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Biography:

Madison Urban is a junior at the University of North Carolina. She is a double major in Public Policy and Peace War and Defense with a minor in Business Administration. Central Asia became a topic of interest for her after she took classes on China and Russia, sparking a passion to explore the politics of the region between the two powers. Desiring to understand human rights policy on a deeper level, she looked at the policies regarding religious freedom across two decades, specifically to develop an even deeper understanding of the politics within administrations as the United States seeks multiple, seemingly conflicting, foreign policy goals.

Abstract:

This paper examines intragovernmental politics in the United States (U.S.) to better understand the development of religious freedom policies towards Uzbekistan post-9/11. The unique missions of both the Department of Defense and the Department of State led to the proposal of vastly different, sometimes conflicting, policies. Despite deep political differences, the U.S. and Uzbekistan quickly developed a partnership after the 9/11 attacks shifted America's attention to the Middle East. Military necessity and human rights prerogatives conflicted as U.S. officials struggled to credibly convey their human rights commitment to their Uzbek, autocratic military ally, President Islam Karimov. To better understand the policy process, this paper analyzes government publications, cables from the U.S. embassy in Tashkent, articles from think tanks and the media, and memoirs of the people who oversaw U.S.-Uzbek relations. Synthesizing these accounts, this paper considers the lessons of the past and gives a framework for understanding how to cooperate with Uzbekistan in the years ahead.

Keywords: Uzbekistan, Religious Freedom, Human Rights, Bureaucracy, Politics

Bureaucratic Politics and Fractured Messages

Uzbekistan Religious Freedom Case Study

Introduction

In 1989 as the Soviet Union fell, Francis Fukuyama famously wrote an article arguing that the end of history had arrived, communism had been defeated and the liberal order had proven itself the only viable governmental structure¹. However, terrorism, genocide, war in post-Soviet states and the continuation of neo-communist governments dominated international news as the hope of freedom and peace vanished. Former Soviet Bloc countries, like Uzbekistan, retained much of their Soviet-era leadership and while they declared themselves republics with new constitutions, little changed from the days of the Cold War.

War and conflict dominated the 20th century and the Department of Defense grew to dominate the United States (U.S.) foreign policy debate. The primary tools of the Department of State, diplomacy and engagement, take time; they are often painfully slow and require a delicate balance of priorities. In contrast, the precision and speed of military forces which can accomplish tasks and prove dominance is appealing because it plays to an increasingly fast paced society. However, the politics between the two departments has led to conflict within the U.S. government and at times produced fractured policies. In the years after the Soviet Union lost their dominance, the U.S. government attempted to develop relations with newly-formed states and formulate an understanding of the path they might pursue in Uzbekistan. The U.S. government attempted to engage, primarily militarily, with some early success. Their relationship grew after 9/11 thrust the Middle East and surrounding countries into prominence. As the U.S. invaded Afghanistan, due to the differing priorities of the Department of State and

¹ Louis Menand, "Francis Fukuyama Postpones the End of History," *The New Yorker*, July 9, 2019, <https://www.newyorker.com/magazine/2018/09/03/francis-fukuyama-postpones-the-end-of-history>.

the Department of Defense, there were inconsistencies in the message sent to Uzbekistan about the importance of religious freedom and human right reform. Events in Andijon in 2005 ended the tenuous relationship between neo-Communist government of Uzbekistan and the U.S. Later, the U.S. would reengage with a slightly more cohesive message and attempt to create change through small, incremental engagement. Until 2016, major progress was nearly impossible, but the new president is signaling a desire for reform. Engagement with Uzbekistan across previously impossible economic, political, social, military and diplomatic levels, could lead to changes in religious freedom policy as the U.S. starts to speak as one entity to a more receptive audience.

Background: Pre-9/11

In 1992, when Uzbekistan declared its independence from the Soviet Union, Islam Karimov was elected as President. Karimov began working for the Uzbek Soviet Socialist Republic in 1966 in the State Planning Committee and was elected the First Secretary of the Central Committee of the Communist Party in 1989. A year later, he created and was elected President of the communist state. Unlike Soviet leader Mikel Gorbachev, Karimov actively opposed and “resented perestroika's tolerance of criticism of the governments.”² Therefore, it was no surprise when the Organization for Security and Cooperation in Europe disputed the so-called democratic elections in 1992 that established him as the President of the Republic of Uzbekistan.³ The authoritarian government he established was “virtually unchanged from the

² U.S. Department of Justice, *Uzbekistan Political Conditions in the Post-Soviet Era*, PR/UZB/94.001, Washington D.C.: INS Resource Information Center, 1994, 5, <http://hrlibrary.umn.edu/ins/uzbeki95.pdf>.

³ OSCE Office for Democratic Institutions and Human Rights, *Uzbekistan, Parliamentary Elections 27 December 2009: Final Report*, Warsaw, Organization and Co-Operation in Europe, 2010, <https://www.osce.org/odihr/elections/67597?download=true>.

Soviet era”⁴ despite the Constitution protecting freedom of religion.⁵ Karimov’s regime harshly repressed people involved in any movements remotely considered political, including many religious groups.

In the United States, the International Religious Freedom Act (IRFA) was passed in 1998 which required the U.S. to consider religious freedom and persecution in pursuit of foreign policy goals. IRFA created a new Ambassador-at-Large position, an Office of International Religious Freedom housed in the Department of State and an independent Commission on International Religious Freedom (the Commission).⁶ Both the Office and the Commission produce distinct annual reports on the status of religious freedom. The Office details the conditions of religious freedom in every country. The Commission reports more narrowly on specific violators and makes policy recommendations.⁷ Yearly, the President must designate countries who have “engaged in or tolerated systematic, ongoing and egregious violations of religious freedom” as Countries of Particular Concern (CPC).⁸ As a CPC, a country is subject to a variety of measures which the president can waive for national security reasons.⁹ This waiver directly pitted the religious freedom priorities against defense and national security from the beginning.

4 U.S. Department of Justice, *Uzbekistan Political Conditions in the Post-Soviet Era*, PR/UZB/94.001, Washington D.C.: INS Resource Information Center, 1994, 1, <http://hrlibrary.umn.edu/ins/uzbeki95.pdf>.

5 U.S. State Department, *International Religious Freedom Report 2006*, (Washington DC: State Department, 2006), <https://2009-2017.state.gov/j/drl/rls/irf/2006/71417.htm>.

6 Harry Graver, “The International Religious Freedom Act: A Primer,” *Lawfare*, Lawfare Institute, January 10, 2018, <https://www.lawfareblog.com/international-religious-freedom-act-primer>.

7 “Office of International Religious Freedom Fact Sheet,” *Bureau of Democracy, Human Rights and Labor*, U.S. State Department, Bureau of Public Affairs, Washington, DC, August 7, 2011, <https://2009-2017.state.gov/j/drl/rls/fs/2011/170635.htm>.

8 Graver, 2018.

9 Graver, 2018.

After the creation of IRFA, Robert Seiple was named the first Ambassador-at-Large for International Religious Freedom. In his first annual report to Congress on the conditions of religious freedom on October 6, 1999, he mentions efforts undertaken by the executive and legislative branches to further religious freedom in Uzbekistan, mainly through dialogue with Uzbek senior leadership. He personally travelled to Uzbekistan within his first year as Ambassador. During the U.S.-Uzbek Joint Commission in 1998, Assistant Secretary of State for Democracy, Human Rights and Labor, Harold Koh, discussed religious freedom with the Uzbek Foreign Minister and the Ambassador-at-Large for Newly Independent States had multiple conversations with senior members of the Karimov government.¹⁰ From the beginning, religious freedom was a right the U.S. discussed with the Uzbeks.

While the Department of State developed policies and procedures to accommodate its Congressionally mandated prioritization of religious freedom, the Department of Defense started to build rapport with the military.¹¹ In 1995, the U.S. Secretary of Defense William Perry and Uzbek Minister of Defense agreed on a memorandum of understanding that among other things, created an enhanced International Military Education and Training Program (IMET).¹² IMET is an education program that “focuses on rule of law and non-lethal courses in military management.”¹³ U.S. troops first arrived on Uzbek soil in August 1996 and the first teams of

¹⁰ U.S. House, Subcommittee on International Operations and Human Rights, “Ambassador-at-Large for International Religious Freedom Bureau of Democracy, Human Rights, and Labor Testimony,” 6 October 1999, Washington, 1999, <https://www.uscirf.gov/advising-government/congressional-testimony/testimony-robert-seiple>.

¹¹ C. J. Chivers, “Long Before War, Green Berets Built Military Ties to Uzbekistan,” *The New York Times*, October 25, 2001, <https://www.nytimes.com/2001/10/25/world/nation-challenged-special-forces-long-before-war-green-berets-built-military.html>.

¹² Lora Lumpe, “A Timeline of U.S. Military Aid Cooperation with Uzbekistan,” *A Timeline of U.S. Military Aid Cooperation with Uzbekistan*, Open Society Foundation Central Eurasia Project, 6, https://www.opensocietyfoundations.org/uploads/b8284dea-45ff-443c-baff-01a36c82bfe6/OPS-No-2-20101015_0.pdf.

¹³ Lumpe, 2010, 6.

U.S. Army Special Forces (Green Berets) arrived in 1997. The Green Berets built the foundational relationships with lower levels of the military hierarchy that paid dividends in the immediate months after the 9/11 attacks on the U.S. homeland. In May of 2000, Central Command (CENTCOM) Commander General Anthony Zinni visited Tashkent requesting more funding, but was denied because of various “human rights concerns and lack of focus on Central Asia.”¹⁴ Zinni circumvented some of the aid restrictions and got some aid to Uzbekistan regardless. Senior diplomats in Central Asia appreciated the time Zinni spent visiting and interacting with people on the ground, emphasizing the importance of engagement and frustration with their own State Department officials who did not prioritize Central Asia.¹⁵

From the beginning, U.S. policy was characterized by contradictory messages because of divergent policies between the Department of State and Department of Defense. The Department of State preached change and conditioned aid on democratic reform without major engagement. Meanwhile, the CIA and Department of Defense worked on the ground with the military. State was frustrated by the fact that aid had been given by Defense without conditions and because Defense could offer more, their justified protests about human rights were undermined. Defense officials like Zinni felt like conditioning aid on improvement was akin to “deliver[ing] health care only to people who are completely healthy.”¹⁶ These frustrations would only grow as Central Asia and Uzbekistan especially became increasingly important after the 9/11 shift to the Middle East.

9/11 and the War in Afghanistan

¹⁴ Lumpe, 2010, 8.

¹⁵ Dana Priest, “An Engagement In 10 Time Zones,” *The Washington Post*, September 29, 2000. <https://www.washingtonpost.com/archive/politics/2000/09/29/an-engagement-in-10-time-zones/5dc03be4-afbd-4376-b000-562956e9c2b8/>.

¹⁶ Priest, 2000.

The attacks on the World Trade Centers and the Pentagon by al-Qaeda on September 11, 2001 marked a massive shift in U.S. policy towards Uzbekistan as they prepared to attack al-Qaeda in Afghanistan. Central Asia became a critical region, it was no longer simply the land between Russia and China or a former Soviet state, but a region that demanded attention. Afghanistan is bordered by six states: Tajikistan, China, Pakistan, Iran, Turkmenistan and Uzbekistan. Of those six, Uzbekistan had the greatest combination of willingness to work with the U.S. (unlike Pakistan, Iran and China) and infrastructure development to facilitate the movements (unlike Tajikistan and Turkmenistan).¹⁷ On September 19th, merely eight days after the 9/11 attacks, President George Bush was on the phone with President Karimov.¹⁸ On October 6, 2001, Uzbekistan agreed to give the U.S. access to its airspace and to station troops at Karshi-Khanabad (K2), an airbase just north of the Uzbek-Afghan border after a visit from Secretary of Defense Rumsfeld.¹⁹ ²⁰ The next day, Operation Enduring Freedom commenced.²¹ The contacts and rapport the Green Berets built with the Uzbeks on the ground was vital to striking a deal quickly.

The rapid shift in relations with the government of Uzbekistan was cause for concern for many within the human rights and religious freedom advocacy groups. In its first annual report, published post-9/11, the Commission addresses this concern saying that “the promotion of religious freedom also must be evaluated in the context of what is currently the single overriding objective of the United States: protecting its citizens, national interests, and robust democratic

¹⁷ Joshua Foust, “Why the U.S. Should Work With Uzbekistan,” *The Atlantic*, Atlantic Media Company, October 6, 2011, <https://www.theatlantic.com/international/archive/2011/10/why-the-us-should-work-with-uzbekistan/246221/>.

¹⁸ Chris Seiple, “Revisiting the Geo-Political Thinking Of Sir Halford John Mackinder: United States—Uzbekistan Relations 1991—2005,” 2006, 187.

¹⁹ Lumpe, 2010, 8.

²⁰ Seiple, 2006, 187.

²¹ “A Timeline of the U.S. War in Afghanistan,” Council on Foreign Relations, Accessed September 15, 2019, <https://www.cfr.org/timeline/us-war-afghanistan>.

government around the globe through, in part, the combating of terrorism and those who support it.”²² Human Rights Watch and Freedom House, among others, warned that President Karimov’s allowance of the U.S. was built upon a tacit agreement for the U.S. to look the other way on its human rights record and continue its practice of imprisoning activists and religious leaders on terrorism charges.^{23 24}

In the year following the attacks, Uzbekistan seemed to make some progress as a front but behind the scenes the pattern of repressive tactics continued. Chris Seiple, who was in Tashkent, testified that the Uzbeks took the lead in adding human rights components to the Declaration on the Strategic Partnership and Cooperation Framework that was signed in March of 2002, a surprising move for a country with little appetite for reform.²⁵ Among other things, the Declaration paved the way for a visit from the UN Rapporteur on Torture in 2003. However, despite Karimov’s apparent openness, the rapporteur was denied access to some of the worst prisons, including Jaslyk, a prison specifically for religious prisoners where some of the worst human rights abuses have occurred.²⁶ The report concluded that torture “is not just incidental, but...systematic in this country.”²⁷ Perhaps the most famous of these abuses was the case of Muzaffar Avazov, the 35-year-old head of the Independent Human Rights Organization of Uzbekistan. He was imprisoned in Jaslyk on trumped up charges of membership in an Islamic

22 U.S. Commission on International Religious Freedom, *Annual Report 2002*, (Washington DC: U.S. Commission on International Religious Freedom, 2002), 20, https://www.uscirf.gov/sites/default/files/resources/stories/pdf/Annual_Report/2002report.pdf.

23 “Uzbekistan,” Human Rights Watch World Report 2002: Europe & Central Asia: Uzbekistan, Accessed October 15, 2019, <https://www.hrw.org/legacy/wr2k2/europe22.html>.

24 “Uzbekistan,” Freedom House, April 24, 2013, <https://freedomhouse.org/report/freedom-world/2002/uzbekistan>.
25 Seiple, 2006, 199.

26 Zamira Eshanova, “Uzbekistan: UN Rapporteur Says Use Of Torture 'Systematic',” RadioFreeEurope/RadioLiberty, April 9, 2008, <https://www.rferl.org/a/1101615.html>.

27 Eshanova, 2008.

terrorist group, Hizb-ut-Tahrir.²⁸ He died in custody and when his body was brought to the family for burial, doctors testified that the burn marks that covered his body “could only have been caused by immersing Avazov in boiling water” which was the likely cause of death.²⁹ Human rights groups around the world condemned the lack of progress in Uzbekistan despite U.S. engagement.

From 2002-2004, the story of the disjointed U.S. policy seems to be summed up in a cable sent from Brussels to Washington D.C. The cable relayed the conclusions of a conversation between officials from the Department of State and the European Union about Central Asia in February of 2004. Concerns about newly implemented restrictions on non-governmental organizations (NGOs) and broader human rights concerns in Uzbekistan were a primary topic of the conversation. They struggled to articulate how to “maintain a firm line with Karimov while also not pushing him away from the table.”³⁰ Many cautioned against attempting to publicly humiliate the Uzbeks into compliance fearing that they would retreat and ally themselves with Russia or China.³¹ Some officials felt that lack of public pressure was a tacit allowance of the violations. There were also national security concerns to be considered and the desire to maintain U.S. access to K2. The question seemed to come down to this: would it be better for the U.S. government to continue to build a space for conversation by partnering with the Uzbeks and developing relationships and educational programs, or would it be better to withdraw funding and attempt change through sanctions? The Department of Defense was the primary ally that had

28 Bagila Bukharbayeva, “2 Imprisoned Uzbek Extremists Die,” AP NEWS, Associated Press, August 9, 2002. <https://apnews.com/d6d60d94f6a79df1ff8d81ef838b416d>.

29 “Uzbekistan: Two Brutal Deaths in Custody,” Human Rights Watch, September 2, 2016, <https://www.hrw.org/news/2002/08/09/uzbekistan-two-brutal-deaths-custody#>.

30 Embassy Brussels, “US-EU COEST CONSULTATIONS PART 1: CENTRAL ASIA,” Wikileaks Cable: 04BRUSSELS666_a, Dated February 13, 2004, https://wikileaks.org/plusd/cables/04BRUSSELS666_a.html.

31 Chris Seiple, “Implications of Terrorism in Uzbekistan,” Foreign Policy Research Institute, April 6, 2004, <https://www.fpri.org/article/2004/04/implications-of-terrorism-in-uzbekistan/>.

built trust with many in Uzbekistan and the primary ones pushing for engagement. It contributed more money and were “philosophically more consistent...[as] they f[ou]ght a common enemy every day.”³² Without the insistence on human rights progress, there was little chance at cooperation. NATO needed access to K2 so Defense was not rushing to criticize Karimov’s regime. Therefore, many people in State felt the only way to get their message across was through public criticism. At least until 2004, the U.S. decided to keep their seat at the table, pursue their military objectives and push human rights reform through dialogue through the weaker voice of the Department of State.

In light of concerns of torture and human rights violations, Congress began to condition aid in 2002 on “the Secretary of State determin[ing] and report[ing] to the Committees on Appropriations that the Government of Uzbekistan is making substantial and continuing progress in meeting its commitments,” based on the agreements in the Declaration on the Strategic Partnerships and Cooperation Framework.³³ However, it was not until July 2004 that the Secretary of State, Colin Powell, did not certify compliance and up to \$18 million in Foreign Military Financing (FMF) and IMET aid was denied.³⁴ FMF and IMET are two aid programs that the Department and State and Department of Defense collaborate on; State determines who gets the aid and Defense implements the program.³⁵ State’s refusal to certify compliance led to turmoil between bureaucracies. Immediately after the cutoff, the Chairman of the Joint Chiefs of Staff General, Richard Myers, criticized the judgment as “shortsighted” because it decreased

³² Seiple, 2004.

³³ U.S. Congress, House, *Making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2004, and for other purposes*, HR 2673, 108th Cong., <https://www.govinfo.gov/content/pkg/PLAW-108publ199/html/PLAW-108publ199.htm>.

³⁴ U.S. State Department, 2006.

³⁵ “International Military Education & Training (IMET): The Official Home of the Defense Security Cooperation Agency,” The Official Home of the Defense Security Cooperation Agency. Defense Security Cooperation Agency, <https://www.dsca.mil/programs/international-military-education-training-imet>.

U.S. military influence. In response, he “boosted nonproliferation aid of \$21 million.”³⁶ As the Department of State took money away from programs, Defense gave more. Political factors and lack of agreement between the bureaucracies led to the U.S. pushing two policies in Uzbekistan. Despite the apparent disagreement between State and Defense, the head of Human Rights Watch in Tashkent said in 2003 that “the steps taken are basically window dressing used to get the military funding through the US Congress’s ethical laws. Nothing has changed on the ground.”³⁷

Andijon and Aftermath

Once aid was conditioned in 2004, the U.S. and Uzbekistan relations cooled. The Andijon massacre on May 13, 2005 would then define Uzbekistan’s relationships with the Western world and drastically change U.S. policy. Protests in Uzbekistan began at the end of 2004 that decried the country’s economic hardships and corruption.³⁸ According to State Department releases and a now declassified intelligence analysis produced by the Defense Intelligence Agency, the immediate catalyst for the protests in Andijon was the imprisonment and trial of twenty-three businessmen who were falsely charged with membership in an Islamic extremist group. On May 10, people in the city of Andijon began to peacefully demonstrate showing their support for the businessmen.³⁹ Then, late at night on May 12 and into the early morning of May 13, a number of individuals “attacked a police garrison, seized weapons, and broke into a nearby prison and released several hundred inmates.”⁴⁰ In the midst of the prison

³⁶ U.S. Library of Congress, Congressional Research Service, *Uzbekistan: Recent Developments and U.S. Interests*, by Jim Nichol, RS21238, 2005, 3,
https://www.everycrsreport.com/files/20050502_RS21238_9a5c6c8c2eb5a0dbbdfaf88e6e7c23d8bb2961ed.pdf.

³⁷ Nick Paton Walsh, “US Looks Away as New Ally Tortures Islamists,” *The Guardian*, Guardian News and Media, May 26, 2003, <https://www.theguardian.com/world/2003/may/26/nickpatonwalsh>.

³⁸ *Uzbekistan: The Andijon Uprising*, Brussels: International Crisis Group, May 25, 2005,
<https://www.crisisgroup.org/europe-central-asia/central-asia/uzbekistan/uzbekistan-andijon-uprising>.

³⁹ Bruce Pannier, “Andijon: What Happened And Why,” *RadioFreeEurope/RadioLiberty*, May 12, 2015,
<https://www.rferl.org/a/uzbekistan-andijon-what-happened-and-why/27012137.html>.

⁴⁰ U.S. State Department, *International Religious Freedom Report 2006*.

escape, “up to several dozen prison guards were killed.”⁴¹ Some of the freed inmates went on to storm government buildings.⁴² Meanwhile, the protests in the town square revolved around the declining economic conditions. The government quickly sent in “military vehicles...and fire indiscriminately into the crowd” of civilians.⁴³ There was reportedly no attempt to find the individuals who had raided the police and government buildings, but the military opened fire on the populace, the vast majority of whom were unarmed and peaceful. The Uzbek government reported 187 people dead,⁴⁴ but unofficial reporting and eyewitness statements say the total amount was significantly higher, perhaps over 700 people.⁴⁵ Since the uprisings, there has been no international investigation into the events.

Human rights groups world-wide quickly condemned the actions and called on governments to impose sanctions. Initially after the events, the U.S. response was muted. Their early lack of condemnation was in part due to Defense officials attempting to preserve U.S. access to the K2 base. Publicly, the offices denied any conflict or debate between Secretary of State Condoleezza Rice and Secretary of Defense Donald Rumsfeld. However, sources familiar with the situation at the time, and later memoirs published by Rumsfeld and Rice, suggest otherwise. A senior diplomat was quoted to say that “there’s clearly inter-agency tension over Uzbekistan” with the Department of State “extremely cool on Karimov” but Defense trying not to retain access to K2.⁴⁶ In her book, Rice recalls “cross[ing] swords” over the events with

41 L. E. Jacoby to Rumsfeld, “Uzbekistan: Review of Information on Unrest in Andijon, 12–13 May 2005,” July 30, 2005, <http://library.rumsfeld.com/doclib/sp/397/from%20L%20E%20Jacoby%20re%20Uzbekistan%2007-30-2005.pdf>.

42 U.S. State Department, *International Religious Freedom Report 2006*.

43 U.S. State Department, *International Religious Freedom Report 2006*.

44 Pannier, 2015.

45 U.S. State Department, *International Religious Freedom Report 2006*.

46 Jeffery R. Smith and Glenn Kessler, “U.S. Opposed Calls at NATO for Probe of Uzbek Killings,” *The Washington Post*, June 14, 2005, <https://www.washingtonpost.com/archive/politics/2005/06/14/us-opposed-calls-at-nato-for-probe-of-uzbek-killings/9414555e-1328-4fef-826c-69ea04714766/>.

Rumsfeld saying that there was misunderstanding on her position. She insisted on publicly criticizing the events and calling for an international investigation which was taken as her saying that “human rights trump national security.”⁴⁷ Indeed, public criticism by Rice and U.S. Congressmen led to Karimov “curtailing certain U.S. military flights”⁴⁸ in and out of K2. Ultimately it was the coordinated efforts of the U.S. and the United Nations to help refugee repression that caused Karimov to issue “a formal eviction [from the K2 air force base] on July 29.”⁴⁹ Later, Rumsfeld would write that the U.S. policy post-Andijon caused the U.S. to “effectively tak[e] ourselves out of the region” and drive Uzbekistan “to strengthen ties with...Russia and China.”⁵⁰ To a degree, this is true. On November 14, within months of the issuance of the order for the U.S. to leave K2, Russia and Uzbekistan “formally signed a new military alliance agreement” which “grant[ed] an unprecedented level of military cooperation” between the two countries.⁵¹

Within months of the massacre and U.S. departure, Karimov changed the legal codes to increase the fines for religious organizations and persons attending religious events in addition to increasing the monitoring of churches, mosques and other places of worship.⁵² Furthermore, Karimov began to isolate religious communities from the international human rights and religious freedom communities by censoring mail and kicking out non-governmental

47 Joshua Kucera, 2011, “Rice Hits Back At Rumsfeld Over Andijan,” Eurasianet, November 14, 2011, <https://eurasianet.org/rice-hits-back-at-rumsfeld-over-andijan>.

48 Smith and Kessler, 2005.

49 James Kirchick, “Did Donald Rumsfeld Whitewash Massacre In Uzbekistan?,” RadioFreeEurope/RadioLiberty, May 17, 2011, https://www.rferl.org/a/did_donald_rumsfeld_whitewash_massacre_in_uzbekistan/24107576.html.

50 Kucera, 2011.

51 Roger McDermott, “Putin Pledges To Back Up Karimov In A Crisis,” Jamestown, November 16, 2005, <https://jamestown.org/program/putin-pledges-to-back-up-karimov-in-a-crisis/>.

52 U.S. Commission on International Religious Freedom, *Annual Report 2006*, (Washington DC: U.S. Commission on International Religious Freedom, 2006), 166, https://www.uscirf.gov/sites/default/files/resources/AR2006/uscirf_2006_annualreport.pdf.

organizations.⁵³ Finally, the UN High Commissioner for Refugees office was shut down after having a presence in Uzbekistan for thirteen years.⁵⁴ In light of the escalation in persecution, the Commission openly recommended what should be obvious, that the “U.S. government...ensure that it speaks in a unified voice”⁵⁵ to try to undo some of the damage. Uzbekistan is the only country of 23 countries in the 2006 report (and in the years to come) with severe religious freedom violations that mentions concern about conflicting messages being sent by the U.S. government. Unique security concerns make Uzbekistan one of the trickiest places to conduct meaningful dialogue about human rights, but despite pushback from the Department of Defense, the massacre in Andijon was too much for the White House to overlook and the U.S. officially designated Uzbekistan as a Country of Particular Concern in 2006.

Northern Distribution Network

After a few years of little engagement, the U.S. needed a supply route into Afghanistan again and turned to the Uzbeks for access to what became known as the Northern Distribution Network. In September 2008 before talks began, the Political-Economic Chief at the U.S. embassy in Tashkent, Nicholas Berliner, sent a cable to the Central Intelligence Agency, the Secretary of State and Secretary of Defense. The cable, titled “Promoting Human Rights and Supporting Afghanistan- It’s Not Either Or,” summarizes the tension within the U.S. government and how it created both suspicion and decline in human rights and security in the region. While acknowledging that significant reform is nearly impossible without leadership change, he cites the progress made by the American Bar Association in assisting Uzbekistan to “pass its first habeas corpus law” earlier that year as proof that consistent engagement and offering assistance

53 U.S. Commission on International Religious Freedom, *Annual Report 2006*, 166.

54 U.S. Commission on International Religious Freedom, *Annual Report 2006*, 166.

55 U.S. Commission on International Religious Freedom, *Annual Report 2006*, 167.

rather than condemnation leads to opportunities for growth.⁵⁶ He states that “security and human rights are not and cannot be in opposition to one another in our relationship with Uzbekistan,” and if they are “it is probable that we will achieve neither”⁵⁷ as in the first half of the 2000s. He pleads for negotiations to make this principle clear. Berliner’s call was for careful engagement, not allowing human rights on national security to outweigh each other. Instead, he advocates for upholding the two ideas for the advancement of both. Over the next eight years the U.S. would attempt to pursue policy as he proposed with limited success.

In 2009, President Obama granted a waiver on the sanctions that had been in place since the CPC designation in 2006⁵⁸ and invited the Uzbek’s to annual bilateral consultations. The U.S. government started to consistently engage in “a face-to-face structured dialogue, based on a jointly developed, comprehensive agenda that facilitate[d] candid discussions on the full spectrum of bilateral priorities.”⁵⁹ Cable after cable sent from Tashkent from both military and diplomatic leaders encouraged continued engagement, arguing that “there simply is no alternative to principled engagement...[and] patience.”⁶⁰ They acknowledged that abuses would occur during engagement and that the situation would not drastically improve, but pleaded for the U.S. “to take the long view.”⁶¹ There was an explicit understanding among U.S. officials that

⁵⁶ Embassy Tashkent, “UZBEKISTAN: PROMOTING HUMAN RIGHTS AND SUPPORTING AFGHANISTAN - IT'S NOT EITHER OR,” Wikileaks Cable: 08TASHKENT1127_a, September 30, 2008, https://wikileaks.org/plusd/cables/08TASHKENT1260_a.html.

⁵⁷ Embassy Tashkent, 2008.

⁵⁸ U.S. Commission on International Religious Freedom, *Annual Report 2010*, (Washington DC: U.S. Commission on International Religious Freedom, 2010), 180, <https://www.uscirf.gov/sites/default/files/resources/annual%20report%202010.pdf>.

⁵⁹ U.S. Commission on International Religious Freedom, *Annual Report 2011*, (Washington DC: U.S. Commission on International Religious Freedom, 2011), 191, <https://www.uscirf.gov/sites/default/files/resources/book%20with%20cover%20for%20web.pdf>.

⁶⁰ Embassy Tashkent, “UZBEKISTAN AND HUMAN RIGHTS: THE LESSONS OF SANJAR UMAROV'S RELEASE,” Wikileaks Cable: 09TASHKENT1599, November 30, 2009, https://search.wikileaks.org/plusd/cables/09TASHKENT1599_a.html.

⁶¹ Embassy Tashkent, “UZBEKISTAN: THE WAY FORWARD ON HUMAN RIGHTS,” Wikileaks Cable: 09TASHKENT451, April 6, 2009, https://search.wikileaks.org/plusd/cables/09TASHKENT451_a.html.

true change would take new leadership. Nevertheless, they pressed for engagement and developed relations to maintain access. Leading up to 2009 and in the years to come, the U.S. sought to keep its seat at the table and fight for opportunities to release individual prisoners, gain access to non-governmental organizations and hope that one day legislation and judicial progress would follow. The advances the U.S. made over the next decade of engagement was minimal because Karimov had built an oppressive regime full of systematic injustice, torture, and widespread abuse of power at all levels. However, in September 2016, a new opportunity arrived when Islam Karimov died after 27 years of ruling Uzbekistan.⁶²

A New Era? Shavkat Mirziyoyev

After Karimov's death, the long tenured Prime Minister, Shavkat Mirziyoyev, took power as the interim president. Elections, held three months, gave him the presidency with 88.6% of the populous voting for him in what outside observers would call a "tightly controlled election."⁶³ In light of his history as a close political associate of Karimov, Western press and human rights organizations were cautious about placing any hope in the potential for reform. Initial releases by Radio Free Europe/Radio Liberty describe him as a "close Karimov ally" who had a "short temper" with reports of him "physically assault[ing] at least one farmer who complained" about his policies and gave little hope for reform.⁶⁴ Even more ominously, when a former spokesman for Karimov, Sharaf Ubaidullaev, was asked about his thoughts on Mirziyoyev he believed that he would be "worse" than Karimov because he would likely be more dependent on an oligarchy

⁶² "Islam Karimov: Uzbekistan President's Death Confirmed," BBC News, September 2, 2016, <https://www.bbc.com/news/world-asia-37260375>.

⁶³ "Uzbekistan's Acting President Wins Election Overwhelmingly," Associated Press, December 5, 2016, <https://apnews.com/741f516f451d46529416fa4838b5316a>.

⁶⁴ "Uzbekistan Names Longtime PM Mirziyaev Interim President," RadioFreeEurope/RadioLiberty, September 8, 2016, <https://www.rferl.org/a/uzbekistan-interim-president-karimov/27974858.html>.

to keep power.⁶⁵ Human Rights Watch was quick to share concerns about the new president publishing a report in June of 2017 that stated that Mirziyoyev’s “previous positions raise concerns about his credibility” because he had previously overseen the implementation of corrupt and abusive labor practices.⁶⁶ In spite of these warnings, three years into his rule over Uzbekistan, Mirziyoyev seems to be devoted to reform and increased engagement with the West even though the government is still fraught with problems.

In the Commission’s report on events in 2017, they describe a “general easing of longstanding repressive policies” but in Karimov’s first year, there was no major change in the abusive policies that included continued reports of torture.⁶⁷ Leading up to a historic visit at the White House in May 2018, Mirziyoyev dismissed Rustam Inoyatov, the long-serving head of the secret police in Uzbekistan, after publicly criticizing his abuses. He would then go on to remove others from leadership and changed the police’s name in an effort to recreate the service.⁶⁸ During his visit in the U.S., Mirziyoyev agreed to “implement a comprehensive roadmap to advance religious freedom.”⁶⁹ The roadmap “includes 52 measures, 40 of which were already implemented in 2018”⁷⁰ and signaled his commitment to developing ties with the West and his

⁶⁵ Bruce, Pannier, “Andijon: What Happened And Why,” RadioFreeEurope/RadioLiberty, May 12, 2015, <https://www.rferl.org/a/uzbekistan-andijon-what-happened-and-why/27012137.html>.

⁶⁶ Jessica Evans and Allison Gill. “*We Can’t Refuse to Pick Cotton*”: Forced and Child Labor Linked to World Bank Group Investments in Uzbekistan, New York, NY: Human Rights Watch, 2017, https://www.hrw.org/sites/default/files/report_pdf/uzbekistan0617_web_3.pdf.

⁶⁷ U.S. Commission on International Religious Freedom, *Annual Report 2018*, (Washington DC: U.S. Commission on International Religious Freedom, 2018), 116, <https://www.uscirf.gov/sites/default/files/2018USCIRFAR.pdf>.

⁶⁸ “Uzbek President Changes Name Of Feared Security Service,” RadioFreeEurope/RadioLiberty, March 15, 2018, <https://www.rferl.org/a/uzbekistan-securty-service-name-changed-mirziyoev/29101640.html>.

⁶⁹ White House, “The United States and Uzbekistan: Launching a New Era of Strategic Partnership,” *White House*, May 16, 2018, <https://www.whitehouse.gov/briefings-statements/united-states-uzbekistan-launching-new-era-strategic-partnership/>.

⁷⁰ “The Permanent Mission of the Republic of Uzbekistan to the United Nations,” Information on the Progress of Implementation in Uzbekistan of the “Roadmap” to Ensure Freedom of Religion or Belief | Uzbekistan, April 22, 2019, <https://www.un.int/uzbekistan/news/information-progress-implementation-uzbekistan-“roadmap”-ensure-freedom-religion-or-belief>.

understandings that to truly do that, he must improve his human rights record, perhaps a lesson learned from Karimov's failure to do so. From these reforms, in November of 2018, the U.S. removed the CPC designation from Uzbekistan and placed it on a newly created Special Watch List, a step below the CPC designation.⁷¹ Perhaps some of the biggest news from Uzbekistan this summer, Mirziyoyev closed the infamous Jaslyk prison where some of the worst abuses and torture had occurred during the Karimov era.⁷² Despite the abolition of torture and some incremental increases in freedom of press, reports of torture and false imprisonment, as well as bloggers being detained for criticism of the government, continue to surface.⁷³

Though it has only been three years since Karimov died, much of his governmental structure and leadership, especially on the local level, remain in place. Passing legislation, reforming legal codes, developing ties with the West, and broader economic reform are positive signs, but their full implementation will take years. Developing an institutional structure to oversee and implement reforms will also be necessary. A decreased U.S. military presence in Afghanistan will also allow sustained dialogue without a pressing need to make concessions to gain access. Civil society groups like the American Bar Association and Institute for Global Engagement are engaged with high level officials in Uzbekistan like the Minister of Justice, Chairman of the Supreme Court and the Ambassador to the United States on a variety of issues.⁷⁴

71 U.S. Commission on International Religious Freedom, *Annual Report 2019*, (Washington DC: U.S. Commission on International Religious Freedom, 2019), 6, <https://www.uscirf.gov/sites/default/files/2019USCIRFAnnualReport.pdf>.

72 "Uzbekistan's New President Closes Jaslyk Prison Camp," *The Economist*, August 8, 2019, <https://www.economist.com/asia/2019/08/08/uzbekistans-new-president-closes-jaslyk-prison-camp>.

73 U.S. Commission on International Religious Freedom, *Annual Report 2019*, 127.

74 David Dettman, "ABA President Helps Re-Start ROLI Program in Uzbekistan," *Rule of Law Insights - The ABA Rule of Law Initiative Blog*, Blogger, November 5, 2018, <https://abaruleoflaw.blogspot.com/2018/11/aba-president-helps-re-start-rol.html>.

⁷⁵ Mirziyoyev's aforementioned trip to the U.S. was the first time any Uzbek president has visited the White House.⁷⁶ Offers to host upcoming trade forums and Uzbekistan's hopeful bid to the World Trade Organization are increasing the opportunities for economic engagement.⁷⁷ Increasingly, senior government officials from the Department of State, including the current Ambassador-at-Large for International Religious Freedom, Sam Brownback, are travelling to Uzbekistan and inviting Uzbek officials to the U.S.⁷⁸ Engagement across different levels of the U.S. government and the private sector will hopefully lead to continued progress on religious freedom and human rights more broadly. Years of engagement and patient progress during the last decade of the Karimov era seem to be paying off as Mirziyoyev is projecting a new, freer image of Uzbekistan to the world and is slowly taking steps to prove his commitment. The same principled engagement across all levels of government that Berliner advocated for in 2008 will continue to be important as the U.S. continues to partner with Uzbekistan, both speaking candidly about ongoing abuses and assisting in the transition away from Soviet-style government.

Conclusion

Since the beginning of U.S. relations with Uzbekistan, human rights and religious freedom were priorities of the Department of State as they engaged with the Karimov regime. The Department of Defense took a hands-on approach, putting troops on the ground to develop relations with the Uzbek military. In a post-9/11 world where terrorism became the primary

⁷⁵ "Uzbekistan," The Institute for Global Engagement (IGE), Accessed September 22, 2019, <https://globalengage.org/programs/uzbekistan>.

⁷⁶ White House, 2018.

⁷⁷ White House, 2018.

⁷⁸ "Ambassador-at-Large for International Religious Freedom Sam Brownback Travels to Ukraine, Poland, and Uzbekistan," U.S. Department of State, September 10, 2018, <https://www.state.gov/ambassador-at-large-for-international-religious-freedom-sam-brownback-travels-to-ukraine-poland-and-uzbekistan/>.

focus of U.S. foreign policy, Uzbekistan played a key role in facilitating the U.S. war in Afghanistan. The need for the Uzbek airbase Karshi-Khanabad caused Defense to caution public humiliation or criticism of the government's abuses. The lack of continuity in the U.S. message about human rights, especially through the lack of conditions of aid given by Defense, frustrated State officials and human rights organizations. The tension came to its peak in 2005 after the Andijon massacre and the official condemnation that terminated the U.S. access to K2 and most diplomatic relations. After seeing the decline in religious freedom post-Andijon with no engagement, State was more willing to re-engage when Defense needed access again to the Afghan border. The idea of consistent, patient engagement, understanding the goal was incremental changes in the face of a regime unwilling to loosen its grip. Once Karimov died, Mirziyoyev began to show increased willingness to take tangible steps towards reform. Looking forward, the U.S. will need to practice consistent engagement across multiple levels and spheres to truly effect change. The systematic problems within the government and judicial structures will take years to overcome and will take disciplined engagement in economic, social, political, civil society and military spheres. However, Uzbekistan at least appears to be on the right track and proper engagement with the West can increase the likelihood that what was once an oppressive regime could turn into an ally in a strategic area of the world.

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