.S. and E.U. should capitalize on the unique benefits their engagement offers and ensure that human rights and rule of law are central, rather than optional, planks of their engagement with governments in Eurasia.