LIBERAL NORM COMPLIANCE AND POSTCOMMUNIST CENTRAL ASIA:

COMPARATIVE STUDY OF TAJIKISTAN AND KYRGYZSTAN VIS-À-VIS

THE UNITED NATIONS CONVENTION AGAINST TORTURE

AND ITS OPTIONAL PROTOCOL

by

Payam Foroughi

A dissertation submitted to the faculty of
The University of Utah
in partial fulfillment of the requirements for the degree of

Doctor of Philosophy

Department of Political Science

The University of Utah

May 2017

ProQuest Number: 10274928

ProQuest 10274928

The University of Utah Graduate School

STATEMENT OF DISSERTATION APPROVAL

The dissertation of **Payam Foroughi**

has been approved by the following supervisory committee members:

M. Hakan Yavuz	, Chair	**10/7/2014**
		Date Approved
Matthew J. Burbank	, Member	**10/7/2014**
		Date Approved
Korkut A. Erturk	, Member	**10/7/2014**
		Date Approved
Peter J. Sluglett	, Member	**10/7/2014**
		Date Approved
Yanqi Tong	, Member	**10/7/2014**
		Date Approved

and by **Mark Button** , Chair of

the Department of **Political Science**

and by David B. Kieda, Dean of The Graduate School.

ABSTRACT

This dissertation's foci are the Central Asian states of Tajikistan and Kyrgyzstan, two postcommunist states that are similar in territorial and population size; per capita income; history of Soviet subjugation; pro-Russian sentiments; reliance on remittances; and ratification of liberal treaties, including the UN Convention Against Torture and Other Cruel Inhuman or Degrading Treatment and Punishment (UNCAT). Related to the latter, the two states distinctively differ vis-à-vis allowance of independent monitoring of places of detention and ratification of UNCAT's Optional Protocol (OPCAT).

Although torture remains problematic in both states, Kyrgyzstan shows more promise in institutional attempts to combat its practice, including collaboration with international bodies, such as the UN and the International Committee of the Red Cross (ICRC). Both Tajikistan and Kyrgyzstan ratified UNCAT in the mid-1990s, but only Kyrgyzstan ratified OPCAT (in 2008), and by 2014 formulated its UN-sanctioned National Prevention Mechanism (NPM), a body (in the case of Kyrgyzstan, made up of government and civil society entities) meant to pay unannounced visits to places of detention as a torture prevention instrument.

This dissertation reasons that Kyrgyzstan's relative progress in the liberal antitorture norm is explained through its *political culture* as manifested in its nomadic past; its historical memory of resistance (as demonstrated by the 1916 *Ürkün* incidence); less deference to authority (as demonstrated by two "revolutionary" regime changes in 2005 and 2010); and higher degree of syncretism in religion, with the Kyrgyz practice of

Islam, as compared to Tajikistan, being far less dogmatic and more pragmatic.

The dissertation also argues that Tajikistan's abysmal record of progress in adhering to UNCAT and its unwillingness to ratify OPCAT, nor allow other bodies, such as the ICRC, access to its places of detention, is linked to its political culture of subservience to authority, the country's historical memory of defeat (as demonstrated by the anti-Soviet Basmachi losses during the 1920s and 1930s), and the ethnic Tajiks' far more dogmatic adherence to Islam.

Tajikistan's lack of progress in the liberal antitorture norm is also explained through the *Afghanistan contagion effect*, which served as a catalyst for the 1992-1997 Tajik civil war that stymied the country's socioeconomic and political progress. The ongoing malicious drug trade emanating from Afghanistan has also more negatively affected Tajikistan, which shares a 1,350 km border with Afghanistan, than Kyrgyzstan, which shares neither a direct border with Afghanistan nor, as opposed to Tajikistan, has strong cultural ties with Afghanistan.

Dedicated to memories of my beloved parents: Professor Tahereh Khodadoust-Foroughi

and Mr Ata Foroughi; and to my beautiful wife, Raissa G. Muhutdinova

CONTENTS

LIST OF FIGURES

Figures

ABBREVIATIONS

Amnesty	Amnesty International
APT	Association for the Prevention of Torture
BBC	British Broadcasting Corporation
CIA	U.S. Central Intelligence Agency
CoE	Council of Europe
CP	Communist Party
CPC	Criminal Procedure Code
DCA	Drug Control Agency
EU	European Union
GDP	Gross Domestic Product
GKNB	State Committee for National Security
GoT	Government of Tajikistan
GWoT	Global war on terror
HRW	Human Rights Watch
ICG	International Crisis Group
ICRC	International Committee of the Red Cross
IMF	International Monetary Fund
IMU	Islamic Movement of Uzbekistan
IRP	Islamic Renaissance Party of Tajikistan
KGB	Soviet Committee for State Security

MIA	Ministry of Internal Affairs
NGO	Nongovernmental organization
NPM	National Prevention Mechanism
OHCHR	United Nations Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to the Convention against Torture
OSCE	Organization for Security and Cooperation in Europe
ODIHR	OSCE Office for Democratic Institutions and Human Rights
RFE	Radio Free Europe
SPT	Subcommittee on Prevention of Torture
SR	Special Rapporteur
UDHR	Universal Declaration of Human Rights
UNCAT	The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNDP	United Nations Development Programme
UNHRC	United Nations Human Rights Council
UNODC	United Nations Office on Drugs and Crime
USSR	Union of Soviet Socialist Republics
UTO	United Tajik Opposition

AKNOWLEDGEMENTS

My thanks, first and foremost, go to my academic Advisor and mentor, Professor M. Hakan Yavuz, for his guidance and resourcefulness. I can only admire his expert juggling of many intellectual endeavors of teaching, research and publications. I also am highly indebted to my respected Committee Members, Professors Mathew Burbank, Korkut Erturk, Peter Sluglett and Yanqi Tong for their patience and trust in me to finally complete this multiyear academic endeavor. I furthermore give thanks to the Department of Political Science of the University of Utah for having accepted me as a PhD student and Teaching Assistant when I began this journey, and also to the OSCE Academy in Bishkek for having hired me as a Research and Teaching Fellow and partially funded my data collection efforts in Central Asia.

CHAPTER I

WHY A FOCUS ON TORTURE?

When in December 1838, British emissary Colonel Charles Stoddart was sent to the ancient city and Emirate of Bukhara (situated in today's Uzbekistan, see Figure 1) to offer its leader, Emir Nasrullah Khan, "the support of Her Majesty's Government in the event of a Russian attack," Stoddart's perceived "petulance and arrogance" so infuriated the wrathful Emir that he soon found himself a prisoner in the *Siyah Chah* (Dark Pit), a 20-foot-deep hole in the ground where prisoners were kept in the company of ticks, snakes and other specially-bred vermin and critters, including scorpions. After a year of such torture, Stoddard was given the choice of execution or freedom by converting to Islam. He chose the latter, was subsequently publically circumcised and granted some degree of freedom, albeit still kept a prisoner in the Siyah Chah (Cameron 1984, 82).

By this time, 1839, another British emissary, Captain Arthur Conolly—now also known as the individual who first used the term "Great Game" (Fromkin 1989)—was sent to Bukhara to negotiate the release of Stoddart, but his arrival had the unfortunate coincidence with the "massacre of a British force … south of Kabul" (Cameron 1984, 83), aka "the First Anglo-Afghan War," which led the Emir to decide that he could do well without British protection and diplomatic protocol. Stoddart, thusly, was also detained and forced to join Conolly in the Siyah Chah, where the two remained for three more years in extremely pitiful and excruciating conditions.

Figure 1. Map of Central Asia

By 1842, yet another British, the Christian missionary, Dr. Joseph Wolff, attempted a humanitarian mission to Bukhara to rescue his fellow countrymen. Wolff's arrival had come too late, however, as both Stoddart and Conolly had been executed via beheading months prior (likely on 24 June 1842), before Wolff had even left England on his long land journey East (Cameron 1984). And though the Emir also imprisoned the witty and adventurous Wolff, who had arrived in Bukhara "garbed in full canonicals, clergyman's gown, doctor's hood and shovel hat, and carrying a bible under his arm" (MacLean 1964, 144), he was eventually let go, with the interventions of the head of the Russian mission to Bukhara, Colonel Butenyov, and that of the Persian Ambassador, Abbas Qoli Khan, who had conveyed a personal letter of the King of Persia to the Emir with a message: "If you do not send back Joseph Wolff, ... I shall become enraged with you[!]" (Wolff 1845, 261; Cameron 1984, 84).

Fastforward two centuries and the issues of illegal captivity and torture still taint the same region of the world, referred to as Central Asia. One case involves Nematillo Botaqoziev, a 42-year-old ethnic Uzbek human rights activist from the city of Osh, Kyrgyzstan, who had fled his hometown due to threats on his life to the supposed safety of the neighboring country of Tajikistan. Botaqoziev disappeared on 26 February 2010 after having left the office of the United Nations High Commissioner for Refugees (UNHCR) in Dushanbe, Tajikistan's capital, where he had attempted to apply for asylum for himself, his wife and three children. After two weeks of restive search, including repeated appeals to Tajik security officials, Botaqoziev's family was able to finally confirm, as had been suspected, that agents working for Tajikistan's State National Security Agency (GKNB, aka "KGB") had snatched him on the streets and had all along been holding him in one of GKNB's remand or temporary holding facilities in Dushanbe.

After Botaqoziev's brother was given permission to visit him, he told a BBC reporter: "His complexion was white and he appeared to have had lost a lot of weight. He told me that he had attempted to go on hunger strike. But the [detention officials] ignored his action. And I could see that when walking, [he] was limping." Subsequently, a Paris-based human rights organization and the UN suspected—as is the case with many other GKNB detainees in Tajikistan—that Botaqoziev had suffered repeated beatings and possibly other forms of torture at the hands of his keepers. Such suspicions were especially worrisome for his family as Botaqoziev had already suffered a heart attack a few years past and his continued detention and ill treatment could have been fatal (BBC 2010a).

The Tajik authorities had all along refused to formally acknowledge having Botaqoziev in custody (it being a tactic of the security agencies in much of Central Asia). It was only on 13 April, over 1.5 months after his disappearance and detention, that

Tajikistan's prosecutor-general acknowledged in a press conference that the state was holding Botaqoziev in a Ministry of Internal Affairs (MIA) remand center—thus in the meantime having transferred him from the GKNB to a police cell (BBC 2010b). Though both the UNHCR and Botaqoziev's family had hired separate lawyers to represent him, and despite a presumed powerful "urgent appeal" (dated 18 March 2010) by five UN special rapporteurs (SRs)[1] and an additional appeal by Human Rights Watch (HRW 2010b), the Tajik authorities still refused to allow Botaqoziev to meet with his lawyers and to formally seek asylum in Tajikistan. What is known is that a few months later, Tajikistan deported him to Kyrgyzstan without due process and regard to international human rights laws.

The case of Botaqoziev is by no means unique in Central Asia and given *realpolitik* and inertia, most of the relevant international organizations (IOs) working in Tajikistan would normally have preferred not to intervene in such an affair. They made an exception in this case likely due to the fact that it had become public. Since independence in 1991, Tajikistan has refused to abide by many of its international human rights obligations, including individual cases.[2] Similar scenarios can be found in neighboring countries.

---

[1] The UN urgent appeal of 10 March 2010 on the case of Botaqoziev was signed by the following UN SRs: Chair-Rapporteur of the Working Group on Arbitrary Detention; Special Rapporteur on Independence of Judges and Lawyers; Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression; Special Rapporteur on the Situation of Human Rights Defenders; and Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OHCHR 2010).

[2] Tajikistan is also signatory to the First Optional Protocol of the International Covenant to Civil and Political Rights (ICCPR), according to which, the state's citizens have the right to send complaints to the UN Human Rights Committee and as "torture" is one of the articles of ICCPR, some Tajikistanis have been sending their complaints to that Committee after all legal appeals in Tajikistan have been exploited (which normally means the Supreme Court must have reviewed the case and the alleged victim not having been satisfied). So far, over two dozen complaints, nearly all involving alleged torture, but also death, at the hands of Tajik security agencies (MIA and KGNB agents), have been addressed by the UN. Aside from a couple of cases where the death penalty was changed into 25-year imprisonment, however, none of the recommendations of the UN regarding Tajikistan's complaints have been seriously addressed by the government. The only feedback of the Tajik authorities has been to seek further response from the relevant organs (such as the prosecutor-general and the Supreme Court), where in nearly all cases, their response has in turn been that all steps were taken in accordance with Tajik law and that there is no proof that any torture or other violations have taken place. There are thus individuals who according to the UN were tortured and

Postcommunism and wellbeing

In *The End of History and the Last Man*, Francis Fukuyama (1992) tells of how the 19th century was the century of "hope" while the ensuing was that of "pessimism." He wrote: "The soberest and most thoughtful minds" of the 20th century, given the two bloody world wars, followed by a vicious Cold War and spread of communist totalitarianism and rightwing authoritarianism, saw "no reason to think that the world [was] moving toward what [peoples and governments] in the West consider [as] decent and humane political institutions—that is, liberal democracy" (3). And the unexpected leadership and reformist social and political policies (*glasnost* and *perestroika*) of Mikhail Gorbachev, albeit meant to "reform communism," not "dismantle it" (Beissinger 2009, 335), coupled with the ensuing events of the late-1980s, including the crumbling Berlin Wall, led Fukuyama (and some other prominent academicians) to view the imminent end of the Cold War as a signal for the "universalization of Western liberal democracy" and even "as the final form of human government" (Fukuyama 1989, 4).

Communism had "claimed to be the vanguard of the future, but [by 1991] it [had] buckled under the pressure of its inner decay" (Yergin and Stanislaw 2002, 271). The five Central Asian states were for seven decades members of an eventual 15 republics of the former Soviet Union, which, come its implosion, had become part of the "debris of empire" (Gitz and Van Raemdonck 1997, 234), most finding independence or "decolonization by default" (Grant 1994, 52). Fukuyama's forecast of a liberal postcommunist world became only partially fulfilled in the two decades since the end of the Cold War.

---

executed by the Tajik authorities (prior to the 2004 capital punishment moratorium) and others deemed either not guilty or their due process grossly violated and who deserve compensation and freedom or retrial.

Much of the ensuing liberal economic and human rights norms have borne fruit in a geographically-skewed manner. That is, economic reforms and abidance of fundamental human rights have grossly differed, largely depending on geopolitics or location of the postcommunist state. Although even during communism, there existed significant disparities in social and economic development amongst Soviet and Eastern bloc states, such inequalities diverged substantially after the end of the Cold War.

Andrei Shleifer and Daniel Treisman (2014), in turn, claim that transition for the now over 30 postcommunist states has been a struggle between two competing forces of "the global dynamic of modernization and the tug of geography." While "[s]hedding the Moscow-imposed model," postcommunist states "yielded to the gravitational pull of their nearest noncommunist neighbors [with] countries of central Europe [becoming] more European," while "those of Central Asia, more Asian." For example, they claim that "Poland has blossomed into a free-market democracy whose income has more than doubled since 1990 [while] Tajikistan remains a war-scarred and overwhelmingly poor dictatorship, headed by the same leader for more than 20 years." And when looking at the 57 members (or participating) states of the Organization for Security and Cooperation in Europe (OSCE), to which all former Eastern bloc countries, including Tajikistan and Kyrgyzstan, belong, "overall violations of rights" by individual postcommunist states are "far more acute the farther a given state lies to the east of Vienna," where the OSCE is headquartered (Foroughi and Alexander 2012, 499).

Aside from Kyrgyzstan (in its post-2010 regime changed era), the former Soviet Central Asian countries have been described as "predatory states and kleptocracies, where governing elites systematically appropriate the states' most lucrative assets and use them for their private enrichment" (Cooley and Sharman 2013, 12). In addition to having

been ruled for the majority of their existence by similarly repressive and corrupt semi/full-authoritarian regimes, the noncarbon-exporting Central Asian states (that is, Tajikistan and Kyrgyzstan) are characterized by high unemployment and insufficient economic reforms associated with "weak institutions, bad geographical locations and unhelpful neighbours [sic]" (*Economist* 2005). In the economic realm, despite periods of high growth,[3] the highly unlevel economic opportunities within the republics have led to widening intra- and interstate income inequalities (see Figures 2 and 3).

After two decades of fall of communism, significant portions of the public in (primarily the nonpetrolrich Central Asian states) still yearn for the Soviet days, when there was certainty and minimum necessities were readily available. A 2012 public opinion poll in Kyrgyzstan reported that the majority of the population (56%) responded positively to the question: "Would you like the return of the USSR?" (IRI et al. 2012). Likewise, a 2013 poll reported that 66% of the public in Kyrgyzstan and 52% in Tajikistan had the opinion that USSR's breakup "harmed" their country (Gallup 2013a).[4]

Politically speaking, the postcommunist leaders of Central Asia have been able to utilize old Soviet tools to "keep democracy at bay" by inherited sophisticated intelligence apparatuses' stranglehold over key resources (of oil, gold, aluminum and cotton) and good-old-fashion repression (Radnitz 2012), including the use of torture and other egregious violations of human rights. Income inequality; authoritarian rule and political monopoly; civil war (Tajikistan 1992-1997); interethnic feud (Kyrgyzstan 1990 and 2010;

---

[3] For example, Tajikistan had an average annual economic growth rate of 6.5% during 2007-2011 (Foroughi 2012b), while Kyrgyzstan's growth rate for the same period was an estimated 4.8% (EIU 2011).

[4] A 1998 household survey (*N* = 1,039) in Tajikistan asked: "In your opinion, Tajikistan's economy would better resemble that of which country in the future?" When given the options of USSR, USA, Germany, Uzbekistan and Iran, the majority of respondents (53%) chose the USSR followed by USA and Uzbekistan (9% each) (Foroughi 1999, 68).
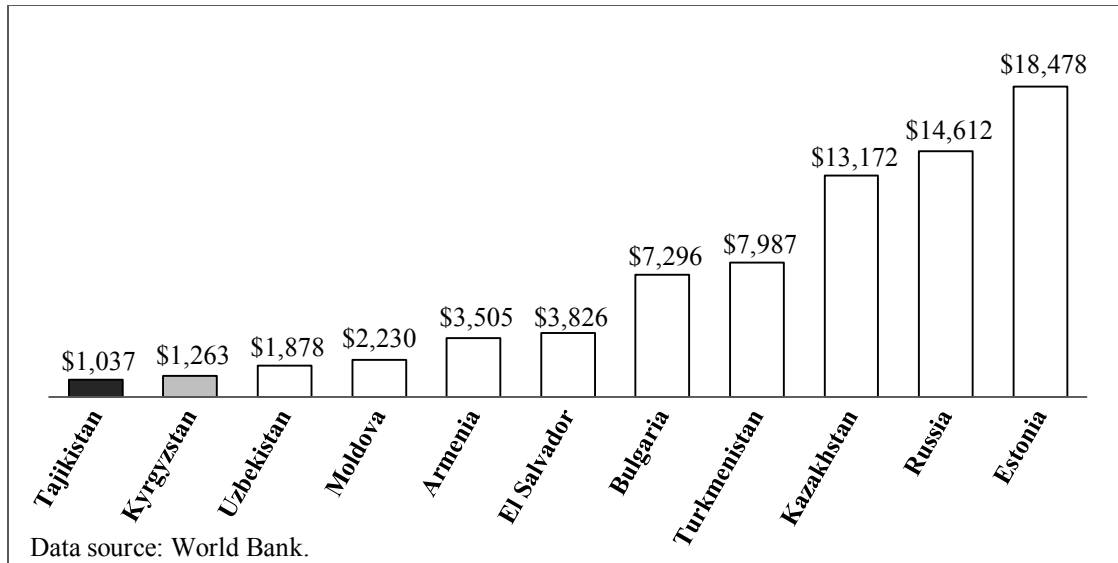
Figure 2. Per Capita Annual Income (US$, 2013 est.)
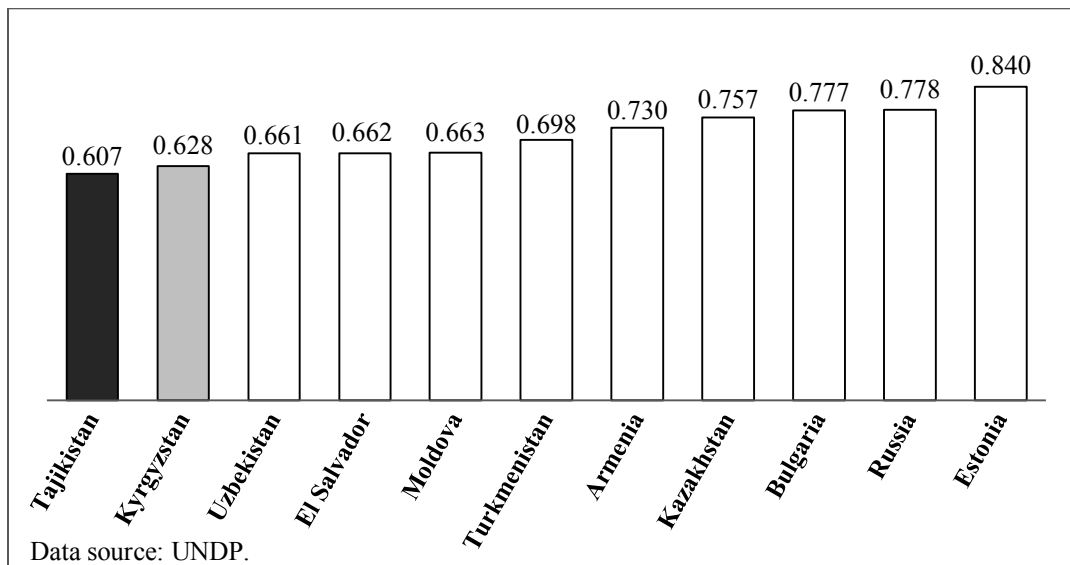
Figure 3. Human Development Index Value (2013)

migration and brain drain,[5] in addition to an uncertain future vis-à-vis regional security (including neighboring Afghanistan), have all made two decades of postcommunism in Central Asia—especially for its nonpetrolrich states of Tajikistan and Kyrgyzstan—anything but an astounding success—though as this dissertation argues, this statement holds far more so in the case of Tajikistan. (See Figures 4 and 5).[6]

A journey through Eurasia and values

The realities of transitions in the postcommunist world, including Central Asia, where most countries have had to deal with the "nationalist, democratic and capitalist" triple transformations (Dowley 2006, 139) [7] have thus differed sharply from the original predictions and expectations of its populations and Western theoreticians. Transition theories "were too good to be true" with, inter alia, mass scale privatization leading to "crony capitalism" and the devouring of segments of industries by powerful entrepreneurs or "nomenklatura insiders" who benefited from what had been the socialist public domain of "common good of the Soviet heritage," while millions suffered from instant de facto unemployment, loss of their Soviet savings due to devalorization, and hunger (Cheterian 2008, 4). Various coping mechanisms rose: Some resorted to migration, others joined the

---

[5] Migration and study abroad trips have also led to brain drain for both Tajikistan and Kyrgyzstan. Among the workers who have left for work in Russia are also educated Soviet era professionals, most of whom are not expected to return permanently to their home country. In Tajikistan, for example, it is estimated that two out of three students going abroad for studies do not return (Nuralishoeva 2012).

[6] Freedom House's "democracy score" is an average of six components of "national democratic governance," "electoral process," "civil society," "independent media," "local democratic governance," "judicial framework and independence" and "corruption," with scores from 1 to 7, 7 being the worst.

[7] Both Kyrgyzstan and Tajikistan have blatantly adhered to forms of ethnic nationalism, what I have referred to as "ethno-regional nationalism" (Foroughi 2002, 42) and what Rogers Brubaker has labeled "nationalizing nationalism" (Dowley 2006, 140), where the dominant ethnic and/or regional group is the focus of attention and endowed with disproportional rights. Tajikistan's postcommunist era has also been referred to as the "quadruple transition" involving "democratization, marketisation, state-institution and civic nationbuilding" (quoted in Yigit 2013, 80).
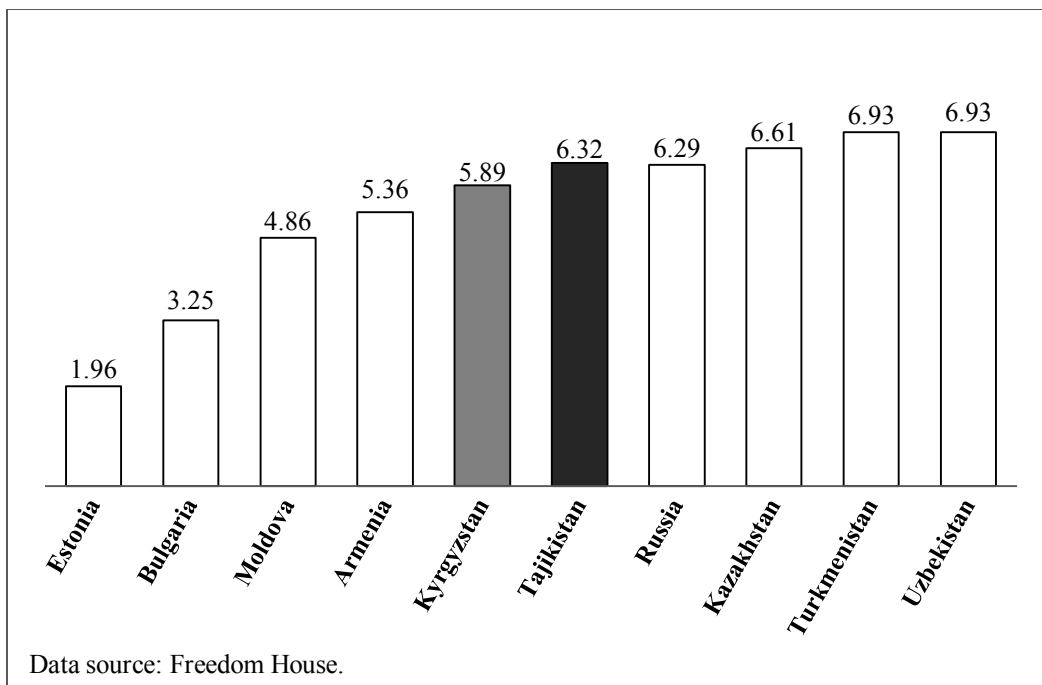
Figure 4. Freedom House Democracy Scores (2014)
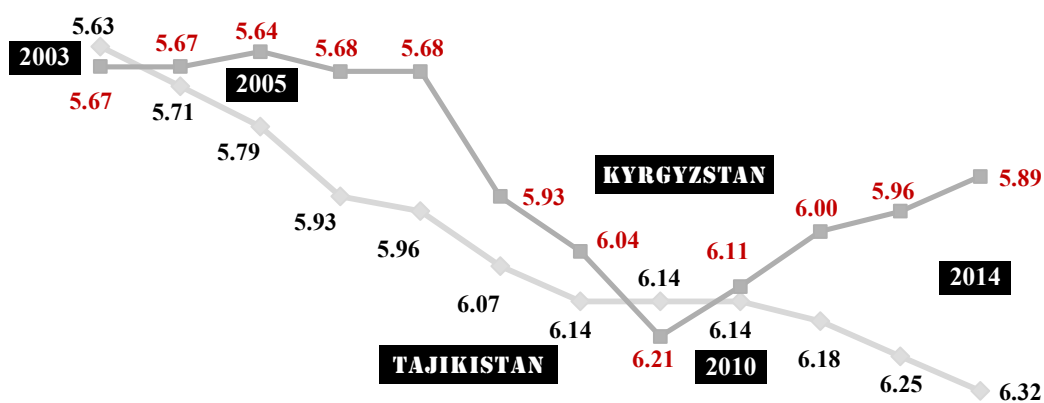
Figure 5. Freedom House Democracy Scores
Kyrgyzstan and Tajikistan (2003-2014)

capitalist economy seeking new ways to earn a living, and yet others—especially the elderly and retired—began to sell off their life possessions. Some among the young females turned to prostitution with some clients ironically being the very same expatriate technocrats sent to ease the postcommunist transition of their societies.[8]

Commencing in 1995, I lived and worked intermittently in the two postcommunist Central Asian countries of Tajikistan and Kyrgyzstan. My professional experience with the region up until 2009 had been with Tajikistan, partially due to the fact that I speak the predominant language of the country. Starting in 2011, I began to work as a Research and Teaching Fellow at the OSCE Academy in Bishkek, the capital of Kyrgyzstan. In Tajikistan, I have done a variety of tasks, anywhere from working as a technocrat with American and European nongovernmental organizations (NGOs), socioeconomic household survey manager, contracting researcher for a London-based risk management publication, consultant with the UNHCR and the UN World Food Programme, and Human Rights Officer with the OSCE. It was the latter position during 2006-09, which whetted my appetite to conduct research on the human rights notion of torture and government commitments under its international obligations.

---

[8] In November 1995 when I found my first job in Central Asia, I had to spend a night in the Moscow InTourist hotel to catch my flight to Dushanbe, Tajikistan's capital, the next day. I was confronted with a surreal scene at the hotel. Despite the fact that few guests appeared to be present, in the hotel lobby and even the elevators and in every floor there were a number of women standing and presumably seeking clients ready to pay for their sexual services. What I remember from walking back to my room after having had dinner outside was the cold, gray and depressing atmosphere and the extremely sad faces of the women. This was indeed part of the postcommunist transition of Russia in way of a form of cut-throat capitalism and privatization, where everything, not only buildings and factories, but also one's body, was for sale. Back in graduate school (1992-1993, American Graduate School of International Management), a student colleague who had studied in Russia and had worked as a consultant for the World Bank in the CIS told me that he had been a regular expatriate customer of the postcommunist prostitutes. In the words of Joseph Stiglitz (2003), the 2001 Nobel Laureate in Economics, the blame for the woes of postcommunist Russia falls on not only its leaders, but also Western advisers "who marched in so quickly to preach the gospel of the market economy … arguing for a new religion [of] market fundamentalism" to take the place of Marxism (134).

My experience with a large intergovernmental organization (the OSCE) demonstrated the ironic status quo weakness of the same, which largely due to institutional inertia, seeming confusion over its post-Cold War raison d'être, and a fixation on promoting projects—aka "projectosis" (Foroughi 2012a, 115)—has led to an inability, in one degree to another, to effectively fulfill its idealistic goals, including promoting the lofty liberal norms of human rights (including antitorture),[9] free and fair elections and environmental protection, and along the way having oddly adapted to the domestic ruling politics of the region, prompting some to ask: "Who's socializing whom?"[10]

September 11, *realpolitik*, and geopolitics

A key part of the adaptation to the domestic ruling politics of Central Asia by the West and Western-dominated and influenced organizations has to do with the September 11, 2001 events (9/11), the consequent U.S.-led "global war on terror" (GWoT), and proximity of the former Soviet states of Central Asia to Afghanistan. Prior to 9/11, the region "seemed often remote and unimportant" to nearly all outside powers, save for its carbon-based resources (petroleum and natural gas) and that, too, in primarily Turkmenistan and Kazakhstan (ICG 2002, i). And yet, Afghanistan had functioned as a

---

[9] Risse and Sikkink (1999) define "norms" as the "collective expectations about proper behavior for a given identity" (7). Despite its avowed policy of human rights (aka "human dimension") being a part and parcel component of "comprehensive security," the OSCE has in the past decade emphasized hard security (i.e., its "politico-military dimension") in its relationship with Tajikistan. In a March 2012 visit to the country, the OSCE's newly appointed Secretary General, Lamberto Zannier, primarily talked about Afghanistan and border security with President Rahmon (*Trend News Daily* 2012)—apparently foregoing discussions on the decrepit human rights situation of Tajikistan.

[10] According to David Lewis (2012), the OSCE via "the ritualisation of rhetorical commitments, the avoidance of discursive dissonance and the promotion of a kind of 'discursive consonance' around shared security threats" has succeeded in avoiding "a decisive polarisation with its Central Asian members over fundamental norms." Lewis tells that such "discursive tactics" have threatened to hollow out in the eyes of the locals the OSCE's supposed "traditional identity as a promoter of liberal norms in the region…" (1234). Similarly, one of my interlocutors for this study, an editor for an independent newspaper, in relation to the role of the international community and human rights in Tajikistan said: "We see you foreigners

key venue of U.S.-Soviet confrontation during the 1980s, referred to as the "last battlefield of the Cold War" (Weaver 1996), and commencing with 9/11, it once again became the focus of Western involvement (in way of the U.S.-led war against the Taliban and Al-Qaida) as part of the GWoT. In the Cold War and post-Cold War eras, Afghanistan has been base to three major "ideologically [Islamic] inspired radical resistance movements" of contemporary times, i.e., the Mujahideen, Taliban and Al-Qaida (Misra 2004, 88). What 9/11, inter alia, demonstrated to the West vis-à-vis the geopolitics of Central Asia was how "a failed state can facilitate the planning, training, and perpetration of a catastrophic terrorist attack" (Akbarzadeh 2006, 576).

Specially so after 9/11, Central Asian states bordering and near Afghanistan are known to rhetorically toy with the idea of democratic reform given that they are certain of their geostrategic importance for the West as long as the GWoT is underway. And despite Western human rights and democratization rhetoric, pressure in favor of human rights has been largely "tempered by the role Kyrgyzstan, Tajikistan and Uzbekistan play in the war in Afghanistan" (*Economist* 2011). According to one Western diplomat in Tajikistan, for example: "The real mission [of U.S., and presumably key European states, in Tajikistan] is keeping the government happy to assist the [North Atlantic Treaty Organization (NATO), aka International Security Assistance Force (ISAF)] war in Afghanistan. Every American soldier deploying to Afghanistan flies over Tajikistan," says the diplomat. "Are we going to jeopardize that? No way [!]" (*Economist* 2012). A U.S. Embassy memo described Tajikistan's strategic significance as such:

> There is some truth to the quip that Tajikistan's real contribution to our efforts in Afghanistan is to be stable, and to allow unfettered over flight and transit to [U.S.-

---

come here and we initially assume that you are here to change us for the good, but then we observe that instead of us becoming like you, it is you who become like us!" (Interview, July 2011, Dushanbe).

led] forces—which the Tajiks have done unfailingly. … They see U.S. involvement in the region as a bulwark against Afghan instability, and as a cash cow they want a piece of (*Guardian* 2010)

A similar scenario of "Western *realpolitik*" has existed in Kyrgyzstan where the U.S. had been operating a military base since December 2001. After the April 2010 "revolution" in Kyrgyzstan, where President Kurmanbek Bakiev was ousted, the ensuing president, Roza Otunbaeva, commented on the U.S. presence in Kyrgyzstan: "You came to us to help us build democracy. And then just one day, you put your hands over your mouth [refusing to talk about human rights] just to have a base" (Kirchik 2010).[11] Western silence when confronting human rights violations in Central Asia may also have to do with a global phenomenon of a collapsed "age of global human-rights advocacy" and rise of a new "era of realism" unseen since the early 1970s (Kurlantzick 2010).

Research question

According to Todd Landman (2003), in the post-World War II era, there has been a presumption of "universality" within "human rights discourse and law." But mere formal ratification of key human rights treaties does not necessarily translate into implementation of the same liberal norms. Among the Central Asian countries, in turn, there are differences in the level of democratic or authoritarian governance and associated ratifications and abidance by international human rights norms. To understand the

---

[11] Alexander Cooley (2005), while bringing the example of Uzbekistan in the post-9/11 era, writes that an "enduring problem" faces the U.S. as it tries "to promote democratic values abroad while maintaining … military bases in nondemocratic countries." He goes on to say that some policy makers "in Washington acknowledge this tension," but they still generally hold the position "that the strategic benefits of having U.S. bases close to important theaters such as Afghanistan outweigh the political costs of supporting unsavory host regimes." This position can be inherently unstable, however, as demonstrated by the 2010 regime change in Kyrgyzstan, a country where the U.S. had since December 2001 held a major military base at Manas Airport (aka "Transit Center at Manas"). U.S. support and tolerance of the authoritarian President of Kyrgyzstan, Kurmanbek Bakiev (2005-2010), is said to have led to a near "blowback" situation by losing the trust of key figures among the new government and segments of the population. In June 2013, Kyrgyzstan's Parliament voted to close the Manas U.S. base (Smolar 2013).

differences and reasons behind the degrees of formal and actual abidance by universal human rights norms, one can conduct research of "cross-national comparison" (260).

Charles Tilly and Sidney Tarrow (2007) consider "governmental capacity" (what they define as the level of governmental power to affect the "character and distribution of population, activity, and resources") and "democracy" as the most important variables in the collective action of populations on politically contentious issues (55). "State capacity" is said to be associated with such measures as the level of law enforcement or rule of law, ability to tax one's citizens and even the level of corruption in the country (Englehart 2009). Figure 6 depicts Tilly and Tarrow's two-dimensional "capacity-democracy" quadrangle, wherein I have roughly located the eight Central Asian and Caucasus republics and Russia. (Based on basic data and anecdotal evidence, it is the assumption of this dissertation that Kyrgyzstan is the most democratic state in Central Asia, while on the government capacity level, though not ranking the highest in Central Asia and Caucasus, Kyrgyzstan still ranks higher than Tajikistan).

Of the many avowed liberal norms which states are associated with is the freedom from torture. Immunity from and prohibition of torture has been referred to by Thomas Risse et al. (quoted in Landman 2003) as part of "basic rights of the person" and "central core of rights," including "the right to life (free from extrajudicial killings and disappearances) [and] freedom from arbitrary arrest, and detention." They argue that these rights "ought to have the most impact internationally" due to a presumed "larger consensus around their content and protection," and that freedom from torture and related core rights are so critical that if a state makes no progress on them, it would then be "highly unlikely that progress could be made on … less consensual set of rights" (249).
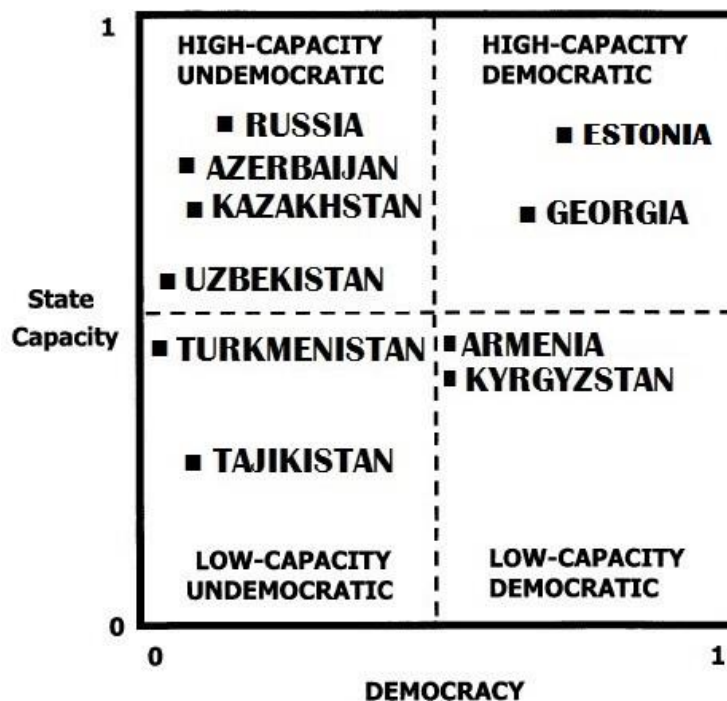
Figure 6. The Tilly-Tarrow Capacity-Democracy Quadrangle

It is argued hereby that the post-Cold War geopolitics and post-9/11 *realpolitik* at play vis-à-vis Central Asia have led to a situation where "[c]oncerns for human rights and and democracy" by IOs and Western powers have tended to at worst "remain at the level of rhetoric" and at best "take a back seat to hard security concerns" (Foroughi 2012a, 108). I also argue that in the two decades since the end of the Cold War, and the implosion of the Soviet Union and independence of the five Central Asian states, some degrees of progress in human rights can be observed in the postcommunist world, albeit highly skewed crossnationally.

When looking at the issue of countering torture, this dissertation seeks to gauge the progress—or lack thereof—made by the postcommunist state of Tajikistan by comparing the country with its northern neighbor, Kyrgyzstan. According to Figure 7, both Tajikistan and Kyrgyzstan ratified the UN Convention Against Torture and Other

Country	CAT		OPCAT		NPM		SR on Torture	
	Signature	Ratified	Signature	Ratified	Approved	Designation	Invited	Visited
Armenia	Forewent	13 Sep 1993	Forewent	14 Sep 2006	8 Apr 2008	Human Rights Defender's Office	Invitation not extended	n/a
Bulgaria	10 Jun 1986	16 Dec 1986	22 Dec 2010	1 Jun 2011	Under Consideration		Invitation not extended	n/a
El Salvador	Forewent	17 Jun 1996	Not Signed	Not Ratified	n/a	n/a	Invitation not extended	n/a
Estonia	Forewent	21 Oct 1991	21 Sep 2004	18 Dec 2006	Jan 2007	Chancellor of Justice	Invitation not extended	n/a
Kazakhstan	Forewent	26 Aug 1998	25 Sep 2007	22 Oct 2008	July 2013	Ombudsman+	Data unavailable	5-13 May 2009
Kyrgyzstan	Forewent	5 Sep 1997	Forewent	29 Dec 2008	12 July 2012	National Center for Prevention of Torture	Invitation extended in 2010	5-13 Dec 2011
Moldova	Forewent	28 Nov 1995	16 Sep 2005	24 July 2006	Data unavailable	National Center for Human Rights and Consultative Council	Data unavailable	4-11 Jul 2008
Russia	10 Dec 1985	3 Mar 1987	Not Signed	Not Ratified	n/a	n/a	May 1994	17-28 Jul 1994
Tajikistan	Forewent	11 Jan 1995	Not Signed	Not Ratified	n/a	n/a	Invitation extended in 2011	10-18 May 2012
Turkmenistan	Forewent	25 Jun 1999	Not Signed	Not Ratified	n/a	n/a	Invitation extended in 2006	Not yet
Uzbekistan	Forewent	28 Sep 1995	Not Signed	Not Ratified	n/a	n/a	Jun 2002	24 Nov- 6 Dec 2002

Sources: OHCHR, APT.

Figure 7. Comparative Data on UNCAT, OPCAT, NPM and Visit by SR on Torture

Cruel, Inhuman, Degrading Treatment or Punishment (UNCAT) in the 1990s. The Figure shows, however, that as opposed to Tajikistan, Kyrgyzstan has also ratified the Optional Protocol to the UNCAT (OPCAT), considered to be a powerful preventive tool against the use of torture by the state, and that Kyrgyzstan even formulated its National Prevention Mechanism (NPM), a body used for detention monitoring and torture prevention.

In his novel, *Anna Karenina*, Leo Tolstoy wrote: "All happy families resemble one another, but each unhappy family is unhappy in its own way" (quoted in Akiner 2010, 373). Likewise, as I will elaborate in Chapter III and the rest of this dissertation, torture by the state is highly problematic in both Tajikistan and Kyrgyzstan, and yet the prospects of Kyrgyzstan in reducing the practice via cooperation with the international community on the subject matter appear far better than Tajikistan. If this assumption is correct, why is that the case? What are the underlying factors which have prevented Tajikistan to be less cooperative and less compliant vis-à-vis the antitorture norm than its northern neighbor, Kyrgyzstan? And what lessons can stakeholders (domestic NGOs, IOs and states interested in compliance with the antitorture norm) learn from the Tajik and Kyrgyz cases?

Hypotheses

The causes behind the "disparity between official proclamations and actual imple-mentation of human rights protection" (Landman 2003, 240), what is also referred to as the gap between "rights in principle" and "rights in practice" (Landman 2004, 26) or the "ratification-implementation gap" (Foroughi 2012c, 1) is a focus of this dissertation. I posit that there are two overarching factors distinguishing Tajikistan's record of (non)compliance with the antitorture norm and cooperation with international bodies as

opposed to Kyrgyzstan. They are *political culture* and the *Afghanistan contagion effect*.

Comparisons of cases are never the Weberain *gedankenbild* or "ideal type." According to Max Weber (1949): "In its conceptual purity, [the] mental construct" or ideal type does not exist "in reality" as it is "a *utopia*." He claims that "research faces the task of determining in each individual case, the extent to which [the] ideal construct approximates to or diverges from reality ..." (90). For the comparative research of this dissertation, I have chosen the "wisest substitute" approach so as to "construct the best possible comparisons and discuss frankly their drawbacks and alternative explanations." Looking at the Tajik and Kyrgyz cases among the Central Asian states is appropriate in that "the outcomes to be explained vary" vis-à-vis compliance with the global antitorture norm and the two states are examples of entities whose "relevant political actors are matched in [nearly] everything except the ideas or cultural beliefs they hold" (Berman 2001, 243)—plus the *Afghanistan contagion factor*.

Nearly all potential independent variables have been controlled for the two cases. What Tajikistan and Kyrgyzstan have in common (i.e., control variables) are: Both are postcommunist, post-Soviet, located in Central Asia, similar size, relatively poor (see Figure 8) with similar per capital GDPs, encountering near-identical social and economic ills,[12] highly reliant on remittances from emigrants as source of sustenance,[13] have "an over-

---

[12] According to the Economist Intelligence Unit, Tajikistan has a population of 7.5 million (end-2009) and land mass of 143,100 km^2 (approximately the size of the U.S. state of Iowa); Kyrgyzstan has a population of 5.5 million (end-2010) with land mass of 198,500 km^2 (nearly the size of South Dakota). Among other things, Tajikistan and Kyrgyzstan are among the top four of 89 states monitored by World Health Organization for death rates for cardiovascular diseases, including high blood pressure (WHO 2013).

[13] Over a million Tajikistanis and around 800,000 Kyrgyzstanis, about 15% of their respective populations, live and work in Russia and, to a lesser extent, Kazakhstan (Foroughi 2012b; Tursunov 2013). The share of female migrant workers is 15% for Tajikistan (EurasiaNet 2012) and between 40-50% of the total for Kyrgyzstan—the highest among Central Asian republics (Botoeva 2012). According to the Central Bank of Russia, during 2011, Kyrgyz migrants sent remittances worth US$894 million back to their families in Kyrgyzstan (Sultanov and Karimov 2012). And according to the World Bank, Tajikistan's
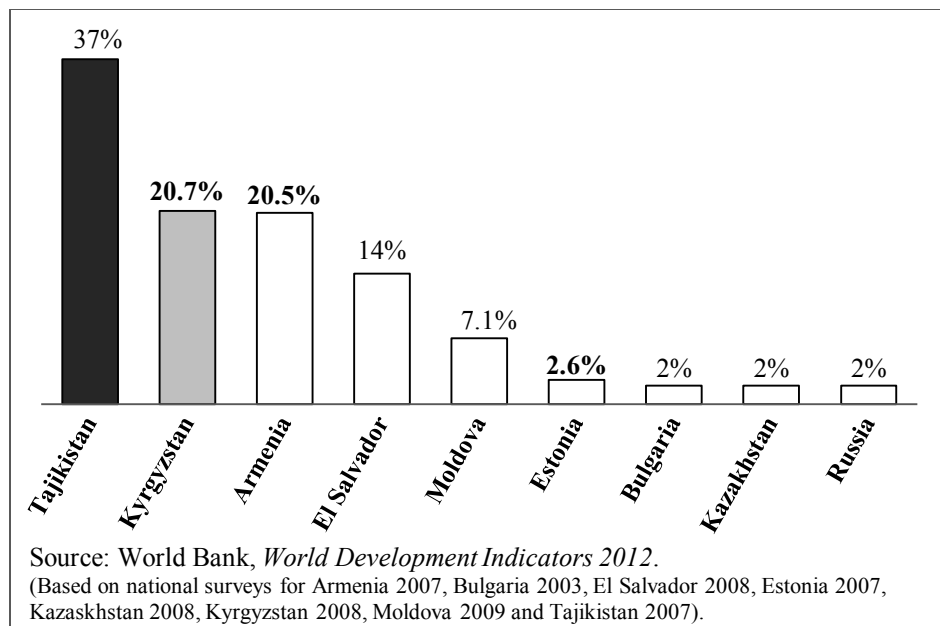
Figure 8. Population Living Below US$2/day

riding special relationship with Russia" (Tousley 1995, 24),[14] and have ratified the

UNCAT in the immediate post-Soviet era. The main proposition of this study is, thus:

> Political culture and proximity to Afghanistan are significant determining factors in governance, policy choices and practices of postcommunist Central Asian States vis-à-vis acceptance and compliance with international antitorture norms.

This study takes one of David J. Meadows' (2003) three "core" parts of political

culture, that of *historical memories*[15] as the first component or independent variable of

---

remittances inflow surpassed US$3 billion in 2011 (Foroughi 2012b). Tajikistan ranks number one in the world in inflow of remittances as percentage of gross domestic product (GDP). In 2010, remittance inflows to Tajikistan and Kyrgyzstan made up 31% and 21% of their respective GDPs (Mohapatra et al. 2011).

[14] In a crossnational survey when members of the public were asked: "Do you approve or disapprove of the job performance of the leadership of Russia?," the top answers of those choosing "approve" were: Tajikistan (94%), Kyrgyzstan and Mali (84%), Uzbekistan (81%) and Armenia (75%) (Gallup 2013b). And in a June 2014 phone survey of over 1,000 individuals surveyed per country, 90% of respondents in Kyrgyzstan and 85% in Tajikistan expressed "great deal" or "fair amount" of confidence in the Russian president, Vladimir Putin (Trilling 2014).

[15] For David J. Meadows (2003), there are three "core" components of political culture: One is "worldviews," i.e., "norms, rules, values and beliefs," which together "influence ideas" and set the overarching societal normative views. Two is "ways of life," defined as "predominant habits, practices, traditions and customs," which drive and determine "conduct of political-economic behaviors and social organization." Meadows stipulates that both "worldviews" and "ways of life" mutually influence each

the overarching concept of political culture. I argue that the historical memories of the traditionally settled populations of ethnic Tajiks in Central Asia have been different as compared to the historically nomadic ethnic Kyrgyz. As a second component or independent variable of the overarching concept of political culture, this study focuses on *syncretic Islam*, arguing that despite the dominant religion of both Tajikistan and Kyrgyzstan having been Hanafi Sunni Islam, the two societies have developed differently and adapted Islam to their own idiosyncratic—and more in the case of Kyrgyzstan, pre-Islamic—cultural practices, a syncretism in religion which has led to significant differences in political governance and practices, including vis-à-vis international antitorture norm among the two states. This leads to the first hypothesis of this study:

> **H₁**: The diverging policies and practices of the two Central Asian states of Tajikistan and Kyrgyzstan vis-à-vis the ratification and implementation of the UNCAT and OPCAT are largely due to the differing *political culture* components of: (a) "historical memories" and (b) "syncretic Islam" as experienced by the dominant peoples of each state.

"[G]eographic contagion" is a notion built upon the concept of physical proximity of a given state to a neighboring state with ongoing conflict, providing for both an "exposure to externalities" and an "opportunity for emulation" (Maves and Braithwaite 2002, 2). When looking at the postcommunist states of Central Asia and the proximity and sharing of borders with Afghanistan, this study hypothesizes that such proximity to a center of Cold War and post-Cold War violence and violent extremism produces negative consequences for the region as a whole, especially for those states physically contiguous with Afghanistan. Tajikistan borders a country to its south, writes Gregory Gleason

---

other. The third component of political culture is "historical memories," which functions to "reinforce the longevity of existing worldviews and ways of life." When comparing the divergent economic behaviors of Latvia and Belarus, Meadows also argues that the influence of religion (in their case, Orthodox vs. Protestant Christianity) has been a critical factor in divergent postcommunist paths, "long after much of these religious values had been secularized [via Soviet rule] and taken for granted" (3).

(2001), that "by 1991 had known only war for over a decade and had nurtured a generation of barbarized and poorly educated armed insurrectionists" (80).

It is important to note that from amongst the three Central Asian states bordering Afghanistan, Tajikistan has the "closest ethnic links and the longest border" (1,350 km, see Figure 9) with Afghanistan (Rubin 1994, 208), a country, which contains more ethnic Tajiks than Tajikistan, itself.[16] When comparing Tajikistan and Kyrgyzstan, I argue that the disproportionately negative effects of Afghanistan has overwhelmingly focused on Tajikistan where the country has been affected by both violence and drug trafficking ema-

Source: UNODC.

Figure 9. Afghanistan's Northern Border with Postcommunist Central Asia

---

[16] If as the Tajik government claims, ethnic Tajiks compose 80% of Tajikistan (Ferrando 2008), then their total number, given 2012 World Bank-reported population of 8.0 million for Tajikistan, would be 6.4 million. In reality, ethnic Tajiks likely make up no more than two-thirds of Tajikistan's population and their number is thus no more than 5.4 million. Likewise, if ethnic Tajiks make up 33% of all Afghanistan (Asia Foundation 2012), with a 2012 World Bank-reported population of 29.8 million, the total number of Tajiks of Afghanistan would be 9.8 million or 3.4-4.4 million more ethnic Tajiks than Tajikistan, itself.

nating from Afghanistan. This leads to the second hypothesis of this study:

> **H₂**: The diverging policies and practices of the Central Asian states of Tajikistan and Kyrgyzstan vis-à-vis the ratification and implementation of the UNCAT and OPCAT are due to the *Afghanistan contagion effect*, with Tajikistan being disproportionately affected by: (a) violent extremism and war emanating from Afghanistan, which has acted as a catalyst in inducing Tajikistan's own civil war (1992-97); and (b) malicious effects of drug trafficking originating in Afghanistan.

Methodology

This study uses qualitative indicators and "measures of human rights performance"—a way of examining UN documents and interviewing experts on the ground—that serve as a form of operationalization of the UNCAT and OPCAT "international legal instruments" (Landman 2003, 244) when comparing the performances of Tajikistan and Kyrgyzstan under the said regimes. The dissertation qualitatively tests the "key explanatory factors" or independent variables of *political culture* and *Afghanistan contagion effect* as accounting for the differences in the antitorture norm compliance levels between Tajikistan and Kyrgyzstan. It also draws inferences for purposes of prescribing broad solutions for encouraging postcommunist Central Asian states which have yet to ratify the OPCAT (Tajikistan, Uzbekistan and Turkmenistan) and to minimize compliance gaps.

In addition to analysis of UN documents, this study relies on existing scientific literature and news items. Relying on the author's years of work and living experiences in Central Asia, the approach taken in this research is also one of "political ethnography," use of the "immersion" method (Schatz 2009, 303) and that of "extant discourses" of lively everyday discussions amongst individuals in the societies studied (Dryzek and Homes 2002, 9). This dissertation benefited from 75 interviews, divided nearly equally

amongst Tajikistan and Kyrgyzstan and conducted while I was a Research and Teaching Fellow with the OSCE Academy in Bishkek starting in 2011. Interview subjects included primarily members of civil society, human rights NGOs and think tanks, but also government officials, political parties and expatriate experts.[17]

Study's significance

There are three reasons why this study is significant:

1. A focus on the critical, but understudied, region of Central Asia: Tajikistan has been a state that, after its devastating civil war, except for periodic blips of violence, has remained "stable enough [for most part of the past two decades] for the international community to forget about it" (Gavrilis 2009). Given the dearth of knowledge on the country by outsiders, I have even referred to it as: "A black hole in Eurasia" (Foroughi 2012a, 107). Likewise, the Central Asian region as a whole has been described as "a curiously overdetermined," yet "understudied and undertheorized" part of the world (Liu 2011, 125-6).[18]

2. Shedding light on peculiarities of human rights norm ratification and compliance: Often IOs and Western donors treat developing countries and postcommunist transition societies through a "cookiecutter one-size-fit-all approach" (Foroughi 2011a), whereby in advocating for improvements in human rights and also in

---

[17] A mistake scholars and international donors make is to equate civil society and NGOs. While civil society relies on and "requires grassroots participation," NGOs are often elite-led and may have "tenuous ties to the citizens on whose behalf they claim to act," and are normally fully dependent on foreign donors for "budgets they cannot [or are unwilling to take initiative to] nourish from domestic sources" (Grodsky 2007, 461).

[18] Morgan Liu (2011) writes that Central Asia "tends to be treated in terms of something other than itself: As an Islamic periphery to be measured against the Middle Eastern heartland; as a subject of Soviet, Russian, or Chinese imperial projects; as a geopolitical chessboard for Great Powers, yesterday and today; as an underdeveloped source of hydrocarbons; as a needy recipient of assistance in loans, technocratic expertise, and neoliberal practices; and as a strategic battleground in the … [GWoT]" (116).

the political and economic realms towards liberalization, they utilize the same techniques and approach without regard to the uniqueness of each society and polity. In line with this notion, I consider myself amongst those students of political science who "do care about the real world and have little tolerance for irrelevant abstraction" (Walt 2005, 42). This study, thus, also hopes to generate some broad, and also nuanced, policy-relevant recommendations of use to implementers and professionals engaged in human rights- and governance-related work in postcommunist and developing societies.

3. Linking security with human rights: Though this study is not one of international or regional security, a message in its margins is the imperative of linking human rights (including the promotion of antitorture norms) with overall country, regional and global security. This is all the more vital given the impending departure of the U.S.-led NATO forces from Afghanistan. Credible information on human rights issues (including the antitorture norm) vis-à-vis Afghanistan's postcommunist northern neighbors can thus be of importance to scholars and policy makers in both Central Asia and beyond for use towards improved regional and global security.

CHAPTER II

TIMELINE OF TORTURE, UNCAT, AND OPCAT

Woe to those who permit it in their midst!
–Edward Raymond Turner, in
"The Habit of Torture" (1919, 689)

Everybody always confesses. You can't help it.
They torture you. –Winston Smith, character from
George Orwell's *Nineteen Eighty Four* novel (1992, 175)

"It's irrelevant whether torture *worked*. We don't
ask about the efficacy, for example, of genocide
 or rape. Torture is immoral and always illegal"
–Amnesty spokesperson. (quoted in Leopold 2014)

"[F]or the first time since [WWII], this important
 consensus of the international community … [the
prohibition against torture has] been called into ques-
tion … in the context of counterterrorism strategies."
 –Manfred Novak, (ex-)UN Special Rapporteur
on Torture (quoted in Bashir 2014, 11)

"More than once, I begged my torturers to kill me."
–Juan Mendez, (ex-)UN Special Rapporteur on Torture,
on his detention ordeal in Argentina (2015)

The "epitome of evil" is one reference to torture (Levinson 2004, 24). Torture has

been described as the "polar opposite of freedom" and "the banishment of all freedom

from a human body and soul, insofar as that is possible" (Sullivan 2004, 318). Sigmund

Freud equated it to a form of "taboo" for most societies, a "holy dread" and a "sense of

something unapproachable" (quoted in Moyn 2013). Torture is said to be "contrary to

every relevant international law, including the laws of war" with no "other practice except slavery [being] so universally and unanimously condemned in law and human convention" (Shue 1978, 124). Elaine Scarry writes that "there may be no human event that is as without defense as torture" (quoted in Moyn 2013). And the first UN Special Rapporteur (SR) on Torture, Peter Kooijmans, describes torture's widespread practice in the latter part of the 20th century as a manmade "plague" (UN Commission on Human Rights 1986, 1). Kooijmans equates torture to "the disintegration of personality" and concludes that its use "cannot be justified under any circumstance, be it external war or internal strife" (27). Another UN SR, Manfred Nowak (2014), refers to torture as being "illegal, amoral and beyond utilitarian logic."

History of torture

For two millenniums, torture has been practiced as both a legal and illegal tool of the state. Torture is a form of "violence that is ritualized" (Binder et al. 2011, 224). Romans, who had brought torture into their legal system as borrowed from Greek law, initially allowed the practice in criminal and civil law and only on slaves. For the Romans, "[s]laves were thought to lack moral rectitude and, consequently, authorities inflicted torture to ensure that they testified truthfully." By the 2nd century AD, Roman law began to permit the use of torture on "free citizens" accused of treason, aka *crimen majestatis* (Lippman 1994, 276) and, later, on more people accused of a variety of alleged crimes (Peters 1989, 16). The standard torture technique utilized by the Romans was "the rack, a wooden frame mounted on rails which could be manipulated so as to painfully distend the victim's joints and muscles." Another common method was the use of "red hot metals and hooks designed to tear the flesh" (Lippman 1994, 277).

By the 3rd century, torture was assimilated by the Germanic tribes which overtook the Romans. It's common application by the state was to an extent that: "An entire jurisprudence of torture developed" (279). In medieval times, "torture was used to 'test' the veracity of 'unreliable witnesses', … to extract confessions of guilt from suspected criminal offenders, or to force heretics to admit or deny their religious beliefs" (Peters 1989, 28). Defendants who would recant their tortured testimonies in court, would often be subjected to more torture by the order of the judge, who in turn felt pressured to do so, as violating such guidelines could lead to expiration of the judge's term (Lippman 1994).

Fast forward over a millennium: By the end of the 17th century and the era of the Renaissance, torture as a common tool for the "sake of extracting evidence from witnesses" was becoming "increasingly unacceptable" (Moyn 2013). It was generally agreed that "[t]he agony" brought about by the use of torture on suspects "created an incentive to speak, but not necessarily to speak the truth" (Langbein 2004, 97). Barbaric methods of torture as execution, such as "drawing and quartering (dismemberment by horses)" and "burning by the stake" were still being practiced by some states, including Britain (Hunt 2007, 77).

European powers, however, gradually banned the use of torture, which were part and parcel of "their legal systems" (Langbein 2004, 93). By 1754, Prussia's Frederick the Great abolished torture and permitted "conviction and punishment on less than full proof" (Lippman 1994, 284). In 1764, Cesare Baccaria, an Italian criminologist drafted an "influential critique of torture," wherein he criticized the torturing of defendants "absent the finding of criminal guilt." He argued that "where guilt is certain, interrogation under torture is superfluous [and] where guilt is uncertain, the application of torture runs the risk of harming the innocent." Baccaria also argued that "torture is contrary to the

jurisprudential condemnation of self-incrimination [and that] it placed the individual in the position of being [both] the accuser and the accused …" He went on to say that torture does not necessarily "lead to truthful testimony," calling it "dubious to posit pain as *the crucible of the truth, as though the criterion of truth lay in the muscles and fibers of a poor wretch*." Furthermore, Baccaria wrote, torture is a "sure way to acquit robust scoundrels and to condemn weak but innocent people" (282).

By 1770, the states of Denmark and Saxony had formally abolished torture, while Poland did so in 1776 and France's Louis XVI followed the same in 1780. Other states soon banning torture were: Tuscany in 1786, Lombardy and Holland in 1789, Norway 1819, Portugal 1826, Greece 1827 and Spain (after Napoleon's conquest) in 1808 (Lippman 1994). The nominal ban on torture had varying degrees and practical effects on the primarily European states which formally stood against it. The subject was less of a topic of discussion and even actively ignored at times. The 1910-11 edition of the *Encyclopedia Britannica*, for example, wrote that "the whole subject [of torture] is one of only historical interest as far as Europe is concerned" (Fukuyama 1992, 4).

Geneva Conventions and protection against torture

According to Weber, "the defining element of the state is its monopoly on the legitimate use of force within a given territory" (quoted in Finnemore 1999, 152). Many states would refer to such legitimacy as the right to engage in war and even to practice torture on the enemy. According to Martha Finnemore (1999), however, war has throughout history become "a highly regulated cultural institution" with "rules [that] have changed over time" (149). Among the "rules of war" today are the Geneva Conventions, which proscribe to signatory states a "variety of protections for both wounded soldiers

and non-combatants that warring states must guarantee"—rules of conduct that have been referred to as "world-cultural principles." The first Geneva Convention was signed in 1864 and was drafted and promoted or "sold" to signatory states by a nongovernmental entity, which later became the International Committee of the Red Cross. The genesis of the ICRC is found in an individual: Henry Dunant (1828-1910), a Swiss banker who had experienced the horrors of violent conflict when in Lombardy in 1859 during the Italian war of independence, witnessing the misery of the wounded French and Austrian soldiers in Solferino (150).

Within four years of the first Geneva Conventions agreement, "virtually every state in Europe was a signatory … along with some of the most important extra-European states," namely the U.S. and Turkey (aka the Ottoman Empire) (159). One of "the earliest and most enthusiastic supporter" of the first Geneva Convention was Prussia, which ironically was known as one of the "least democratic states" of 19th century Europe (153).

The ICRC has through its local chapters and the codified Geneva Conventions sought: (1) humane treatment and "neutrality status for non-combatants" (i.e., medical personnel, civilians and the wounded); (2) provision of humanitarian "aid to and facilitate the return of prisoners of war"; (3) provision of assistance to "non-state forces" at times of civil war or conflict; and (4) "access to and humanitarian treatment for political prisoners." Interestingly enough, ICRC's efforts to champion these key humanitarian areas were initially—and we could argue are still—vehemently opposed by many Gevena Conventions signatories as "an infringement on state warmaking powers or sovereign rights" (151). Dunant was the corecipient of the first Nobel Peace Prize in 1901, while ICRC, in turn, received the same in three occasions (1917, 1944 and 1963).

WWII and antitorture sentiments

Despite the nominal ban on torture as both a legal and illicit means of extracting the truth from the accused, the practice has continued to more contemporary times. The 20th century saw many atrocities whereby torture was once again a common tool of the state. The Nazis, for example, used their prisoners as laboratory rats. Part of their experiments was the intentional infection of individuals with malaria, mustard gas and various bacteria. Some victims were used in experiments of low-pressure chambers; others were left in icy cold weather or water. Many died, while unknown numbers "suffered 'grave injury, torture, and ill-treatment'" (Lippman 1994, 287).

Until the end of WWII, relations among countries were largely based on the concept of "society of sovereign states," with among other things, the assumption and implied "general agreement that whatever states did to their own nationals was their business" and states answered to "no higher political or moral authority" (Manasian 1998)—what realists claim is still the de facto rule. Given the atrocities and trauma experienced by two world wars, however, the post-WWII era, among other things, brought with it the relative "international concerns and awareness that a global system of institutions, legal guarantees and mechanisms [were of need of being] established to promote and protect individual and collective rights" (Landman 2003, 240).

Indicators for such inclinations on the part of the international community were the 1945 UN Charter and the 1948 Universal Declaration of Human Rights (UDHR)—the latter referred to as "one of the most seminal documents ever enunciated through the operations of the traditional multilateral intergovernmental dynamics …" (Falk 2008, 92). The UN Charter and the UDHR, together, are known as the "basis of the international human rights legal regime," which is relied upon today and which seeks to limit

malevolent "state behavior" in favor of human rights (Landman 2003, 241). These crucial documents in the following decades were followed by entering into force in 1976 of the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social, and Cultural Rights (240).

The UDHR's Article 5 (of 30 total) tells of the prohibition of torture in that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." This prohibition—which has since been reaffirmed in other international and global and regional human rights "instruments"—has been "absolute" and considered as part of "international customary law" and is thus "binding on all states, regardless of whether they have [or have not] ratified any human rights instruments" (APT and IIDH 2010, 10).

From amongst the various rights entailed in the UDHR, Thomas Risse and Kathryn Sikkink (1999) focus on the "central core of rights" of "right to life,' which they define as "the right to be free from extrajudicial execution and disappearance" and "freedom from torture and arbitrary arrest and detention." These rights, they claim, are generally agreed to be "universal" and "institutionalized in international treaties" worldwide, and not mere "rights associated with a particular political ideology or system" (2-3). This is in line with what David Forsythe (2006) claims has been the tendency that since end of WWII, the "moral imagination" of humankind has been "transformed" through the expansion of "a language and practice of moral universalism" and "a shared human rights culture" (251).

The Cold War and torture

Old habits die hard. That is what the post-WWII era demonstrated with regard to the widespread use of torture, despite many states having joined a lofty international

regime—the UDHR—prohibiting its use. In the early Cold War era, France, a nation which "had initiated efforts to eliminate torture with the Declaration of the Rights of Man and Citizen in 1789, had provided the death penalty for torturers in its penal code" (Agee 1990, 712), and a country known as the "progenitor of the modern concept of human rights … most starkly defied" those very norms. Starting in 1954, the French military used systematic torture in Algeria "to quell the Algerians' effort" to fight against their colonizer: France, herself. The French, like many other governments, justified their brutal tactics against their opponents as a favor to the nation as a whole (McCoy 2012) in way of a "civilizing ideology" ("*mission civilizatrice*")—albeit having de facto justified precisely the opposite (Agee 1990, 714). The systematic torture by the French military in Algeria included over 3,000 executions so that, as one general put it, "the machine of justice" were not be "clogged with cases" (McCoy 2012). Decades later, when confronted with cases of torture in colonial Algeria, the French authorities "expressed outraged denial, benign indifference, or implicit approval" (Rejali 2007, 40).

Likewise, in the late 1970s, the British used interrogation techniques of "wall-standing; hooding; subjection to noise; deprivation of sleep; and deprivation of food and drink" on Irish Republican Army suspects. The European Commission of Human Rights substantiated the use of such techniques and categorized them as torture (Lippman 1994, 291), while the European Court labeled them not as torture but "cruel and inhuman treatment" (313). The Soviet Union, as well, had its bag of torture tricks. Among them were the allowance by Soviet law for the prosecution to refer individuals "accused of criminal activity to a psychiatric commission," which in turn could submit evidence to a court that might in a "closed-door procedure" order the confinement of an individual for "compulsory measures of a medical character," often "without the knowledge or

participation of the accused" (293). Commissions, who worked hand-in-glove with the Committee of State Security (Комитет государственной безопасности, aka KGB), typically diagnosed the accused with "seeming normality" and "creeping schizophrenia." Soviet novelist Aleksandr Solzhenitsyn had this to say about torture in the USSR:

> What had already become totally impossible under Catherine the Great … in a society based on socialist principles … had ... appeared not by one scoundrel alone in one secret place only, but by tens of thousands of specially trained human beasts standing over millions of defenseless victims. (quoted in Rejali 2007, 284)

In Western (chiefly, U.S.)-backed Latin America, as well, torture was ubiquitously used during the Cold War by the region's governments. By the mid-1960s, according to Amnesty International (Amnesty), Brazil had "elevated [torture] to a science" and made it "a prominent part of the military training" with the government using the homeless as "human 'guinea pigs'" (Lippman 1994, 304). In the 1970s, Chile had also "institutionalized torture, applying it systematically to pressure political opposition" (329). Torturers often use euphemisms to refer to specific torture techniques. Former Chilean detainees told that their holder and abusers used the terms: "parrot's perch" (in reference to "body suspension"), "the grill" (euphemism for "electric shock") and "bath" (reference to "holding the victim's head under water," a variation of "water-boarding" (310).

In the 20th and 21st centuries, given increased monitoring of places of detention, many governments have also resorted to "stealth" or "clean torture" techniques (Rejali 2007, 13), i.e., physical and psychological means of abusing detainees with little to any physical evidence of their use. However, the effects of torture—even supposed "unintrusive techniques"—normally leave "lasting psychological scars." For example, "sensory deprivation" is known to lead to "anxiety, hypochondria, and hysteria"

including "frequent reactions [as] phobias, depressions, emotional fatigue, and obsessive compulsiveness," which can cause "stomach, heart and genito-urinary ailments as well as tremors and sleep disturbances" (Lippman 1994, 310). According to the former Israeli prime minister, Menachem Begin, who was exposed to sleep-deprivation torture by the Soviet Union's KGB: "Anyone who has experienced this desire [for sleep] knows that not even hunger or thirst are comparable with it" (quoted in Djerejian 2007).

Other common forms of torture include hypothermia, which is known to lead to "reduced psychological function and mental capacity; loss of muscle function, harm to the cardiovascular, gastrointestinal, respiratory, and nervous systems; and even death" (Djerejian 2007). At least one U.S. Central Intelligence Agency (CIA) detainee, a young Afghan male, is known to have frozen to death in his cell in 2002 through torture in the way of induced hypothermia (Priest 2005). Waterboarding is another supposed popular stealth torture tactic. It has been described as such: "The prisoner is bound to an inclined board, feet raised and head slightly below the feet. Cellophane is wrapped over the prisoner's face and water is poured over him. Unavoidably, the gag reflex kicks in and a terrifying fear of drowning leads to almost instant pleas to bring the treatment to a halt" (Rejali 2007, 285). Subjects of waterboarding can "receive serious and permanent (physical, emotional and psychological) injuries and even death" due to damages "to the respiratory and neurological systems of the body." The late British-American author, Christopher Hitchens, voluntarily underwent waterboarding, and came out of the experience telling: "Believe me, it's torture!" (Hitchens 2008).

According to some medical experts, solitary confinement is also a form of torture as those exposed to long periods of it demonstrate "chronic and overwhelming feelings of sadness, hopelessness and depression" and can face "irreversible mental illness"

(Devereaux 2012). According to the UN SR on Torture, the treatment of U.S. military personnel Bradley Manning, accused of releasing secret documents, which included eight months of solitary confinement after his arrest, was "cruel, inhuman and degrading," and against international law (Elsberg 2013).

It is also said that the negative effects of torture are seen not only on the tortured, but the torturers, themselves. Those who participate in acts of torture—even as mere bystanders—are said to likely experience "atrocity-related trauma," including "posttraumatic stress disorder," with associated "depression, or anxiety," in turn leading to "alcoholism, suicide, and inexplicable violence toward others"—all brought about by "toxic levels of guilt and shame" (Gronke et al. 2010, 438).

UN Convention Against Torture

In 1973, the international NGO, Amnesty International, published a report which told of a torture comeback worldwide. Torture, Amnesty said, had for a few hundred years seemed to have become a "relic … of interest to only historians," but now "regimes throughout the world were relying on [it] as a mode of governance" and giving authority to their "elite military forces" to carry out "state-sponsored torture" (Lippman 1994, 294). Amnesty's and other criticisms of the status quo, and sympathy by likeminded states led to the approval by the UN General Assembly (UNGA) on 9 December 1975 of a "non-binding Declaration on the Protection of all Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (aka UN Declaration on Torture) (300-1), considered as "the first international condemnation of torture" (303).

Article 1 of the Declaration provides a "comprehensive definition of torture," which included intentionally inflicted "severe pain or suffering, whether physical or

mental" (301). Article 3 states that "no State may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment" and Article 4 summons states to "take effective measures to prevent torture." Article 9 requires "impartial investigation" of torture allegations by the state (302). A few years later, the UNGA formulated the UN "Voluntary Fund for Victims of Torture." Despite the historical nature of the 1975 UN Declaration, however, critics argued that the organization had "failed to appreciate that torture had become a central mechanism of political control" and that it would not be realistic to merely "depend upon [promises and] domestic mechanisms to control torture and other cruel, inhuman, or degrading treatment or punishment" (303-4).

With the understanding that further "international efforts were required to protect individuals from torture," in 1977, the UNGA commenced the process of "drafting and adoption of a legally-binding instrument on torture." For this, the UNGA requested the UN Commission on Human Rights to draft a Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (aka the Convention Against Torture, UNCAT) utilizing the 1975 Declaration Against Torture as a guide. Consequently, UNCAT was adopted without dissent by the UNGA on 10 December 1984 (312). Thus, a "resurgence of torture" in the post-WWII Cold War era and the "prominence" it received in the 1970s by at least one key international human rights group and a number of mostly Western states led to the adoption of the UNCAT (Evans and Haenni-Dale 2004, 20); and that, too, after nearly a "decade of intense lobbying, negotiation and drafting" (Hoffman and Brackins 1985, 1353).

Article 1 of the UNCAT nearly mimics the 1975 Declaration, stating that "torture involves an act by which severe pain or suffering, whether physical or mental, is intentionally inflicted" (Lippman 1994, 313). Article 1 also identifies as torture "acts

which are inflicted" on an individual by a "public official or persons acting in an official capacity" who directly engages in torture or "tolerates or consents to an act or ongoing practice of torture" for purposes of "obtaining information or a confession, inflicting punishment or intimidation, or to discriminate against an individual or group" (314).

Article 2 obliges the "State Party to take effective legislative, administrative, judicial, or other measures to prevent acts of torture within any territory under its jurisdiction." The Article does not allow for any "exceptional circumstances" such as war, "internal instability" and "public emergency" where torture could be allowed. Article 3 of the UNCAT states that the state cannot "return or extradite a person to another state where there are substantial grounds for believing that the individual will be subject to torture." Article 4 requires the state to "make criminal [under domestic law] an attempt to commit torture as well as complicity and participation in torture" (315), while it also requires "punishment of state officials who provide torture training and equipment to allied regimes" (316). Article 5 requires the state to establish territorial jurisdiction over torture.

Article 10 obliges the state "to ensure that education and information regarding the prohibition against torture is included in the training of law enforcement personnel" and other relevant bodies. The treaty has been criticized for not having "obligated the UN to provide any such training" (317). Article 12 obliges the state to conduct "prompt and impartial investigation" of all credible torture allegations, and Article 14 is about the necessity of "redress and compensation" by the state of victims of torture (318).

Article 15 states that "any statement … made as a result of torture shall be excluded from evidence," a provision which also exists in the 1975 Declaration. This Article, however, is also contentious as it "does not extend the exclusionary rule to

statements extracted as a result of other cruel, inhuman, or degrading treatment or punishment" (318). Article 16 talks about state responsibility to prevent "cruel, inhuman, or degrading treatment or punishment." However, the Article does not include prohibition of extradition based on this concept and requirement of exclusion of evidence extracted via this concept. The drafters may have considered this concept as "too vague a legal standard upon which to base legal culpability and judgments" (319). Still, the Convention's "universal jurisdiction," among other things, does away with the defense of "superior orders" as a way for the "torturer to escape responsibility" for his or her acts (Hoffman and Brackins 1985, 1354). As of end-1991, 74 states had ratified the UNCAT (Lippman 1994, 328), while by mid-2013, that figure had reached 153 (UN Treaty Collection 2013).

The UNCAT also establishes the Committee Against Torture (Article 17), made up of 10 independent experts responsible for enforcing the Convention through reviewing mandatory reports submitted by states. Despite the requirement of independence of the Committee, its members are funded by the state and, according to one critic, "are [therefore] not likely to take bold or controversial initiatives." The state party is also required to submit within a year of joining the UNCAT a report detailing "measures … taken to give effect to [its] undertakings under ... [the] Convention." The State is to hand in to the UNCAT Committee "supplementary reports" on a four-year basis on "any new measures taken and such other reports as the Committee may request." The UNCAT Committee may, in turn, "decide to include its 'comments' together with the 'observations' received from the State Party in the annual report which is to be submitted to [all] States Parties and to the [UNGA]" (320). This point is also criticized as: "The [mere] threat of [the UNCAT Committee] comments being included in a report which is

circulated to other State Parties and to the General Assembly [is said to pose] little deterrent to a state's practice of torture" (321).

The U.S. signed the UNCAT in 1988 under the presidency of Ronald Reagan, having become the 63rd nation to have done so, with the U.S. Congress having ratified UNCAT in 1994 (U.S. House of Representatives 2008). In his message to the U.S. Senate asking that body for UNCAT's ratification, though Reagan had, pursuant to Article 28 of UNCAT, refused to recognize the UNCAT Committee, he nonetheless told the Senate that the Convention sets the stage for "international cooperation in the criminal prosecution of torturers" under the principle of "universal jurisdiction," and that: "Each State Party is required either to prosecute torturers who are found in its territory or to extradite them to other countries for prosecution" (USDoS 1988). Despite the Convention's banning of inflicting "severe" physical and psychological pain, when the UNCAT was sent by the Clinton administration for ratification to Congress in 1994, a "reservation" was inserted, which can be interpreted as excluding the barring of "psychological torture" by the state (McCoy 2012). Given this and other examples, on the whole, despite the strengths of the UNCAT, its overall content and much of its specifics remain de facto nonbinding, with little "fear of enforcement" by states to follow its obligations (Hathaway 2004, 205).

Optional Protocol to the UNCAT

In 1977, inspired by the successes of the ICRC's humanitarian work to aid prisoners, the philanthropist Jean-Jacque Gautier (1912-1986) formed the Swiss Committee against Torture (the precursor to the current international NGO, Association for the Prevention of Torture, APT) and hoped to eventually induce the formation of "a

system of regular visits to all places of detention throughout the world" (APT and IIDH 2010, 11). Towards this end, the Swiss Committee built strong coalitions with several states (Switzerland, Sweden and Costa Rica) and NGOs. A regional instrument on torture prevention also came into place as part of the Council of Europe's (CoE) European Convention for the Prevention of Torture and its associated Committee for the Prevention of Torture (CPT), adopted by the Council of Europe in 1987 (Amnesty and International Commission of Jurists). The CPT "has the power to visit any place of detention in the [47 CoE] member states to ensure that torture does not occur" (Waters 2009, 199)—in this way, the said European torture prevention mechanism has been a precursor to the UN's OPCAT.

In March 1980, Costa Rica had already proposed to the UN Commission on Human Rights "a draft optional protocol" to what still was the "draft convention against torture." The Commission at the time acknowledged that the Costa Rican Optional Protocol to the UN Convention Against Torture (OPCAT) proposal on a "system of periodic visits" to places of detention was similar to the European Convention against Torture and recommended that other regions of world also draft their own "draft conventions based on a concept of a system of visits" (UN Commission on Human Rights 1986, 25). Despite the Costa Rican proposal, however, the UN Committee Against Torture decided in 1989 not "to endorse or devote its energies to amending the [UNCAT] to incorporate an optional protocol …" (Lippman 1994, 330), citing the "amount of work, the language barriers, and the financial costs involved" as mitigating factors. Still, after a few more years of debates and lobbying, a working group to draft an OPCAT was formed by the UN Commission on Human Rights in 1992 (331).

It took another decade for OPCAT to be taken seriously as a sort of amendment to the UNCAT. Finally, on 18 December 2002, the UNGA approved of OPCAT, but the

protocol only became operational on 22 June 2006. OPCAT's main purpose is "to prevent torture and other illtreatment by establishing a system in which regular visits to all places of detention within the jurisdiction and control of States Parties are undertaken," what has been referred to as a "proactive system of visits." Another key objective is for "recommendations from international and national experts on improving domestic prevention measures [to be] submitted to the authorities of the States Parties" (APT and IIDH 2010, 11).

Aside from its "preventive" objective and "deterrent effect" (42), where the ratifying state agrees on "regular, unannounced visits" by local and international monitors "to all places where people are deprived of their liberty," OPCAT has several other characteristics, which make it a unique mechanism: First is its "complementary national-international mechanism" whereby the efforts of an UN-approved body known as the "Subcommittee for the Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment" (SPT) and a stateformulated "National Prevention Mechanism" (NPM) comprised of individuals from either government, civil society or a combination are incorporated into the agreement. Second is OPCAT's emphasis on "cooperation not condemnation" as the method of improving detention conditions and preventing abuse. Third is the notion of "triangular relationship" amongst the State, NPM and SPT. OPCAT obliges the state to allow the NPM and SPT to regularly visit places of detention and submit recommendations to the state (12).

The ratifying state's obligation under OPCAT are: Establish the NPM, open all detention facilities to the NPM and SPT; facilitate unobscured communication between the NPM and SPT and other relevant detention stakeholders; provide NPM and SPT with detention procedures and torture prevention measures; take into consideration the

recommendations of NPM and SPT; and publish the annual report of the NPM. The SPT was expected to have as many as 25 members as OPCAT ratifying states reached 50. (According to the UN Office of the High Commissioner for Human Rights, OHCHR, as of 28 August 2014, a total of 73 states had ratified OPCAT and another 20 had signed the protocol.) The SPT has a dual "advisory" (i.e., provision of advice to state bodies) and "operational" (i.e., country visits) functions (24). States, in turn, are obliged to formulate the NPM of their choosing within the OPCAT guidelines within one year of ratification of OPCAT. The NPM could, for example, be anything from existing human rights commission of the state, the Human Rights Ombudsman, parliamentary commissions or other forms of acceptable domestic, even international (such as the ICRC), human rights bodies or combination of bodies. The SPT is also expected to provide training for both the NPM and the state (APT and IIDH 2010).

In the 1980s, the UN SR on Torture, Kooijmans, resembled the then proposed periodic visits to places of detention of a given state to "visits of staff members of the International Atomic Energy Agency (IAEA) to nuclear plants which may also lead to recommendations to the improvement of existing standards." Kooijmans went on to write that until a system of prison visits is established, "granting of admission to ICRC teams to places of detention and imprisonment must be recommended as such visits … may contribute to the prevention of torture" (UN Commission on Human Rights 1986, 27).

Torture, sovereignty and the post-9/11 world

Despite the scope and formal acceptance of the UNCAT, and increasingly OPCAT, and their "enforcement procedures," their existence continues to "reflect the basic tension between state sovereignty and the international regulation of torture." And

given the "weak enforcement capability of the UN system," both the UNCAT and OPCAT appear to "[err] on the side of sovereignty rather than international regulation." A rather "stark contradiction" thus remains—and will likely continue for decades—between the understanding "that freedom from torture is a fundamental human right and the international community's continuing deference to state sovereignty" (Lippman 1994, 325). Peter Halewood (2012) contends that: "Both torture and terror are anti-cosmopolitan" and that "with torture, sovereignty prevails over the cosmopolitan ideal of universal human dignity." And when referring to the U.S., Halewood sees "a cultural logic of torture ... discern[ed] in post 9/11 counterterrorism practices" (258).

In the same vein, the rise of monitoring of prison and detainee conditions, what has been referred to as the "*universal monitoring* hypothesis," has encouraged specific modes of techniques ("covert coercion" and "clean" torture that leave little to no physical trace on the victim, see above) by many authoritarian and some democratic regimes (Rejali 2007, 13). And many states, including the U.S., which ratified UNCAT in 1994, appear to be endorsing this and other liberal "norms in international law more as aspirational statements than as rules [to be abided] by in daily affairs" (Forsythe 2011, 22).

The above is exemplified in the post-9/11 era, where a slew of "systematic use of torture" techniques has been practiced (IMAP/OSF 2013, xxxi) by the U.S. on GWoT suspects, including the use of beatings, mock executions, waterboarding, exposure to cold and heat, sleep deprivation (for up to 180 hours),[19] constant light, "subjecting [detainees] to loud music and flashing lights," "confinement in a box," "prolonged shackling"

---

[19] Despite a 2009 executive order by U.S. President Obama, limiting interrogations of detainees by the country's security agencies to "a list of techniques in [U.S.] Army field manual," which allows for "at least 4 hours of sleep per day," the UN Commission Against Torture considered such a condition as unacceptable (Savage 2014b).

(Danner 2009), sexual and religious humiliation, keeping detainee fully nude for 30 days and up to several months (ECHR 2014), threatening detainees with dogs, chaining to ground, threatening to harm—even rape—the detainee's children and family members (Zegart 2012; Howes 2012; IMAP/OSF 2013), threatening with "a gun and an electric drill" (Cole 2015), subjecting detainees to "mock executions" (Bowcott and Cobain 2013), "selectively" providing medication to gunshot victims as means to coercing confession (Parry 2004, 154) and, inter alia, administering "psychotropic drugs" (Cole 2012).

According to Andrew Ross (2007), the distinguishing feature of the 9/11 era is "the ascendancy of counter-norms related to antiterrorism" (31). A prominent legal expert describes the use of torture on terror suspects by the U.S. as "an all-villain, all-shame event" with "no accountability, [and] no reckoning at all" (Greenberg 2014). Amy Zegart (2012) found that revelations of torture, including photographic evidence of torture and death from Abu Ghuraib, Iraq, not only not diminished the American public's attitude towards torture, but may have led to the phenomenon of "torture creep."[20] One survey showed that by end-2014, 60% of Americans were of the opinion that torture of terror suspects at the hands of the CIA was justified after 9/11 (Goldman and Craighill 2014). U.S. President Bush's administration, in essence, had legalized torture of non-Americans via interpreting the UNCAT as "not applying to CIA and military prisons overseas," while the administration of President Barack Obama had been thinking of the same interpretation in 2014 (Savage 2014a).

---

[20] In a 2012 opinion poll ($N = 1,000$, margin of error +/- 4%), 41% of U.S. respondents favored the use of torture on "prisoners captured in the fight against terrorism," an increase of 14% from 2007. The same poll found one-in-four (or 25% of) Americans favor waterboarding terror suspects, while 55% thought it was wrong. This, while in 2005 only 16% had favored waterboarding and 82% opposed it. Zegart (2012) hypothesizes that a main factor in the rising protorture attitudes of Americans is the popular media, including Hollywood films depicting the use of torture by government agents against terror suspects.

The tragic irony, therefore, according to an Open Society Justice Initiative report, is that the institutionalization of use of torture as the response of the U.S. to actions of "terrorist groups of global reach" has by "itself [been] to spread terror—on a global scale" (Cole 2013, 4). Among other things, this has also led to an outcry by some prominent critics of the use of torture by the U.S. in the post-9/11 era, including by an UN SR on Torture and prominent Austrian human rights lawyer, Nowak.[21]

Among the rising incidences involving torture in the post-9/11 era has been "extraordinary rendition," defined as: The "[extralegal or illegal] transfer of an individual, with the involvement of the [government] or its agents, to a foreign state in circumstances that make it more likely than not that [s/he] will be subjected to torture …" (ABCNY and CHRGJ 2004, 4). Extraordinary rendition has also be described as being equivalent to "torture by proxy" (23).

Though the use of torture as means of interrogation may at times lead to correct information, its efficacy, many claim, is highly exaggerated. In the classic case of the information leading to the capture and death of Osama bin Laden, for example, the 183 incidences of the use of 'waterboarding' (known to have been conducted by the U.S. in a "black site" in Poland) on an alleged 9/11 mastermind, Khalid Sheikh Muhammad (KSM), contrary to what has been disseminated in the media, is thought to not have led to accurate information. If anything, according to U.S. Senator John McCain—himself having been a victim of torture as a prisoner of war in Vietnam and now an ardent

---

[21] In an interview with a German TV channel, Nowak told that given George W. Bush's "head of state immunity [having been] terminated, the new government of Barack Obama was obligated by international law to commence a criminal investigation into Bush's torture practices" (Horton 2009). Despite initial hopes by rights activists, however, the election of Obama did not lead to a substantial change, but preservation, of key U.S. human rights and torture-related policies of "rendition, military commissions and indefinite detention," all of which had been targets of criticisms by human rights groups since 911 (Becker and Shane 2012).

opponent of the use of torture—despite repeatedly being waterboarded, KSM appears to have misled his CIA interrogators (Savage 2011).[22]

Critics, such as John H. Langbein, claim that: "History's most important lesson [vis-à-vis torture] is that it has not been made possible to make coercion compatible with truth." Indeed, an individual who "would be willing to die for [her/his] cause would [also] be willing to plant false tales under torture" (Langbein 2004, 101).[23] As Peter Maass (2003) writes: "Pain and humiliation will turn some innocent suspects into real terrorists and turn real terrorists into more-determined monsters." Aside from moralistic and international law arguments, therefore, the practice of torture can be counterproductive. It's been argued that "torture in the name of counterterrorism," such as by the French in Algeria and Americans in Iraq and Afghanistan, has been "one of the best recruiting tools for terrorist movements" (Chernova 2012, 5), and an inadvertent means to perpetuate more violence. The humanitarian component and the individual level

---

[22] Shortly after the capture and death of bin Laden, Senator McCain wrote in the *Washington Post* that the CIA director, Leon Panetta, had informed him that the use of torture on KSM, perhaps the highest value GWoT detainee, contrary to common assumptions, had not led to valuable information. McCain wrote: "None of the three detainees who were waterboarded provided Abu Ahmed's [bin Laden's courier, whose surveillance led to locating him] real name, his whereabouts or an accurate description of his role in al-Qaeda," and that using "enhanced interrogation techniques" [a euphemism for torture originally coined by the Nazis, referred to as "*verschärfte vernehmung*" (*The Atlantic* 2007), aimed at desensitizing "the public to the actual practices" of torture (Bashir 2014, 14)] on KSM "produced false and misleading information." For example, KSM told interrogators that Abu Ahmed had moved to Peshawar [Pakistan], got married and ceased his role as an al-Qaeda facilitator—none of which was true. According to the staff of the Senate intelligence committee, the best intelligence gained from a CIA detainee—information describing Abu Ahmed al-Kuwaiti's real role in al-Qaeda and his true relationship to bin Laden—was obtained through "standard, noncoercive means" (Savage 2011).

[23] Many experts, from across the political spectrum, agree that torture does not lead to good information. According to Colonel Stuart Herrington, a U.S. military intelligence specialist who was an interrogator in Vietnam, Panama and Iraq, psychological techniques, with no physical harm, can lead to information from the majority of those interrogated, while threats of bodily injury and torture applied to those who do not talk lead to unreliable data (quoted in Applebaum 2005). According to KSM: "During the harshest period of my interrogation I gave a lot of false information ... to satisfy what I believed the interrogators wished to hear in order to make the ill-treatment stop" (quoted in ICRC 2007, 37). Col. Herrington agrees that detainees "just tell you anything to get you to stop" the pain. Furthermore, irrespective of any possible information merits, torture (aka "special methods") can be "counterproductive" as it can endanger one's own soldiers in war through the "encouraging of reciprocity" (quoted in Applebaum 2005).

aside, therefore, the longterm success and significance of implementing the UNCAT and

OPCAT also lie in their potential in maintaining a more peaceful and secure international

system.[24]

---

[24] The problematic nature of torture and its devastating consequences is not only felt by the tortured individual, but also affects the wellbeing of nations and the global society as whole. The decision for the tragic U.S.-led 2003 invasion of Iraq, for example, in way of linking the regime of Saddam Hussein to al-Qaida and claiming the possession by Iraq of weapons of mass destruction, is thought to have relied on information gained through "torture-induced, false confession" of Ibn al-Shaykh al-Libi, a man whom the U.S. captured in Afghanistan in 2002 and via "extraordinary rendition" sent to Egypt to be tortured by that country's notorious security services (Clarke 2009, 31). It's been claimed that al-Libi's torture was means to obtain information to buttress the unnecessary U.S.-led invasion of and war on Iraq (Schell 2009). Not long after the invasion, al-Libi recanted his story, telling the CIA that he had lied to his Egyptian interrogators (Worthington 2009). Possibly as punishment for his lies extracted under torture, al-Libi was sent to his native Libya, where he died in prison in 2009 either through suicide as the Libyans claim or due to further abuse and lack of medical attention given that he was a diabetic and suffered from tuberculosis.

CHAPTER III

TAJIKISTAN, KYRGYZSTAN AND TORTURE

"Where there's law, there's injustice."
–Leo Tolstoy, *War and Peace*, 1869

"I pity the mothers whose children are imprisoned
[in Tajikistan]; they come and collect the corpse of
their child. A lot of torture takes place. To understand
how things really are you have to be a prisoner."
–Ex-inmate in Dushanbe (Khushvaqt 2012a)

"The policies of our … government on prevention of torture
and other inappropriate acts have been fully formulated based
on extensive research and investigation. Law enforcement
officials under no condition have the right to use torture
and demean the magnitude and value of a human being."
 –President Emomali Rahmon (RFE 2012a)

"Take concrete steps, as a matter of priority, to ratify [OPCAT]
and establish an effective National Preventative Mechanism
which is resourced and permitted to conduct regular, indepen-
dent, unannounced and unrestricted visits of inspection to all
places of deprivation of liberty, with opportunity for inspectors
to speak privately with individual detainees. In the meantime,
grant unimpeded access to the ICRC and independent [NGOs]
to all places of detention, and ensure that the Ombudsman under-
takes regular, unannounced visits to all places of deprivation
of liberty, accompanied by medical professionals, including to
places of police custody, and that the findings are made
available publicly." –Recommendations of UN Committee
Against Torture to the Government of Tajikistan (2013, 6)

If you don't slap them a few times, they won't confess! What a midlevel Tajik

security personnel said in 2010 during a UN-sponsored antitorture roundtable can be

assumed, given anecdotal and empirical evidence, to be an established norm amongst

nearly all Central Asian security apparatuses (Foroughi 2012b, 543). Aside from using torture as a tool to arrive at specific aims, Central Asian states also target suspects and detainees who may be charged with "religious extremism," "terrorism" or "undermining national security." They also use "restrictive legislation and policies" and negative propaganda against human rights activists and even antitorture groups (Helsinki Foundation for Human Rights et al. 2014). This chapter will briefly look at the use of torture in the two Central Asian postcommunist case studies of interest to this dissertation.

Tajikistan and torture

Torture and abuse have been integral to the history of Tajikistan, with horrendous acts having been common when the majority of its current territory was under the rule of the Bukhara Emirate for 135 years (1785-1920). In turn, Sadriddin Aini (1878-1954), acknowledged as Tajikistan's "father of literature," was brutally tortured by the last Emir's henchmen while living in Bukhara as a young man and advocating for an open and fair society (Aini 2003).

It may be safe to posit, however, that under Soviet rule, aside from the Lenin and Stalin eras, the use of torture had significantly receded in historical terms. Today, however, according to HRW (2012), "[t]orture is practiced with near impunity" in Tajikistan and regularly used against individuals detained on suspicion of drug trafficking, membership in banned organizations, or petty robbery (7). Tajikistan can be categorized among countries which practice a "confessions-based" rather than an "evidence-based" investigative and policing system. Instead of relying on "the painstaking gathering of evidence" against the accused, the country's law enforcement

regularly utilizes intimidation, abuse and torture, to extract supposed evidence (APT 2014, 6). According to Amnesty, "confessions extracted under duress" are regularly used as evidence in court, while victims of torture rarely report any abuse out of "fear of repercussions"(quoted in Foroughi 2012b, 543). According to Juan Mendez, the UN SR on Torture, the state agencies engaged in torture in Tajikistan are the MIA (aka "militsia" or "police") and the GKNB, including its Department for the Fight Against Organized Crime (aka "Division Six"). Mistreatments, even though normally "of a short duration," can consist of "trauma caused by electric shock, asphyxia, beating [often] with truncheons, verbal insults and [even] rape [and] threats of rape"[25] (UNHRC 2013, 8); other methods have included dousing with boiling water (Mirzobekova 2010) and burning with cigarettes (Greenslade 2011).

Past as prologue

Degrees of authoritarianisms throughout Central Asian history, from the dungeons and beheadings under the archaic rule of the Emirate of Bukhara (which governed over much what's today Tajikistan), to mass executions and exiles under Soviet Stalinism, to civil war crimes, including "[c]ountless" disappearances "without a trace … and horrible torture" (Liebig 1993, 53) and "summary executions and mutilation of victims" (USIP 1995, 3) committed by warring factions of post-Soviet Tajikistan,[26] have been the prelude

---

[25] One individual who was extradited from Russia on drug charges in 2007 claims that part of the illtreatment and torture at hands of Tajikistan's MIA's Sixth Division was having been sexually assaulted: "They beat and abused me. Late at night ... two officials stripped me naked, tied up my hands and legs. … While one of them... raped me, the other recorded the terrible process on camera." He also claims that he was told if he did not agree to all charges brought against him, the video of the sexual assault would be distributed throughout Tajikistan (Amnesty 2013b, 53).

[26] An Amnesty report on of the Tajik civil war: "Many bodies of alleged victims of extrajudicial execution which have been found in the Dushanbe city morgue are reported to show evidence of torture. … [A]n eyewitness account of conditions in the morgue in January and February 1993 reported that the most common form of torture in evidence was the tearing out of fingernails, but some victims had apparently had

to and influenced today's generally wretched human rights situation of postcommunist Central Asia, including Tajikistan.

Only months into its post-Soviet independence, three broad categories of human rights violations in Tajikistan were reported by Amnesty: One was incidences of "extrajudicial executions, 'disappearances' and torture on a large scale perpetrated by armed forces either subordinate to, or acting with the complicity or tacit approval" of the ruling post-Soviet government of the time—direct descendents of which are still in power today. The second category was "arrest and prosecution of prisoners of conscience, the torture of political prisoners in pre-trial detention," and the imposition and use of death sentences, including on "political prisoners sentenced after … unfair trials." And the third category had been "summary and arbitrary executions by forces apparently subordinate to the self-proclaimed [Islamist-led] 'government-in-exile'," United Tajik Opposition (UTO), formed in 1993 in northern Afghanistan (Gorvin 1998, 229). The majority of the torture, abuse and killings during the civil war were, however, committed by a "paramilitary group" formed mostly of members of the government's MIA, primarily individuals from the ethnoregional southern Kulob region (where the current president is from), together having formed the progovernmental "People's Front of Tajikistan" (231) with an estimated 20,000 combatants (Paoli et al. 2007).

Fast forward two decades and a "climate of impunity prevails" in Tajikistan today where "police [and GKNB] abuse continues virtually unchecked" (Amnesty 2012, 5). In a 2012 report, the UN Committee against Torture wrote that "numerous and consistent

---

limbs deliberately broken, their ears cut off, or had been slashed with a blade horizontally across the face at eye level, apparently to blind them. The witness also told Amnesty International that some bodies showed evidence that [other] barbaric methods of killing had [also] been used: Some victims had had their throats cut, had been partially skinned alive, or had apparently been burned to death" (quoted in Liebig 1993, 56).

allegations … of routine use of torture and ill-treatment of suspects" take place "primarily during the first hours of interrogation in police custody [and] temporary and pre-trial detention facilities" run by the GKNB and Anti-Organized Crime Police (quoted in Amnesty 2013, 51).

<u>"Kangaroo justice"</u>

Tajikistan's "executive branch holds judicial power firmly in its hands," as the president has the constitutional right to "make final decisions on the appointment of most judges [and determine] the structure and size of the Council of Justice," an entity which nominates judges for presidential approval. The selection process lacks transparency and many of the sitting judges remain corrupt (Coalition of NGOs of Tajikistan 2013, 29). Allegations of torture are routinely disregarded by judges at remand hearings and trials, with detainees complaining of abuse and torture nearly always told to file their complaints with the prosecutor. And according to the UN SR on Torture, in many cases, "defendants [recant] their confessions as soon as they [are] in front of a prosecutor or a judge … [or] their allegations [are] dismissed [by the judge] as without merit, even when [evidence] of mistreatment is visible" (Amnesty and Coalition Against Torture 2013, 12). And though one can legally file a complaint of torture and illtreatment, "[n]one of the detainees with whom [the SR on Torture] spoke [during his 2012 visit to Tajikistan] could confirm that complaints had been meaningfully followed up." Mendez says that the majority of "detainees refrain from filing complaints with prosecutors or inquiry officers during their monitoring visits out of fear of reprisal" (UNHRC 2013, 9).

Though access to counsel (lawyer) is allowed "from the moment of arrest" by Tajikistan's Criminal Procedure Code (CPC, Articles 22 and 49), in practice, access is

"authorized by the investigator, prosecutor or the judge and not allowed simply as a matter of right" (UNHRC 2013, 10). Lawyers often report that as a condition to see their clients, special permission from "certain police inspectors" is necessary, despite not being required by law. Such restrictions have "become the norm in all regions" of Tajikistan (Coalition of NGOs of Tajikistan 2013, 30) and virtually always apply with regard to GKNB-run detention centers and specialized MIA facilities, creating a condition whereby detainees "are at particular risk of torture and other ill-treatment, and of being compelled to confess guilt, including falsely, or to make statements against their interest [prior to seeing council]" (Amnesty and Coalition Against Torture 2013, 11). And while the law does not provide any limitations in time for meetings with one's lawyer, in reality no meaningful meetings with sufficient length of time may ever take place.

The UN SR on Torture saw a "pattern [in Tajikistan] by which apprehended persons are taken to the investigator's offices for questioning even before official registration." In such circumstances, the registration of the detained often exceed the three hours (CPC Article 94) time limit allowed by law (UNHRC 2013, 10). According to Tajikistan's CPC (Article 88.3):

> [E]vidence obtained in the process of interrogation and preliminary investigation through recourse to force, pressure, deliberately caused suffering, inhuman treatment or other illegal methods is considered to be null and void, may not serve as the basis for charges and is not part of evidence subject to verification in a criminal case. (UN Committee Against Torture 2011, 43)

In reality, however, torture and illtreatment are the norm and primarily occur in the initial stages of an individual's detention, when the detained is denied contact with his or her family and lawyer. And though by law, "relatives of the detained must be informed of their whereabouts within 12 hours of arrest [Article 100], such formalities are rarely followed" and those detained may not even be heard for months by their family and legal

counsel (Foroughi 2012b, 543). An example is that of Umed Tojiev, a low level member of the legal Islamic Revival Party of Tajikistan who was detained on likely fabricated charges of "organizing a criminal group" by police of the northern Isfara district and refused access to a lawyer for two weeks. According to Amnesty, in the first few days of his detention, "several officers put a plastic bag over his head, denied him sleep, food and water, and used electric shocks through wet fabric in order to avoid leaving traces of torture." This torture caused Tojiev such despair that he reportedly attempted to kill himself and "jumped out of the third floor window of the police station," as a result of which both of his legs were broken. The police and subsequently a judge deliberately refused allowance of adequate medical attention for Tojiev. He died a few weeks later due to "thrombotic embolism," while his parents have refused to file a complaint against the police due to fear of reprisal (Amnesty and Tajikistan Antitorture Coalition 2014). An estimated 5,000 people reportedly attended Tojiev's funeral (RFE 2014).

New torture law

Up until spring 2012, Tajikistan's law did not provide for a definition of torture, while the maximum prison term for an official verdict for the crime of torture (a very rare conviction) had been two years only. The new law on torture, introduced into the CPC (Article 143) defines torture in line with UNCAT and provides a maximum of five years of imprisonment for violators (Chorshanbiyev 2012). Since its adoption, a few security personnel have been prosecuted for having tortured detainees. In 2012, a police officer in Khatlon province was sentenced to 2.5 years for having beaten a burglary suspect, while another officer was taken to court for having tortured a 16-year-old who upon release attempted suicide. And in 2013, a Dushanbe court decreed that the MIA was obliged to

pay S46,000 (approximately US$10,000) to the family of Safarali Sangov, who died as a result of torture while in police custody in 2011 (BBC 2013b)—a case wherein, initially, the police were claiming that the victim had "committed suicide by banging his [own] head against the wall" (Eurasianet 2011).

Despite welcoming Tajikistan's new law on torture, the SR criticized the "insufficient sanctions and mitigating benefits envisaged" by it, which he believes "create[s] an environment conducive to impunity" (UNHRC 2013, 16). As it currently stands, the law allows for "termination of criminal proceedings and exempting defendants from criminal liability by reason of repentance, conciliation with the victim … or expiration of the statute of limitations …" (19). The SR wrote that "the prohibition of torture cannot be subject to waiver [and] the obligation to investigate and prosecute torture [cannot be] ... subject to a statute of limitations" (16).

A closed and corrupt prison system

During the 2012 UN SR on Torture's 10-day trip to Tajikistan, he was able to visit 17 places of detention, meet with government officials and talk to detainees and relatives of those claiming to have been tortured. Among the problems cited by the SR was that the majority of the detainees have not had access to counsel early in their detention, which makes it easier for the security organs to abuse them and difficult for victims to file a complaint. Mendez also criticized the lack of independence of medical facilities who "mostly depend on [information provided by] investigators and prosecutors" and who lack modern equipment to evaluate cases of torture (BBC 2012b).

The UN has in the past expressed concerns about "violent deaths" in custody in Tajikistan and "lack of effective investigations thereof…" (UN Human Rights Committee

2013, 3). The country's prisons are in a general wretched condition. Among their problems are: bad sanitation; "poor ventilation"; rare availability of hot water; "damp cells," which lead to respiratory illnesses; insufficient personal hygiene products; inadequate and nonnutritious food, and grossly insufficient health services (UN Committee Against Torture 2013, 5). Among other things, it is commonly known that poor nutrition and improper holding cells have induced tuberculosis among inmates and a high rate of death due to the said disease. One can also add to the list of problems of Tajik penitentiaries a generally corrupt, unprofessional and abusive prison management.

What exacerbates the situation is the fact that Tajikistan's detention centers are offlimits to systematic visits by NGOs and the Red Cross. According to Christine Beerlie, an ICRC official in Geneva, the only country in Central Asia to which ICRC has access to prisons is Kyrgyzstan (*Asia Plus* 2014).[27] In Tajikistan, as a result of what appears to have been a gentleman's agreement between President Rahmon and the head of the ICRC, the said body was able to visit all key prisons in the country during a nine-month period in 2004 and 2005. Visits were stopped in what the government claims were "security issues and the safety of visitors ... at stake" (UN Committee Against Torture 2006a, 8). There are similar excuses behind the government's refusal to sign OPCAT. In his followup on Tajikistan, the SR on Torture reported that he "was not persuaded by the [Government's] reasons ... for denying access" to the ICRC (UNHRC 2015, 15).

I see six reasons behind Tajikistan's intransigence in cooperating with the ICRC and in its refusal to ratify OPCAT: "Corruption" is the chief reason. Olcott (2012) refers

---

[27] The ICRC also has access to prisons in Afghanistan. In 2012, during the implementation of a prisoner exchange between Afghanistan and Tajikistan, five Tajik prisoners held in Afghanistan refused the offer of return to Tajikistan (RFE 2012b). Their refusal had likely to do with fear of abuse and torture at the

to the practice of "bribe taking and bribe giving" in Tajikistan as having "become a way of life, … one that is often justified as a cultural practice … [and being] decades and even centuries old" (54). Having functioned under the MIA until 2005, the management of the country's state penitentiaries was transferred—de jure or on paper—to the Justice Ministry by then. Prisons continued, however, to remain under the management of their longtime director, Lieutenant General Izzatullo Sharipov, a relative of President Rahmon and an individual that a U.S. Embassy memo describes as "a notorious former warlord rumored to be both corrupt and cruel" and "involved in narcotics trafficking" (quoted in Foroughi 2012b, 538). Indeed, there is genuine suspicion that the 19 key prisons of Tajikistan are "collectively managed as a lucrative pyramidal fiefdom under" Sharipov. Among other things, for example, the 14 largescale prisoner amnesties since Tajikistan's independence—with the latest having taken place in 2011—to commemorate the 20th anniversary of the country's independence, are thought to have been profitmaking opportunities for the penitentiary leadership (544).

Funds are extorted from inmates and individuals in custody and their relatives on every opportunity. During the 2011 government amnesty, for example, the government had declared its intention to free 4,000 detainees and reduce the sentences of 11,000 others. Based on the modus operandi of previous amnesties, it is fair to assume that the detainees who were released as a result of the amnesty had to pay bribes. The government, itself, admits to this: When commenting on a previous prisoner amnesty, Fattoh Saidov, head of Tajikistan's State Financial Control and Anticorruption Agency (formed in 2007), had said that in order to be released, "nearly all of the prisoners

---

hands of Tajik authorities and their relative satisfaction with prison conditions and detainee rights in Afghanistan as compared to Tajikistan.

amnestied in September 2009 had to pay bribes" (quoted in Foroughi 2011b, 550).[28]

Police, GKNB and prison staff are also known to use actual or threats of beatings and

other means of torture to induce extortion of detainees and their families as supposed

guarantee for humane treatment (BBC 2012c).

At times such "extortion torture" schemes may have resulted in the death of

detainees. One case, which received substantial media coverage, was that of Hamza

Ikromzoda, a 27-year-old detainee who died in the isolation wing ("Sizo") in Prison 3/1

in Dushanbe in October 2012 (Amnesty and Coalition Against Torture 2013).[29] General

Sharipov, the head of the country's penitentiary system, however, has all along

adamantly denied the existence of any form of abuse, torture and extortion in Tajikistan's

prisons.[30]

---

[28] Sharipov claims that Tajikistan's penitentiary system is without substantial problems and that major reforms have already taken place. Based on anecdotal evidence, however, the country's supposed "penitentiary reform" program (Legislation No. 533, 2003) remains a "farce." Reforms with a promise of transformation of the penitentiary system were supposedly completed in 2008. Any alleged reform program, however, is generally believed "[not to have] led to any significant changes in the conditions and well-being of [detainees]" (Foroughi 2012a, 117). It is speculated here that for Sharipov—and possibly some other key officials in the Tajik government—, the term "reform" is only comprehensible as being synonymous with the Russian word 'ремонт' (physical repair or upgrade). And it is true that parts of the physical structures of some prisons have seen substantial repairs in recent years.

[29] According to Ikromzoda's relatives, days prior to his death, they had received a frantic call from him seeking US$2,000. "He told them that he would give [the] money to a prison officer and that if he didn't [do so soon] ..., he would not remain alive" (Adinabay 2014). A forensic examination pointed to suicide and Ikromzoda's former cellmates who had allegedly been witnesses to his death told that he was "subjected to torture and other ill-treatment" by prison staff. After Ikromzoda's death and allegations of abuse made by detainees, around 50 prisoners were transferred from Dushanbe to a high security prison, Colony 3/3, in Khujand in the north of the country on 6 November 2012. Later on, several of those transferred "claimed to the media that their transfer was [a way] to punish them for their statements about [Ikromzoda's] death ..." and that they had, in turn, also been illtreated and beaten upon arrival in Khujand. In May 2013, one prison official was "found guilty of negligence" in the case of Ikromzoda's death and sentenced to 5.5 years in prison (Amnesty and Coalition Against Torture 2013, 2). The transferred prisoners who were alleged to have been beaten upon their arrival in Khujand, however, were labeled as liars by the head of the state prison directorate and a court subsequently prosecuted and sentenced them to additional prison terms of seven to nine years for their supposed "dissemination of lies" (*Ozodagon* 2013).

[30] In response to a May 2013 Amnesty report critical of human rights in Tajikistan's penitentiaries, Sharipov reportedly said: "It's a sheer lie that torture exists in Tajikistan's prisons!" (RFE 2013c). In November 2012, some relatives of detainees who were allegedly beaten as punishment for having given testimony regarding the death of a fellow inmate demanded the sacking of Sharipov (Khushvaqt 2012b).

"Ignorance and mistrust" is the second reason for blocking regular access by Tajikistan to its prisons by reputable organizations as the ICRC and for the hesitation by the Tajik authorities in signing and ratifying OPCAT. Government decisionmakers "view prison inspections as a violation of their authority and of Tajikistan's [Westphalian] sovereignty by nonstate actors and foreigners" (Foroughi 2011b, 547). When a reporter asked Tajikistan's Prosecutor General, Sherkhon Salimzoda, that if, as the government claims, prison conditions in Tajikistan have substantially improved, then why does the government not allow the ICRC to access its prisons, he brought the issue of ICRC's persistence on its strict and inflexible standard agreement: "They have prepared an agreement for us to sign and put requirements thereof, where not a single point or details can be changed. Surely [this is unacceptable to us as] we are an independent state!" (RFE 2012c). Similarly, with regard to the UN SR's recommendation of Tajikistan signing the OPCAT, an anonymous government official stated that Tajikistan is no hurry to sign the OPCAT, because: "Being party to this international document bears an expensive responsibility … If Tajikistan were to ratify this document, there will be increased [international] pressure on the state" (RFE 2012d).

The third reason for denying prison access to the ICRC and not signing OPCAT is fear, i.e., "fear of prosecution for alleged human rights violations," while the fourth reason is "embarrassment at the prospect of revealing the abhorrent, disease-infested prisons to outsiders, and [consequent] potential[ly] negative reflection on Tajikistan …" (Foroughi 2011b, 547).[31] The authorities have also brought up the issue of "financial

---

[31] One high level official in the Presidential Apparatus told me that the mere deplorable physical conditions of prisons (due to supposedly lack of sufficient budget) can be considered a violation of human rights, and that that by itself is sufficient reason for the Government not to sign OPCAT (Informal discussion, October 2010, Dushanbe).

limitations" as a reason why they "cannot now accept the [UNHRC's] recommendation to accede to [OPCAT]" (UNHRC 2012d, 2). The fifth reason for a closed prison system and refusal to sign OPCAT is the "near-total lack of [persistent] international pressure to reform the penitentiary system." The desire to improve regional security via combating drug trafficking and extremism—especially in the post-9/11 era—has led to bilateral and multilateral donors such as Russia, EU, U.S. UN and the OSCE "to offer no-strings-attached assistance" to Tajikistan's corrupt and often criminalminded police and GKNB.[32] The same donors have never persistently insisted on prison access by the ICRC or set it as a quid pro quo for receiving foreign aid.

The sixth reason behind lack of independent prison inspections in Tajikistan and refusal to sign and ratify OPCAT is "insufficient public demand and [domestic] civil society activism"—though it is also true that this may be changing given an increasingly bold independent media in Tajikistan, which chooses to cover government abuses, including cases of torture (Foroughi 2011b, 547). Indeed, in Tajikistan, some amongst the private media and journalists are on the frontline of human rights activism in way of combating and publicizing rights violation, and are, arguably, more active than even the leading human rights civil society groups in the country, most of which have become a de facto combination of project implementing agencies for Western donors and/or income-generating entities for potentially corrupt and unconscientious NGO managers.

---

[32] According to Tajik political scientist, Rashid Abdullo, in the post-9/11 era, the cooperation of Tajikistan with the U.S.-led forces in Afghanistan constituted a political victory for Tajikistan, in way of "less criticism coming from the West of the republic's insignificant democratic gains, [in addition to] the situation surrounding [insufficient] human rights and political freedoms …" (Abdullo 2002).

A virtual Human Rights Ombudsman

On 20 March 2008, Tajikistan passed a law on the "Human Rights Commissioner," aka Ombudsman, and on 27 May 2009, the president appointed a presidential adviser, Zarif Alizoda, as the country's first ever Ombudsman, a decision which was shortly after approved by the Parliament (UN Human Rights Committee 2011). By mid-2014, the president and Parliament extended the tenure of Alizoda for an additional five-year term. The conduct and intend of Tajikistan's Ombudsman has, however, been criticized by observers, many of whom argue Alizoda to be a government stooge who lacks independence and credibility. When commenting on Tajikistan's Human Rights Ombudsman, Faiziniso Vohidova, a prominent Tajik lawyer, said: "I have no trust and hope in this organ and its leadership to do anything of importance vis-à-vis … human rights and liberties." She further said that the Parliament's approval of a second five-year term for Alizoda as Ombudsman "reflects the ineptitude of the government and shame of civil society" (*Najot* 2014, 11). The UN has also expressed concerns about consistent reports on the "lack of independence and ineffectiveness" of Tajikistan's Human Rights Ombudsman institution (UN Human Rights Committee 2013, 2). According to one leading human rights advocate in Tajikistan, the country's civil society "expect[s] not to have access to prisons even when if [OPCAT were to be ratified and] the NPM were to be established" in the country.[33]

In contrast to the progovernment Human Rights Ombudsman of Tajikistan, Kyrgyzstan's Ombudsman, Tursunbek Akun, who had held the position since 2005, has been described as "the most open politician" in Kyrgyzstan given his readiness to discuss

---

[33] Comment by prominent Tajik human rights expert, interview, Warsaw, 24 September 2014.

a variety of human rights-related issues with the media and civil society, even when many government organs choose to remain silent on the same (RFE 2013b). The Kyrgyz Ombudsman has been described as "more independent and effective in safeguarding human rights than corresponding institutions in neighboring states" (Kasymova 2013), such as Tajikistan, where the equivalent institution is a de facto arm of the state. As opposed to Akun's apparent independence from the executive branch, Tajikistan's Ombudsman, despite being a highly knowledgeable and capable technocrat, seldom—if ever—steps on any government toes or seriously takes up pressing human rights issues, including the widespread existence of torture. According to Abduqayyum Yusupov, a prominent lawyer in Tajikistan, given Alizoda's track record, "the hopes that the civil society and the international community had for the formation of [the Ombudsman] institution have vanished." Yusupov further says that the Tajik Ombudsman appears to be performing "no other role in society other than … to produce reports on the international level [mainly for consumption by UN, European and North American donors]" (RFE 2013a). And while Tajikistan's Parliament renewed the country's Ombudsman mandate in the person of Alizoda for an extra five years in 2015, Kyrgyzstan's Parliament dismissed its new Ombudsman, Bakyt Amanbaeva, for having been insufficiently critical of government agencies (KNews 2015).

Tajikistan's Ombudsman has rarely come to real defense of victims of human rights violations including torture, nor has it sought to protect the rights of human rights defenders. There is evidence, for example, that the government has been retaliating against segments of local civil society and population active in combating torture. For example, a northern town of Khujand-based NGO, Amparo, with a focus on protecting the rights of military recruits and documenting physical abuse and hazing, appears to

have been a victim of government retaliation. According to HRW, in 2012, the authorities forced the closure of the said NGO via a politically-motivated audit "just weeks after a representative of Amparo spoke publicly about the need to monitor reports of torture and severe forms of hazing in Tajikistan's army at a civil society seminar on torture organized by the [EU] in Dushanbe." Amparo had already "provided a briefing about the abuse and hazing" of recruits to the visiting UN SR on Torture in May 2012 (IFOR and CPTI 2013). Among other cases of retaliation by the authorities, in a surreal case, the father of a detainee, who had been allegedly tortured due to having given testimony on a case of a fatal beating and torture of a fellow detainee, was himself allegedly tortured while being illegally interrogated by the Khujand prosecutor's office (BBC 2013c).

Liberal norms versus reality

Some, albeit minimal, progress in the fight against torture in Tajikistan has been observed in the past few years, notably: An amended CPC in 2012; establishment of the Human Rights Ombudsman office in 2009; development of guidelines and recommendations for judges and prosecutors on dealing with and investigating cases of torture; and adoption in 2013 of a three-year "National Implementation Plan concerning the 106 recommendations Tajikistan accepted during the [UNHRC's] Universal Periodic Review (UPR)," which includes intensions to ratify the Optional Protocol to the ICCPR (i.e., the banning of the death penalty) (Amnesty and Coalition Against Torture 2013, 4). Such steps, however, do not seem to be significant enough to curtail the occurrence of torture in places of detention, especially given that the authorities still deny prison access to the ICRC and still refuse to sign, ratify and implement the OPCAT.

The president of Tajikistan has in the past expressed his supposed belief in liberal norms. In his annual speeches to the Parliament, Rahmon has referred to himself as the "guarantor of observance of the Constitution, human rights and freedom of the people" (GoT 2010), and the judiciary as the "main instrument of protecting human rights and ensuring rule of law" (GoT 2009). The reality on the ground, however, is that human rights and lofty norms and commitments remain primarily in the realm of "virtual politics" (Wilson 2005, 33), far away from actual practice, including adherence to the antitorture norm. It is indeed not uncommon for any government's "normative" versus "empirical" relations with its domestic human rights situation to substantially differ from each other (Englehart 2009, 163).[34] As an example, in Tajikistan, by mid-2015, the government had begun "arresting, imprisoning, and torturing members of the country's peaceful [Islamist] political opposition," the Islamic Renaissance Party (IRP), with all of the Party's top leadership—sans the leader Muhiddin Kabiri who had managed to escape the country—having been tried and given long multiyear prison sentences (Norwegian Helsinki Committee 2015).

Though in his followup visit to Tajikistan in February 2014, the UN SR supposedly found "strong evidence of political will on the highest level to work on eradicating and preventing torture and ill-treatment" (OHCHR 2014), his previous comments in 2012 on Tajikistan and torture likely reflect the reality on the ground far more accurately:

---

[34] According to Englehart (2009), weak and failing states generally have poorer human rights records than stronger ones. In such cases, "agency loss and the inability to police effectively can lead to abuses by private individuals and rogue agents of the state." Inter alia, extrajudicial executions are known to be associated with weak "state capacity," while "political imprisonment is more sensitive to [the degree of] democracy" in a given state (163). Tajikistan, in turn, may fall into the category of dictatorial states, which choose not to enter into UNCAT and (in its case) OPCAT as "a strategic gesture indicating that they can and will use torture [and other repressive means] to maintain control" (Vreeland 2008, 80).

I am afraid that most of the authorities I met with [in Tajikistan] are satisfied that the normative [i.e., nominal] changes are all that is necessary [to combat torture]. If there is no recognition that there is a problem with mistreatment, whether systematic or not, mistreatment is not likely to go away. On the contrary, it is likely to increase as soon as attention shifts to other matters. (OHCHR 2012)

Kyrgyzstan and torture

Despite hopeful signs in way of policy change vis-à-vis dealing with torture and abuse by government entities in Kyrgyzstan, the situation remains grave. The country's National Prevention Mechanism (NPM) report for 2014 stated: "The use of torture and ill-treatment in the Kyrgyz Republic is still widespread" (National Center on the Prevention of Torture 2015, 7). One human rights NGO had identified 20 cases of alleged death by torture at the hands of the Kyrgyz police and security services during 2009-2011 alone (Marat 2012), while in 2016, out of 435 cases of reported torture, only 8% were formally investigated, they too, leading to no convictions (RFE 2017). In 2014, the UN Committee on the Rights of the Child stated its concern on "widespread torture and ill-treatment of children" in Kyrgyzstan's closed institutions and called for "independent investigations" on the issue (HRW 2015, 342). And despite the introduction of an Article (305-1) in Kyrgyzstan's Criminal Procedural Code, whereby torture is criminalized as "grave" and "gravest" of crimes, information provided by the country's Prosecutor General's Office indicate that as of December 2011, there were "no convictions for torture and very few prosecutions" (UNHRC 2012a).

In one case in 2009, a 33-year-old man claimed torture at the hands of the police. As a means of obtaining a confession, the police had allegedly "repeatedly struck him with truncheons and threatened to sexually assault him and to kill him" (Ruziev 2011). State doctors in law enforcement bodies, in turn, are normally "reluctant to report

inmates' injuries from torture and poor health out of a fear of losing their jobs," while judges, too, regularly ignore any torture allegations (Marat 2012, 312). According to the above victim's lawyer, despite appealing the case to the presidential administration and Kyrgyzstan's Human Rights Ombudsman, given the "culture of impunity and institutional resistance to external scrutiny," he saw little movement towards justice for his client. The same lawyer believed that only systematic reform, including the implementation of the OPCAT and its NPM component, could potentially prevent such scenarios (Ruziev 2011).

<u>Prison conditions</u>

Prison conditions in Kyrgyzstan, though thought to be gradually improving, have in the past been described as out of the immediate control of the authorities, with inmates enforcing their own "strict hierarchy, subjecting the weaker to brutal treatment" (ICG 2006, 3). According to officials in the Government of Kyrgyzstan, however, during 2010-2011, as many as 20 inspections of prisons took place and none confirmed incidences of torture (UNHRC 2012c). The Government also states that during 2011, of 298 complaints it received, 54 or around 18% deserved investigations, as a results of which 14 police officers were suspended from duty (UNHRC 2012b). Despite Kyrgyzstan's generally liberal antitorture laws, however, "very few cases of alleged torture [make] it to trial," and in 2012, "no accused torturers received a criminal conviction" (USDoS 2013).

Pretrial detention conditions in Kyrgyzstan have been known to include beatings by the police and investigators who "seek to extract confessions" from suspects who may "spend months in squalid and inhumane conditions" (ICG 2006, 3). The UN Special Rapporteur on Torture categorized pretrial detention conditions in the country as

"unsatisfactory" to "appalling," "unsanitary," with "poor to non-existent ventilation," daylight and heating. And similar to Tajikistan, in Kyrgyzstan's detention centers access to water and toilet are highly limited, while "very poor quality" meals are often served once a day only with hot water substituting for tea, with relatives expected to provide the detainees' major meals. It is not surprising that under such conditions communicable diseases as tuberculosis persist (UNHRC 2012a, 16). Visits by family members in pretrial detention facilities are under the prerogative of investigators and serve as "incentive for bribery and arbitrariness." Some detainees reported having no access to their relatives and counsel, with the UN SR commenting that the "almost total denial of contact with the outside world, often for prolonged periods, clearly contradicts the principle of the presumption of innocence and puts disproportionate psychological pressure on suspects" (17). [Mendez, the SR on Torture has sought a worldwide ban on "prolonged solitary confinement," i.e., confinement to one's cell between 22 to 24 hours a day for more than 15 days, a condition which he claims can lead to irreversible harm (ISHR 2011)].

<u>Ethnic violence and torture in the south</u>

Though under the presidency of Askar Akayev (1990-2015), Kyrgyzstan "prided itself on its multinational [i.e., multiethnic] harmony," and the country was considered "a model for the greater region, especially in contrast to civil conflict in the Caucasus [and Tajikistan]," such pride in interethnic harmony failed to forestall what has been described as a "pogrom" spanning a few days in June 2010 against the Uzbek minority living in the southern part of the country in Osh and Jalalabad provinces, resulting in 470 deaths mainly among ethnic Uzbeks, destruction of much of the regional capitals' economic infrastructure and homes and an exodus of over 100,000 mostly ethnic Uzbek residents of

southern Kyrgyzstan (Radnitz 2010).

According to Scott Radnitz (2010), the June 2010 events demonstrated two phenomena: A weak state unable, but also unwilling, to "stop armed mobs from advancing political agendas and destroying property." The other phenomenon was the transformation of "the dominant narrative explaining political struggles" in way of north-south division of the country (whereby the previous president Kurmanbek Bakiev, an ethnic Kyrgyz, had been a southerner, as opposed to Akayev, a northerner), a narrative which was into "ethnic affiliation," instead.

The UN SR on Torture has said that in the "immediate aftermath of the [2010] violence" in the south, "there was a significant increase of continued arbitrary arrests and detentions, incidents of forced confession under the use of torture and ill-treatment during arrest and while in detention," including being hung upside down by the feet while being beaten with "rubber batons and rifle butts," "asphyxiation and burning with cigarette stubs" (HRW 2010a), "denial of access to a lawyer of one's choosing, denial of independent medical aid, [and] threats and extortion of money in exchange for dropping or mitigating charges" (UNHRC 2012a, 12).

According to an authoritative account of the 2010 events in the South, "certain attacks against the Uzbeks" could even be categorized as "crimes against humanity" (Müllerson 2011, 407). The UN High Commissioner for Human Rights, Navi Pillay, has, in turn, questioned the official Kyrgyz government narrative which blames primarily the Uzbek ethnic population for the July 2010 riots and deaths. According to Pillay, while around three-quarters of the casualties of the said events were ethnic Uzbeks, they (the Uzbeks) also comprised 77% of those arrested and charged with violence-related crimes (Dzyubenko 2012). Damage to property losses were also primarily (est. 90%) on ethnic

Uzbek-owned homes and businesses (Erkebaev 2012). One law enforcement official told an HRW investigator that he would not detain ethnic Kyrgyz suspects, "fearing that this may cause a new wave of violence" (HRW 2010a). At the same time, despite the Uzbek population making up half of the population of Osh province, it was (and continues to be) woefully underrepresented among the ranks of the police, military and the judiciary. There are no ethnic Uzbek judges, for example, in Osh (Dzyubenko 2012).

<u>The Askarov case</u>

Similar to Tajikistan, Kyrgyzstan, which has had a moratorium on the death penalty in place since the middle of the first decade of the 21st century, is using longterm jail sentences in politically-charged trials related to the June 2010 events. Two prominent cases are those of ethnic Uzbek activists Azimjon Askarov and Qodirjon Batyrov, both of whom received life sentences in politically-charged and legally flawed trails "marred by intimidation and attacks" (Erkebaev 2012)—the latter in absentia. Trials have often "been conducted in an atmosphere of chaos" (Marat 2012, 311). As early as 1999, the UN had told of Kyrgyzstan's "apparent failure ... to provide prompt, impartial and full investigation into allegations of torture ... [and] failure generally to prosecute ... the alleged perpetrators" (UN Committee Against Torture 1999).

Askarov had told a representative of the Committee to Protect Journalists (CPJ) who visited him in jail that three police officers had beaten him "like a soccer ball" outside of the courthouse, and said that at one point during interrogation, a police chief, named Nurbek, "hit me with his gun handle in the head [as a result of which] my head was bleeding like a slaughtered chicken" (CPJ 2012). The Government of Kyrgyzstan, in turn, claims that it attempted to investigate the allegations of torture made by Askarov,

but that he had "made a written waiver to undergo such examination in the presence of his defense lawyers, a forensic expert, the representatives of investigation bodies and the penitentiary institution" (UNHRC 2012b, 5).

According to the UN SR, judges in Kyrgyzstan are "widely seen as formally present at the criminal process, but ... to rubberstamp decisions of ... prosecutors rather than take a genuine interest in following up on torture allegations" (UNHRC 2012a, 14). Attorney's willing to take up "politically controversial figures" also experience "political pressure" and even risk life threatening injuries as with the 2013 case of Ikramidin Aitqulov who was attacked near his home, likely due to having taken up defending the corruption case involving the ethnic Tajik minister of social development, Ravshan Sabirov (Marat 2014, 328). In the case of Askarov, aside from his own injuries due to torture, which the UN SR on Torture confirms (UNHRC 2012c), his defense attorney was physically assaulted by relatives of the deceased police officer in the courthouse and in front of the presiding judge, who took no legal action against the assailants (CPJ 2012).

The case of Askarov, whom many, mostly international observers, consider as an innocent ethnic Uzbek journalist and human rights activist who had prior to the June 2010 events been documenting police abuse of detainees (UNHRC 2010), despite international pressure and credible allegations of torture, Kyrgyzstan's Supreme Court denied his appeal for a new trial in 2011 (and then again in 2016) and "upheld his sentence of life in prison" (Marat 2012, 311), convicting him of "organizing mass disorders," "inciting ethnic hatred," and accessory to murder of a police officer (HRW 2013, 456). The UN SR on Torture, in turn, has referred to the Kyrgyz Supreme Court's decision on the case of Askarov as "an example of the highest judicial body's failure to act on allegations of torture and ill-treatment" (UNHRC 2012a, 14), while the UN

Human Rights Committee judged Askarov to have been "arbitrarily detained, held in inhumane conditions, tortured and mistreated, and prevented from adequately preparing his trial defense," and for Kyrgyzstan to have been in violation of the UN International Covenant to Civil and Political Rights (IPHR 2006, 3).

A corrupted judiciary

Kyrgyzstan's judiciary has been referred to as the country's "most loathed institution" (Rickleton 2012). As with Tajikistan, in Kyrgyzstan there is the influential element of corruption when detaining and abusing suspects. Often the detained can gain freedom through a investigator's or judge's ruling if a bribe of between US$100-20,000 is provided "depending on the legitimacy and seriousness of the charges" (Marat 2012, 311), with the money normally transferred to officials by relatives or even the defense attorney. According to an International Crisis Group report (2008), Kyrgyzstan's "politicized judiciary"—a legacy of the Soviet past when "the judiciary was completely subordinate to the political regime and ... largely subservient to the prosecutor's office and the law enforcement agencies"—was by 2005 "at the heart of the instability that rocked" the country," leading to the ouster of President Akayev's 15-year reign. Under Akayev, "courts had been used extensively ... to suppress opposition and remove political challengers," while "[j]udges proved unable to resolve the political disputes and electoral malpractice that characterized the [corrupted] 2005 parliamentary elections," which, in turn, led to the "[p]opular protests against court decisions" and Akayev's overthrow (2).

Visit of the UN Special Rapporteur on Torture

At the invitation of the Government, in December 2011, the UN SR on Torture, Mendez, visited Kyrgyzstan, it having been the SR's first visit to the country. During his

visit, Mendez was able to privately talk to victims of torture, including cases related to the June 2010 violence, many of whose experiences shared similar patterns of torture: "asphyxiation with plastic bags and gas masks with no flow of oxygen; punches and beatings with truncheons; the application of electric shock and [rape via] the introduction of foreign objects into the anus, or the threat of rape." Much of the alleged abuse had taken place in official government venues: "Police stations, temporary detention facilities, the premises of criminal police departments of the [MIA] and the pretrial detention facility of the State Committee of National Security" (UNHRC 2012a, 11).

A key catalyst for torture, according to the SR, has been "the heavy reliance on confessions in the judicial system" (12). In response to concerns of torture and abuse of detainees after the June 2010 events in Kyrgyzstan, one police chief had told an HRW investigator: "What do you expect? Do you think suspects would confess voluntarily? Nobody would just come and say he has committed a murder" (HRW 2010a). According to the SR, Kyrgyzstan's courts in essence encourage the collection of "evidence obtained under torture" given that when and if defendants claim during trial that their confession was coerced via torture, "the courts either ignore such statements altogether or conduct a superficial inquiry by simply questioning the police officers in court," whereby the police naturally denies its use of torture and "the judge concludes that the defendant's allegations are not substantiated and should be treated as an effort to avoid justice" (UNHRC 2012a, 13).

The SR also concluded that the incidences of few reported "deaths in custody ... and lack of accountability for them were [nonetheless] not isolated, ... [that] investigations launched into deaths in custody are the exception rather than the rule," and that relatives of victims often are put "under pressure" by the police to "withdraw their

complaints or to settle and have the case closed" (12). The family of one torture victim of the June 2010 events who had been taken to the hospital by his alleged torturers, the police, and who later died due his injuries, claimed that the police had told them: "We will bring him back to life if you keep quiet, but if you start talking, you will only have yourselves to blame" (HRW 2010a).

In his report, the SR also cited flaws in Kyrgyzstan's criminal law, which among other things "authorizes police to make an arrest on suspicion of criminal responsibility and without judicial warrant, which by itself constitutes an invitation to mistreatment" (UNHRC 2012a, 12). Mendez further states that the three-hour threshold after arrest where suspects are to be sent to an investigative officer or be released, and the 12-hour limit (Article 99 of the Kyrgyz Criminal Code) after which relatives of the suspect must be informed of his/her whereabouts, are routinely ignored and that detainees are often held illegally under "incommunicado for an unlimited period of time" (13).

While according to the SR, "the open recognition of the existence of torture" by the Kyrgyz President, Members of Parliament and the Prosecutor General "reflects a clear political will to combat torture and ill-treatment," he also "heard of no such instructions communicated by the responsible officials of the Ministry of the Interior to condemn torture ... and to declare unambiguously that torture and illtreatment by police officers would not be tolerated" (UNHRC 2012a, 18).

Conclusions

Despite the gravity on the ground, of the five postcommunist Central Asian states, Kyrgyzstan along with Kazakhstan have been referred to as the region's "more liberal states, where at least some access is allowed both to prison officials and, in the case of

Kyrgyzstan, prisoners" (ICG 2009, 1). Indeed, as opposed to Tajikistan and Uzbekistan where independent visits to the places of detention have been blocked by the authorities, Kyrgyzstan has allowed "international and domestic nongovernmental observers," including the ICRC, Penal Reform International, and selected domestic NGOs, such as *Golos Svobody*, access to prisons, detainees and temporary holding cells. And when comparing Kyrgyzstan with Tajikistan, the former ratified the UNCAT in 1997, over 2.5 years after Tajikistan (see Figure 7). More importantly, as is the theme of this dissertation, as opposed to Tajikistan, Kyrgyzstan has signed and ratified the UNCAT's OPCAT in 2008 and also formed its NPM in way of a collaborative office between government and civil society in 2012. Given the above milestones, despite the still gravity of the situation of torture and abuse on the ground, this dissertation argues that the prospects for eventual change in way of improving and ultimately doing away or minimizing torture in Kyrgyzstan are far more promising than Tajikistan, which has had few, if any, of the said milestones in place.

CHAPTER IV

DETERMINANTS OF NORM COMPLIANCE

"To the degree that a nation values its membership in an emerging community of liberal states, it will be more vulnerable to pressures [to improve its human rights record] than a state that does not value such membership." (Risse and Sikkink 1999, 24)

A cartoon was once published depicting a highway policeman asking a gas station attendant: "Did you see a car pass here strictly obeying the speed limit?[!]" (Thomas 2001, 7). The point to be made was that presumed rules of behavior on the road are more than often broken. Carry this concept from the individual to the state and the latter's domestic and international obligations and one sees a familiar story: "International norms"—defined as "standards of appropriate behavior for actors [primarily states] with a given identity in world politics"—are not followed by all the nations all of the time (6), and noncompliance, in one degree to another, is to be expected. As Hedley Bull wrote, "if there were no possibility that actual behavior would differ from prescribed behavior, there would be no point in having the rule" (quoted in Thomas 2001, 7).

International standards of behavior are codified in a myriad of agreements, treaties, conventions and protocols, what are overall referred to as "regimes." Stephen Krasner defines regimes as a series of "principles, norms, rules, and decision making procedures around which actors' expectations converge in a given issue area" (quoted in Coleman and Doyle 2004, 2). According to Krasner (2006), "norms" are "standards of

behavior defined in terms of rights and obligations" (3). Despite the "bull market" of norm creation, especially in the latter parts of the 20th century, their very "exuberance" has been followed by "the more sobering question of compliance" (Coleman and Doyle 2004, 1), with compliance being generally defined as "a state of conformity or identity between an actor's behavior and a specified rule" (Raustiala and Slaughter 2002, 539).

More precisely, when looking at human rights norms and regimes, Hans Peter Schmitz and Kathryn Sikkink (2002) describe state compliance along "a continuum" made of ratification, fulfillment of treaty reporting requirements, adoption of norms in domestic law, and "rule consistent behavior on a domestic level" (524). When states, for whatever reason, are unwilling or unable to comply with the rules, laws and norms associated with a given international regime or agreement, the result is a "compliance gap," which George Downs and Andrea Trento (2004) define as "the difference between the norms established by international agreements and the actual behavior of the signatory states" (19).

General compliance theories

There are many theoretical viewpoints in political science which attempt to explain a state's compliance or lack-thereof with international regimes. Below I briefly discuss the overall theories of "realism," "liberalism" and "constructivism" toward compliance with international norms.

<u>Realism</u>

On 10 December 1948, the day when the UDHR was adopted, Andrei Vishinsky, the USSR representative at the UN, commented that the said document—which his government also signed—was nothing more than a "collection of pious phrases"

(*Economist* 1998). Likewise, when serving as the U.S. Secretary of State in early 1970s, Henry Kissinger is known to have had little regard for the Conference for Security and Cooperation in Europe (CSCE, the forerunner to the OSCE, which had been a forum of discussion between the capitalist West and the communist Eastern bloc), referring to it as "an exercise at best significant for public opinion, but certainly not as an essential component of the substantial makeup of the process of détente" (Snyder 2011, 22). Vishinsky and Kissinger's perspectives are considered as "realist" or the *realpolitik* position which many governments adhere to.

Realism views states as rational but selfish and "unitary actors," aiming to ensure their own "security against potential competitors" in an anarchic international arena with no "effective central authority," where "outcomes are determined by the distribution of coercive power." For realists, therefore, the effects of supposed liberal international norms are nil, as they feel no obligation to follow them. Under realism, at end of the day, it's not the "norms but … the uneven distribution of power," which counts. Within a traditional realist paradigm, therefore, "international human rights norms do not matter" (Thomas 2001, 10). For realists, regimes "have little to no [de facto] impact [and] are merely epiphenomenal" (Krasner 2006, 7). Realists argue that sincere "joining [to] supranational organizations"—and abiding by international norms all of the time—can put the state's national security in jeopardy and lead to the state loosing "considerable independence" (Forsythe 2006, 267).

Some realists even claim that the whole concept of human rights is considered a threat to the stability of the international system and, instead, view "state sovereignty" as a key "central organizing principle" of international relations (Schmitz and Sikkink 2002, 521). Still, with regard to the question, if any, as to what constitutes an important human

rights norm worthy of worldwide adoption, many realists claim that it's for the global hegemonic power to decide, and that "[p]revalent norms change with the rise and fall of powerful states" (522). Realists, like Krasner, argue that: "Only when powerful states enforce [specific] principles and norms [are] international human rights regimes consequential" (523). A variant of the realist school is the "strategic school," with its adherents arguing that to lessen the compliance gap, in the short turn, one has "to increase the benefits that states can obtain by complying or increase the costs that they face for defecting" (Downs and Trento 2004, 29).

Liberalism

Under liberalism, adoption of a particular international human rights norm (such as the UNCAT and OPCAT), and delegating sovereignty to a "supranational body" is done with the expectation of aiding the "domestic outcome" of strengthening democratic rule. Joining an international norm for liberals is "voluntary," albeit one of "self-interested, rational behavior" in accepting limited state sovereignty (Schmitz and Sikkink 2002, 522). And though international institutions are part and parcel of liberal theory and affect state behavior, they do not change the "identity or interests" of states, factors which are considered givens and largely unchanging (Thomas 2001, 10).

Using this liberal logic, the "political elite" of weak "institutionalized democracies" should be happy to "delegate authority" to international agreements and regimes so as to protect against those hostile to their democratic rule domestically. And though governments in strong or "established" democracies will not necessarily accept meddling or "infringements on their domestic autonomy" from international agreements, they may find the support of new and popular international norms as politically advantageous (11).

Liberals also argue that state behavior and compliance within the community of democracies "is distinctly different from behavior towards non-liberal outsiders" (Schmitz and Sikkink 2002, 521). Daniel Thomas (2001) claims that nondemocracies and authoritarian states will refuse the formation of "human rights regimes with effective means of enforcement" (11), but may accept nominal and "unenforceable norms" so as to gain material goods from others. A conclusion of liberalism has been that "international human rights norms" will not be of significant effect vis-à-vis the behavior of repressive states "not otherwise inclined toward reform." Some liberals also argue that the behavior of norm-violating states varies depending on "the effectiveness of transborder monitoring, the target state's sensitivity to sanctions" and "the intensity of international pressure for compliance" (12). Liberalism posits that states "seek first to secure their hold on power," and are willing to violate international human rights norms, despite its consequences (e.g., "international sanctions"), but will not "pursue rights-protective reforms" that would lead to an overthrow potential by domestic political challengers (13).

Liberal institutionalists remind us that: "If compliance with international rules is ephemeral, or results purely from the exercise of power and coercion, the ability of international law and institutions to order world politics is greatly limited" (Raustiala and Slaughter 2002, 553). In essence, under liberalism, compliance with international human rights norms cannot rely on force and fear of penalty, but will only succeed if they become an ingrained part of the domestic and international norms, laws, structures and political institutions which states and their constituents have committed to.

Constructivism

Realist and liberal theories of change, referred to as "materialist theories," focus on political, "economic or military conditions or interests" as determinants of compliance

in international arena. For constructivists, however, though "material factors and conditions" do matter, they only do so via "cognitive and communicative processes," i.e., through the "battleground of ideas," a process whereby state and nonstate "actors try to determine their identities and interests and to develop collective understandings of … the moral values and norms guiding their interactions" (Risse and Sikkink 1999, 7). For constructivists, "compliance is less a matter of rational calculation or imposed constraints than of internalized identities and norms of appropriate behavior" (Raustiala and Slaughter 2002, 561).

Constructivism entails the notion of states and nonstate actors "seek[ing] to behave in accordance with norms relevant to their identities." Identity, itself, is said to be the "definitions of self in relation to others that provide guidance for how one should behave in a given context" (Thomas 2001, 13). Norm-forming and enforcing international institutions and regimes encourage states to take up identities corresponding to specific human rights ideals and determine if the state is in compliance with "relevant norms" or not (14). The compliance challenge arises "when identities overlap and their [associated] norms conflict" (15). Many constructivists posit that compliance with international norms is highest when the associated norm "prescriptions" or specific regimes have the following three characteristics: "specific" (i.e., when the regime and associated norm "clearly distinguish between compliant and noncompliant behavior"), "durable" (i.e., a given norm shows endurance and legitimacy over time), and "concordant" (when norm is "consistent with other relevant [overarching] norms and diplomatic discourses") (15).

According to Thomas (2001), under constructivism, identities are not constant, but dynamic and fluid and can be shaped and changed via repeated interactions,

persuasions and provision of incentives. "New information or persuasive arguments," often through the intermediation of nonstate actors can "give salience to a new (or previously marginal) identity" and lead to states redefining what behaviors are in their interests (16)—a phenomenon referred to as "strategic social construction" (Finnemore and Sikkink 1998, 888). Thomas (2001) claims that despite clashes between domestic and international identities, normally the state will choose to sign up to human rights conventions while at the same time "reassuring domestic audiences of their commitment to adhere to domestic norms" (16). Lobbying, naming and shaming of the norm-violating state by other state and domestic and international nonstate actors, often leads "to reconfigure[ing] state interests in favor of compliance with human rights norms …" (17).

Under constructivism, human rights norms "gain strength because of their intrinsic universalistic qualities." Constructivists argue: First, that the "normative strength" of an idea is derived from its ability to resonate with many cultures worldwide. Second, "national or global crisis" can shift or destroy the "old power structures" leading to contestation of "identity and purpose of social systems." Johanes Morsink, for example, has theorized that the "revulsion toward the Holocaust" served as a "consensus" for the adoption of the UDHR in the immediate aftermath of WWII (quoted in Schmitz and Sikkink 2002, 522) Third, constructivists hold that nonstate actors, such as Amnesty and HRW—aka "transnational advocacy networks" (524)—play a significant role in the "evolution of human rights regime" by virtue of acquiring "independent authority," given their "reliable work and virtual information monopoly" (522). For constructivists, through lobbying and information campaigns of nonstate actors, support for a given norm "gathers slowly until it reaches a 'tipping point'" (523).

Like a basketball coach who would "take a win any-which-way it comes," constructivists approve of the state's positive identity change even if it is primarily for "security or instrumental reasons" (e.g., to end international sanctions) rather than "ideational" (e.g., to maintain or improve one's reputation or for genuine humanitarian reasons). They argue that positive state action leads to "a process of identity transformation," whereby the norms, which the state was previously violating and/or denying are then up taken by the state "for belief and identity reasons" (Solomon 2006, 42).

Spiral model

Within the general paradigm of constructivism, Thomas Risse et al. (quoted in Solomon 2006) uphold the spiral model of "human rights change" or compliance wherein a state can move from a situation of "noncompliance" with norms to "internalization" of the same norms via the initial act of "ratification of treaties and the institutionalization of norm prescriptions into domestic practices …" (38). The five stages associated with the spiral model are: (1) "repression," (2) "denial," (3) "tactical concessions," (4) "prescriptive status," and (5) "rule-consistent behavior" (Risse and Sikkink 1999, 32). Repression involves the presence of a norm violating, often authoritarian, state successful at quelling its domestic opposition. Given international human rights NGOs and their publicity of specific human rights violations, the state steps into stage two of the spiral model where it attempts to respond to the allegations of human rights violations and to deny their existence, and, among other things, invoke political norms of "sovereignty and non-intervention" in its internal affairs. If there is "sustained international pressure," the norm-violating state will make "tactical concessions," primarily in way of "cosmetic changes" so as to pacify its critics. This stage can also lead to a backlash in way of

increased human rights violations, while the state offers some form of real or imaginary concessions (Solomon 2006, 38).

Indeed, states "accused of violating human rights norms" are often vulnerable to domestic and international pressure and resort to "some tactical concessions," a strategy justified by "rational choice arguments" and the notion of humans and states being "utility maximizers" (Risse and Sikkink 1999, 12). Regardless of the cosmetic nature of concessions, however, advocates of the spiral model claim that at this stage the state has virtually entered a dialogue and "socialization" phase (part of stage four of the spiral model). "Prescriptive status" refers to the notion that states and other "actors involved [in norm compliance or noncompliance] regularly refer to the human rights norm to describe and comment on their own behavior and that of others." At this stage, the state publically acknowledges the human rights norms under discussion via ratification of treaties and uptaking of the associated norm rhetoric and language—despite human rights violations still taking place (29). Finnemore and Sikkink also refer to the concept of "norm cascades," where international norms replace "domestic standards globally" due to an escalating "demonstration effect" or "contagion" (quoted in Ross 2007, 29).

Spiral model has its critics as well. Sonia Cardenas, for example, questions the state's capabilities and significance of domestic human rights institutions set up for implementing its international commitments—often with financial and technical assistance from international donors. She claims that such institutions can merely "raise expectations," which the state may either be incapable of or, more seriously, unwilling to fulfill, thus even reducing "human rights protections" (quoted in Solomon 2006, 41). Anecdotal evidence from Central Asia indicates that this dynamic indeed may be the case today and, furthermore, that the necessary domestic or international pressures when

dealing with authoritarian states are often not present nor are they necessarily consistent over time to result in behavior change.

Some of the post-Soviet states signed onto liberal international treaties only days into their independence, a phenomenon which I call exercising *a fast pen*—akin to a young person obtaining his/her first credit card: Signing on the dotted lines without reading or being aware of the requirements in any detail. Early ratification of international norms on part of post-Soviet states was likely "in part an attempt to assert their new sovereignty [and seek the ritual of entering] into relations with other states," an act they "considered [as] a key attribute of [their newly-found] statehood" (Waters 2009, 190). With regard to the case of Tajikistan, for example, Khafiza Sanginova (2011) posits that the formation of the much-touted national human rights institution (NHRI, aka Human Rights Ombudsman) in 2009 was primarily external- and donor-driven with little, if any, internal intentions of improving the human rights conditions of the citizenry. Constructivists could argue, however, that such states are in the very early stages of the spiral model's socialization process.

Resembling the spiral model is Wayne Sandholtz and Kendall Stiles' (2009) "cyclical disputation" model of norm change (and compliance). They believe that the "inherent tension" between sovereignty and human rights norms—the former emphasizing the rights and freedoms of the state and the latter those of individuals—has acted as "one of the primary motors of international norm change" in the post-WWII era. For them, norm change involves both "cycles of disputation" and tension ("normal tensions") between the state and the individual, aka sovereignty and human rights. The cyclical disputation model argues that norms or "rule structures" guide the choices of the actor (the state or one of its subcategories) and that the specific acts taken by the state trigger "normative disputes" or

argumentation. Subsequently, the same arguments modify the rules, which in turn "alter rule structure," i.e., norm change (21-2).

Other determinants of compliance

Caroline Walsh (2010) considers "the underlying causes of human rights violations" (i.e., noncompliance with international norms) to be a function of "complex interactions… [and] mixtures of, inter alia, cultural, economic and political factors," of which, some "are local, others national and regional and yet still others global" (46), what she refers to as "hybrid factors" of "local-global" and "material-cultural" (57). In turn, Schmitz and Sikkink (2002) state that there are three broad causes of and/or explanations for noncompliance with international human rights regimes: Political, economic, and cultural—the latter including ideological and psychological factors as well (520).

Political causes deal with regime types, wars, separatist movements and terrorism and the real or imagined threats emanating from them. Democracies, for example, are ubiquitously known to be less likely to violate citizens' rights than dictatorships, while states in conflict, especially when engaged in international wars, are more likely to violate human rights. George Downs and Andrea Trento (2004) introduce the "democratic process school," which considers state compliance with international treaties to be a function of its "domestic identity… The more liberal the state, the more likely it is to comply …" (28). They also talk about the "compliance pull" associated with laws, which the state perceives as having "procedural and substantive fairness" and a reluctance to comply with laws that are perceived as "substantially unfair or unjust" (27).

Some claim that the political process of treaty ratification does have a positive impact on compliance. Landman (2003), for example, shows an overall "positive and

significant relationship between treaty ratification and rights protection," though when controlling for factors of democracy, wealth, conflict and population, the relationship is found to be not significant. He finds a "two-way model" of "treaty ratification" and "rights protection" as a function of the independent variables of "democracy, development and [economic] interdependence" (246). Landman concludes that the relationship between "human rights law" (i.e., effects of ratification) on "human rights practices" is significant, albeit limited with the "timing of democratization" being critical and accounting for "differences in treaty ratification and rights protection." The so-called "late democratizing states"—which the postcommunist states are potentially part of—"tend to ratify more treaties with fewer reservations but such states are less able to protect human rights" (246).

Downs and Trento (2004) also claim that treaties on human rights and environment and those dealing with responsibilities of development or transitional states face the most compliance gap. In the environmental front, examples are the Convention on International Trade in Endangered Species of Wild Fauna and Flora and the International Timber Agreement, though they claim that the "situation in the human rights areas is … the bleakest and least encouraging." Much of the compliance gap vis-à-vis human rights commitments has risen "in the wake of the end of the Cold War" and domestic wars in places like East Timor, Ethiopia and Kosovo, to name a few, though there's "an undeniable [peacetime] compliance gap" as well. The effect of war on compliance is considered to be substantial. "It is difficult," for example, "to imagine any compliance strategy succeeding under the conditions that … exist in [wartorn] Congo, Sierra Leone, or Liberia" [or today's Iraq, Afghanistan or Syria, for that matter] (31). In

"every regulatory area," claim Downs and Trento, compliance is problematic and compliance gap the widest vis-à-vis "states at war or experiencing internal conflict, nondemocratic states, and in less economically developed states" (21). They blame these "three statuses" or factors (war, lack of democracy and relative poverty) for putting developing states in a position of "triple jeopardy," leading to noncompliance (22). When looking at serious violators of human rights and environmental agreements, Downs and Trento thus claim that "the most persistent violators" are "a subset of developing states that are relatively poor, undemocratic, and plagued by internal conflict" (37).

Economics is known to play a significant role in compliance with international norms. Ernest Wilson posits that "countries with the fastest growing middle class will experience the greatest political liberalization" (quoted in Risse and Sikkink 1999, 37). Downs and Trento (2004), in turn, introduce the "managerial school" of compliance, which relates state conformity with treaties to "external factors such as treaty ambiguity, the administrative and/or financial incapacity of states to implement agreements … and the time lag between a law's entry into force and its impact" (29). Compliance is also related to other notions: "Implementation" and "effectiveness," the former defined as "the process of putting international commitments into practice [via] the passage of legislation, creation of institutions (both domestic and international) and enforcement of rules (Raustiala and Slaughter 2002, 539). Archie Brown (2005) holds that the positive effect of institutions is far more when they "have developed from within the society rather than being an authoritarian imposition from without." A coerced or imposed action, given social psychological theory, claims Brown, "is much less likely to lead to attitudinal change than behavior voluntarily embraced" (187).

At the same time, the incentive of joining a democratic institution or organization like the European Union (EU) can act as a pull for states to commence on a path of democratization: For the postcommunist states in East and Central Europe, "a salient notion and motivating force" has been the potential of converging with the EU, claims Brown (198). Gerald Knaus and Marcus Cox (2005) claim that the incentive of joining the EU leads to the "strengthening [of] democracy, promoting the rule of law, reforming public administration, and improving the quality of economic governance." They believe that the most effective form of state-building is not the "authoritarian" (as attempted in Kosovo and Bosnia-Herzegovina) [or even Iraq and Afghanistan], where "institutional development" is encouraged via "creating international structures that assume extensive, undemocratic, and generally unaccountable powers within the domestic constitutional sphere" (40), or "traditional" (as aid agencies and the UN attempt worldwide), but "member" statebuilding, such as the process which European states undergo towards being selected as candidates for EU membership (41).

Much of the liberal political transformations and steps towards pluralism taken by Turkey is said to fall into this category. The European Commission announced its decision to admit Turkey as a candidate for EU membership in its 1999 Helsinki summit and had stated, inter alia, that: "There are serious shortcomings in terms of human rights and protection of minorities. Torture is not systematic, but it is still widespread, and freedom of expression is regularly restricted by the authorities." On this, one Turkish analyst commented, that the EU decision had "striking consequences for Turkey's domestic politics," as a consequent of which, "[a] tide of reforms were initiated, which the powerful 'anti-EU coalition' in Turkey found it progressively more difficult to resist" (41). In the same vein, as opposed to Russia and postcommunist states in the Caucasus

(Armenia, Georgia and Azerbaijan), Central Asian republics, including Tajikistan and Kyrgyzstan, are not part of the Council of Europe and its legal arm, the European Court of Human Rights (ECHR), a regional body formed in 1953 and referred to as "the most effective international human rights regime" in the world (*Economist* 1998).

Abram Chayes and Antonia Handler Chayes (2006) point out to three overall circumstances which "lie at the root of [state] behavior that may seem prima facie to violate [given] treaty requirements.' They are: (1) "ambiguity and indeterminacy" of the language used in the treaty; (2) economic and political "limitations" of the state in carrying out its obligations, and (3) temporal dimension or the "time lag" between treaty ratification and compliance (77). They hold that the majority of noncompliance cases are "deviant rather than expected behavior [and] endemic rather than deliberate." They encourage paying "attention to sources of noncompliance that can be managed by routine international political and managerial processes." Among other things, they argue, reducing regime ambiguity, increasing technical and financial aid and increasing transparency can improve the chances of norm compliance (90).

George Downs et al. argue, in what has become known as the "enforcement theory," that inducing compliance requires both cooperation and potential punishment and that the "deeper" the regime, the higher the potential gains from cooperation can be, and yet, the incentives to cheat also grow. From this perspective, deep and farreaching agreements "require correspondingly harsher punishments to deter non-compliance and sustain cooperation" (Downs et al. 1998, 405).

Reputation draw

Image is everything! So said tennis star Andre Agassi in a 1990 Nikon camera advertisement. In the world of human rights and nation-states, external image—or how

rulers assume their state is being perceived abroad—is thought to be an important factor in the conduct of the state. The caring of one's reputation—or "reputational incentives" (Hathaway 2004, 209)—is at times utilized by human rights groups to encourage, or exert pressure on, governments to improve their public relations abroad through improvements in human rights. From a "rational choice" perspective, ratifying liberal treaties by states is logical as "doing so brings some reputational benefit[s]" while at the same time "the costs of ratification in the absence of strong enforcement mechanisms are [often] minimal" (Waters 2009, 192).

"Countries most sensitive to pressure are not those that are economically weakest, but those that care about their international image" (Risse and Sikkink 1999, 37-8). As an example, in December 2013, the pardon by President Vladimir Putin and subsequent release of the Russian former oil tycoon Mikhail Khodorkovsky is thought to have been related to the image that Russia's leadership desired for the country. Khodorkovsky, himself, has noted about his release and those of several other "political" cases, that:

> [The pardon and release act is] a symbol that Putin is seriously concerned about the image of Russia as [a] democratic state … If you can't advance an attractive image of your country, that really prevents you from resolving many significant questions in the international arena. (quoted in Buckley 2013, 1)

According to Rosemary Foot, states are willing to uptake human rights norms—via "language and argumentation" (Solomon 2006, 35)—leading to behavior change when, inter alia, their international reputation is on the line. The USSR's acceptance to join the CSCE, for example, and to ratify the Helsinki Final Act, claims Thomas, was due to its "desire for international legitimation [as a fullfledged] member of international society" (42). Thomas (2001) looked at the "sources and effects" of the 1975 Helsinki Accord signed by 35 states, many of which were in the repressive former Eastern bloc.

The Helsinki Accord, which is the seminal document of today's OSCE, requires 10 broad commitments from its signatories, including "respect for human rights and fundamental freedoms, including the freedom of thought, conscience, religion or belief" (4). Thomas posits that repressive regimes sign up to this and other human rights treaties and conventions, which require them to "agree to be bound by human rights norms" due to their "belief that they can gain international legitimacy without substantial compliance." Thomas goes on to state that despite "empty" promises by states, such agreements do promote "local, transnational, and interstate processes that undermine continued repression" by the same repressive regimes (3).

Foot brings the example of China after the 1989 Tiananmen massacre, whereby pressure by international NGOs and Western states led to some easing of restrictions including the release of some prisoners. Foot argues that China did so due to its concerns over its "image [and] great power status," in addition to the "perception of its legitimacy" in the eyes of others in the international arena (Solomon 2006, 37). Ty Solomon remains critical of this claim, however, and states that if human rights norms had, as claimed, "gained significant international attention" just prior to the Tiananmen incident, then why did China "use military force to quell the demonstrations." If anything, he says, "this would be evidence of a variation in the strength of the international human rights norm" (43). Solomon also suggests that both norms and identities are "undergoing constant reconstitution" (44), i.e., they change as functions of time.

Reputation plays a critical—and understudied—point in the implementation of UNCAT. According to Oona Hathaway (2004), "states joint treaties like the [UNCAT] in no small part to make themselves look good," so that, inter alia, they can attract more

foreign investment, more foreign aid, higher trade and "other [material and psychological] benefits." Reputation can be a tricky factor, however, as empirical data have shown that states, particularly dictatorial types, with "better torture records (and [thus] better reputations) are less, not more, likely to join the [UNCAT] than states that have worse torture records [and reputations]" (208). Joining the UNCAT can be far less costly than actually improving one's human rights and torture record, and yet the mere act of ratifying the UNCAT normally serves as a reputation booster. As Hathaway claims, "states that engage in torture and have weak domestic rule of law institutions have every reason to join [UNCAT]," and by knowing this dynamics, better monitoring of treaty member's torture record by civil society and international organizations can thus serve as an incentive for compliance (210).

Outside pressure is known to be often effective, though requiring a longterm effort if seeking substantial change. According to Risse and Sikkink (1999): "Repressive governments often adapt to normative pressures for purely instrumental reasons. When the pressure decreases, they return to repression …" (15). Furthermore, despite the emphasis that some theoreticians and activists put on the concept of state reputation, "[r]eputational concerns," claim Downs and Trento (2004), "are unlikely to replace more traditional within-treaty penalties and reciprocity-based punishments [and are thus] unlikely to … dramatically improve compliance with human rights agreements" (25).

Torture as noncompliance or "why torture?"

It's generally agreed that the likelihood of use of torture and other grave violations of human rights by the state increases the "greater the perceived insecurity and instability of a regime" (Lippman 1979, 55). Below are brief descriptions of theoretical

models on states' use of torture involving "security," "stability" and "legitimacy."

<u>Security model</u>

Proponents of the security model normally concur with the "ticking bomb" argument (Blakeley 2007, 377), where, in theory, the authorities are aware that a terror plot is imminent or a bomb—perhaps even a nuclear one—is about to go off someplace and the suspected terrorist the authorities think knows where the device is has chosen to remain silent. Rough treatment and torture, they argue, may very well lead to defusing the bomb and the saving of thousands, even millions of lives. Darius Rejali (2007) claims that the "national security model" has commonly been used in history in times of war and by colonizers, where the state justifies torture "as part of a proactive strategy to combat an enemy in an emergency." Here, aside from information leading to and diffusion of the "ticking bomb," the aim is not confession as that is already assumed by the torturer, but information on "a person's contacts and to [possibly potentially] recruit [the] victims as informers …" (49). The security model entails "the dominant claims made about torture by [both] authoritarian and liberal states" where torture is justified on basis of obtaining "intelligence to defeat security threats" (Blakeley 2007, 374). Examples of the security model are those of the use of torture by the U.S. during the Philippine Insurgency (aka Philippine-American War, 1899-1902), British security bodies in Kenya, Turkish military dealing with Kurdish activists and insurgents, postcommunist Russian forces in Chechnya (Rejali 2007) and Israeli Defense Force interrogation of—including "breaking of bones and pouring acid" on—Palestinian detainees (Blakeley 2007, 380).

Opponents of the security model argue that it presumes three "highly dubious" presumptions: First, that the information gained from those tortured is accurate

intelligence. Second that the use of torture on even innocent individuals is legitimate. And three, that the use of torture is to combat "security threats," with Ruth Blakeley (2007) arguing that in the majority of cases, "torture has little to do with protecting populations" (381) or securing "credible intelligence" (395), and that it has little to do in actuality with "security threats," either, but mostly to do "with overcoming threats to the interests of transnational elite groups" (381). Furthermore, argues John Parry (2004), the ticking bomb scenario—if it were to be legitimate—requires a sort of "principled torture" laws which based on empirical and anecdotal data in the use of torture, especially at times of crisis, have shown to be difficult to adhere to (160).

Stability model

Torture is also advocated by the "liberal states" via "transnational networks of terror" established "in collaboration with elites in authoritarian states, in the interests of their own and global elites." Such use of torture falls under not the security but stability model, whereby it's utilized to "thwart political opposition that would threaten transnational elite interests" (Blakeley 2007, 375). The stability model thus "shows that the distinction between liberal and authoritarian states with regard to torture is not as clear as conventional political science approaches would lead [one] to believe" (392).

The "stability model" holds that the use of torture can suppress political opposition and "trouble-makers," both actual and potential. Based on this model, the ruling elite tolerates the use of torture on individuals considered as "revolutionary," members of "insurgent movements" or "opposition parties," trade union members and individuals "calling for democracy" or "political freedoms" (381). The stability model is, in fact, believed to explain "the majority of cases in which torture is used" (391). Rejali's (2007) "Civic Discipline model" closely resembles the stability model. In the civic

discipline model, the state's law enforcement agency deals with the less privileged of society in an aggressive manner, at times verging on the use of torture. "What drives torture in [such] cases is neither war nor a permissive legal environment, but informal arrangements among police, residents, and businesses to shape the urban landscape" (60). The stability model and the use of torture is primarily enacted by authoritarian states, but also "often sponsored by external liberal elites" (Blakeley 2007, 374)—ironically aka "transnational networks of terror" (375)—as a means of instilling fear and "to deter potential and actual political opposition among [their] population" (374).

Opponents of the stability model argue that there does not exist concrete proof that torture does indeed lead to longterm stability. It may in the short- to mediumterm eliminate potential political opponents of the regime, but it can also generate more opponents, which in the longterm can instigate regime change. General Jacques Massu was the Commander during the French-Algerian war, who later admitted to having used systematic torture on Algerian prisoners. According to Massu, torture "served no useful or necessary intelligence purpose in overcoming terrorism" and instead "turned most of the Algerian population against the French, pushing them into the arms of the Front de Liberation National" (Blakeley 2007, 387). Hence, in his view, torture resulted in insecurity, instability and swelled the number of anti-French rebels, instead. And according to Amnesty, the French military's use of torture in Algeria "could not be controlled and ultimately [even] spread into France" (Lippman 1994, 295).

Legitimacy model

This model of torture is associated with the identities which individuals and states assign to themselves "to justify their claim" on methods of political rule, where the act of torture "is intended to reinforce those identities and therefore the legitimacy of torture's

advocates" (Blakeley 2007, 393). The legitimacy model is a social constructive mode of justifying torture by both illiberal and liberal governments where the state seeks to simultaneously "secure the right to use torture, based on the assignment of specific identities" of itself as "legitimate" and others it deems as imposing on its interests and which it chooses to apply torture to as "illegitimate" (374).

Rejali's (2007) "Juridical model" of torture can fall under the legitimacy model. Under the juridical model, what encourages the act is the states' "judicial system privilege[ing] confessions." This model goes back to the Middle Ages when courts began to value "written documents, and above all confessions." Rejali postulates that the "judicial fetish for confessions [held by Italians of the era] rested upon a religious ethic, Catholicism, which also valorized penitent confessions." The victims, under this model, can often be ordinary criminal suspects. The practice was common up until the 1920s in the U.S. (though egregious cases as late as the 1990s in the U.S. have been recorded)[35] and is the modus operandi of law enforcement in Russia (and Central Asia) today where

---

[35] A classic case of police abuse, which can fall under the "juridical model" of torture is that of the "Tucson Four" involving the murder of nine Thai Buddhist priests in Phoenix, Arizona, in 1991. This case had frustrated the local police which, despite extensive data collection and crime scene forensics, had been unable to identify any crime suspects for weeks after the murders, until they received a call from a Michael L. McGraw—aka "Crazy Mike" (Stuart 2010, 122)—a mental patient in Tucson (a city in southern Arizona) who claimed his friends had committed the murders. The Phoenix (Maricopa County) police, headed by Sheriff Tom Agnos, subsequently detained five men, putting them under extensive interrogation and periods of sleeplessness, having "grilled" them "from 9 PM to dawn daily" for three days. In addition to using coercion, the police investigators are said to have "pleaded [with the suspects], cajoled, threatened and lied," while also providing information to them that only the killer(s) would know. This tactic led to four of the five men being held in police custody to subsequently confess to the murders. One of the police investigators later said about the interrogation techniques used on the accused: "We hammered on those guys until we broke their will, it was as simple and bad as that." He added: "Obviously they talked—because of the pressure. The suspect gets to a place where they just submit, say anything the detectives want, just to stop the pressure." A few weeks later, while the police were still in a self-congratulatory mood for having broken the case, a routine check on an illegal gun found on three teenagers determined that it in fact was the weapon used to commit the Buddhist murders. In an ironic twist, the Phoenix police once again used the same tactics on the new suspects: "They coerced the Tucson Four, who were innocent, but in much the same way they coerced [Jonathan] Doody [the new teenage suspected murderer]," claimed Gary Stuart, an investigative reporter who wrote a book on the case. Three of the original four men falsely accused and confessed to the murders sued the Phoenix police and settled out of court for US$2.8 million of damages (Hermann 2011).

"police often hold [and torture] suspects [illegally] until they confess" (51).

The legitimacy model may also include a social-psychological component. Elaine Scarry, author of *The Body in Pain*, tells that torture allows for a fictional power of the state, power which is absolute in the torture chamber and not necessarily so outside. She tells of the unwitting negative consequences of torture not only on the tortured, but also on the torturer and the torturing state: "The power of the [individual and the] state that tortures may be increasingly fictional, but the degradation of its civilization is real" (quoted in Schell 2009, 17). Blakeley (2007) argues that there exists a disjuncture with the legitimacy model of torture in "that while encouraging more terrorists is [surely] not [its] intention," the policies advocating the legitimacy model "may well be" doing precisely so "because of the way in which the legitimacy of torture's proponents is undermined" in eyes of the local populations (393).

Iveta Chernova (2012) writes that it is not so much "remarkable" that despite the antitorture declarations of the 20th century, including in the UDHR and the UNCAT, that torture has continued to be used by many states, but that there has been "an attempt to justify it"—and always through the "national security and national interest rationale" (1). Blakeley, as well, is highly critical of the use of torture in all its formats and models, stating that despite its occasional effectiveness "for securing credible intelligence" for security purposes, it has high "associated costs," including chances of torturing the innocent, "likelihood of acquiring false information; and the danger of torture spreading to the point that it is used indiscriminately for reasons that have nothing to do with security." In addition, she argues that any amount of stability that torture may garner for society's "elites is secured through repression," which "on liberal grounds, is not a legitimate form of stability" (393).

Compliance and UNCAT

James Vreeland (2008) refers to torture as "an unfortunate tool in the arsenal of statecraft." He states that dictatorial regimes are all "pro-torture," but that among dictatorships, there exists "more torture where power is shared" (69). He thus claims that the socalled "liberal dictatorships" (70) torture more than hard line dictatorial regimes; he also claims that liberal dictatorships are more likely to enter into the UNCAT. Political regimes, dictatorships or not, have often signed the UNCAT due to domestic and international civil society lobby, who in the case of dictatorial regimes, hope to "lock in" state commitment on the antitorture norm. An oft-cited example is that of Chile under the military junta of Augusto Pinochet, where political pluralism was legalized in 1987 and the state ratified the UNCAT in 1988. Vreeland postulates that in multiparty dictatorships, there is some amount of "grant[ing] of concessions to [civil society/NGOs] interest groups" (79), who may lobby the government for accession into liberal regimes, such as the UNCAT.

Hathaway (2004) talks about four key findings—while looking at sample size of $N = 160$—on the causes of membership in the UNCAT, OPCAT and other antitorture treaties and the effects of such membership on the ratifying state: First, states which do ratify antitorture treaties do not necessarily "have better torture practices" than non-ratifying states. Second, the state's "legal commitment" against torture, i.e., the joining of a given antitorture treaty is most likely with democratic than nondemocratic states and regional bodies. Third, democratic states that more frequently use torture are, in turn, less likely to join the UNCAT. Fourth, nondemocratic states that use torture are more likely to join the UNCAT than those who use it less. Five—and counterintuitively so—the UNCAT not only does not necessarily reduce torture, per its intention, in ratifying states,

"in some cases, the opposite might even be true" (201).

James Hollyer and Peter Rosendorff (2011) question the efficacy of human rights agreements, such as the UNCAT. They claim that countries are "willing to sign human rights agreements [but then] … violate their treaty commitments." Human rights agreements are often not implemented due to weak domestic and international enforcement. Enforcement, in turn, can be undertaken if there are opportunities for: Observation, punishment and mechanisms where costs of noncompliance are applied or benefits of compliance are accrued. All three dimensions of enforcement are known to be weak for human rights treaties, i.e., compliance is difficult to measure and costs of noncompliance are low to nonexistent as are tangible benefits of compliance (6).

According to Hollyer and Rosendorff: "Autocracies that torture more are more likely to sign the [UN]CAT than those that torture less and autocracies that sign the [UN]CAT continue to torture …" (39). Their model leads to two ends: Firstly, the chances are more so for repressive regimes willing to ratify human rights treaties (including the UNCAT) than nonrepressive regimes. Secondly, signing of the UNCAT leads to less political activity by opposition groups in signatory states, thus leading to regime stability and "reductions in the likelihood of regime collapse or transition." This, while in nonsignatory repressive states, opposition activity increases, inducing a higher likelihood of instability and regime failure (3). Likewise, Hathaway (2007) claims that some states with strong domestic legal enforcement mechanisms would be least likely to sign up to human rights treaties given the ensured very effectiveness of the treaty. She refers to this as "counterintuitive" as the "very factors that lead countries to comply with treaties," such as domestic enforcement capability, "can cause those same states not to commit" (612). She continues: "Where compliance [i.e., stopping torture] is most likely,

commitment [or signing of the UNCAT] is often most consequential. By contrast, where compliance is least likely, commitment is often relatively costless" (613).

Hollyer and Rosendorff (2011) go so far as to claim that for authoritarian regimes who sign the UNCAT, the intention is "to continue torturing." They also find that signing the UNCAT only makes the regimes "more secure" and that the "good intentions of the international community [in encouraging authoritarian states to sign and ratify the UNCAT] may have the unintended consequence of strengthening undemocratic regimes" (40). For repressive regimes who intend not to change their ways, signing the UNCAT can be a signal of strength to their opponents and citizenry. The logic goes that "a regime that tortures its opponents and refuses to sign the [UNCAT] shows that it fears international opprobrium." At the same time: "A regime that tortures its opponents and blithely signs the [UNCAT] anyway shows that it fears nothing" *(Economist* 2010).

CHAPTER V

POLITICAL CULTURE AND POSTCOMMUNISM

"[I]deas, cultures and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied." –Edward W. Said (1979, 5)

"The Soviet model was defeated not only on the economic and social levels; it was defeated on a cultural level. Our society, our people … rejected that model on the cultural level because it does not respect the man, oppresses him spiritually and politically." –Mikhail Gorbachev (quoted in Aron 2011)

"Any effort to promote democracy in post-Soviet Central Asia (or anywhere else) must reckon with fundamental orientations that ordinary people have about their socio-political world— it must reckon with *culture.*" –Morgan Y. Liu (2005, 234)

"[W]ebs of significance" in need of analysis (Geertz 1973, 5); "shared values legitimating social practices" (Laitin and Wildavsky 1988, 589); "social organization [and] social action," a series of "core values and beliefs" and a "way of life" (Ross 2009, 137). These are nutshell definitions of "culture" by some notable social scientists. This chapter, in turn, looks at: The concept of "political culture," its critics, culture and the end of the Cold War, leading to the foci of the overall notion of political culture of postcommunism.

Political culture

In the *Republic*, Plato writes that "governments vary as the dispositions of men vary …" and that one "cannot suppose that States are made of 'oak and rock' and not out

of human natures which are in them" (Almond and Verba 1980, 2). These ancient Greek words are one of the oldest references to what can be described as the concept of "political culture." The use of the term, itself, was first made by the German philosopher Johann Gottfried (1744-1803) in the 18th century, but it did not become part of the political science "lexicon" until the late 1950s (Brown 2005, 180). Larry Diamond (1994), for example, defines political culture to be "a people's predominant beliefs, attitudes, values, ideals, sentiments, and evaluations about the political system of its country, and the role of the self in that system" (7), while Sheri Berman (2001) refers to the study of political culture as that of a focus on "ideational variables" (231) and "ideational phenomena"—of "ideas, norms and culture"—while acknowledging that "disputing materialists" see such entities or factors "primarily as epiphenomena" (233). And Clifford Geertz (1973) writes that it must be obvious that "a country's politics reflect the design of its culture" (311), while Ruth Lane (1992) postulates that the study of political culture is critical as the phenomenon reflects political attitudes, in turn, affecting political behavior, policies, social change and ultimately cultural attitudes, leading to a new cycle of the same process.

Centuries after Plato's indirect reference to the concept, two developments, according to Jeffrey Olick (2007), related to the period leading to and the French Revolution, itself, influenced the idea of political culture as we know it today: One was that of the notions of "sovereignty," "legitimacy" and where "political power" lies. In 1789, members of the French Third State had declared: "We are the people," a rebuttal to entrenched royal position of the French elite as exemplified by Louis XIV's illfamed slogan: "*L'etat, c'est moi!*"—"I am the state!" Thus "sovereignty" after the French Revolution came to be known "to reside in society rather than in the monarch and his

divine rights." Later on, Max Weber also took up the related issue of "legitimacy," defining it as not merely relating to the will and desire of the elite, but "the population in general" (300).

The other development was the formation of the concept of "civic religion," what the French revolutionaries eventually sought. In 1762, Jean-Jacques Rousseau had coined the term, which he defined as "symbols and rituals that establish and dramatize the sense of collective belonging and purpose." Later Emile Durkheim referred to the notions of "collective effervescence" and "collective representations," the former of which he postulated as having been formed through "communal rituals" and the latter via "symbols" and "collective conscience" (300). Fast forward over a century and Alexis de Tocqueville (2003) wrote, inter alia, about how the "democratic state of society," which he observed in early 19th century U.S. and certain "political customs" prevalent among the American population were interlinked (489). Later, Margaret Mead and Ruth Benedict postulated on the "culture and personality" model of determining the political outcome of societies, while Theodor Adorno's study titled *The Authoritarian Personality* theorized that the aggressive posture of Germany, which led its involvement in two world wars was as function of the "structure of authority in families," which ultimately directed the state, as well, towards "authoritarian politics and social prejudice" (Olick 2007, 301).

In the mid-21st century, Seymour Martin Lipset (1959) proposed that the prerequisites for a democratic form of government were, inter alia, capitalist economy, "economic wealth" or development, high literacy, classless society, "egalitarian value system" and high level of participation in voluntary organizations (105). Lipset demonstrated the existence of a positive correlation between "economic development and democracy" with significant intervening variables of "political beliefs, attitudes, and

values." This relationship is said to have been backed by "strong positive rank-order correlations" between country scores on "tolerance, trust, efficacy, and personal satisfaction" and per capita gross national product or GNP (Diamond 1994, 1). Years later, Fukuyama (2001) defined the "*sin qua non* of stable liberal democracy" as being the notion of "social capital," which he described as being composed of "informal norms" promoting cooperation among people and leading to efficiency in economic activity. Fukuyama holds that social capital is normally generated via reiterated societal interaction, but is also "a byproduct" of shared history and "cultural norms," including religion. For him, social capital is the "cultural component of modern [Western] societies," which have for centuries—"since the Enlightenment"—centered around "formal institutions, the rule of law and rationality" (7).

Lipset (1990) demonstrated a positive correlation between a democracy as a dependent variable and the cultural factors of Protestantism and "past British connection" as independent variables (82). He held that the reason behind lack of democracy in the majority of Islamic countries has little to do with their political institutions and much to do with political culture of lack of "separation of the secular and the religious realms." Lipset, however, also warns adherents of political culture not to judge the seeming lack of democracy in the Islamic world "categorical[ly]," given the fact that "doctrines and practices," as has been observed in the Christian-dominated part of the world, "can evolve over time" (83).

Gabriel Almond and Sydney Verba's (1965) 1963 book, *Civic Culture*, defined political culture as peoples' "attitudes toward the political system and its various parts [including] the role of the self in the system" (12). They held that the understanding of tendencies in current and future behavior of a given nation is dependent on that nation's

state of political culture. They had addressed "the role of subjective values and attitudes" of given populations vis-à-vis regime stability and democracy by looking at "extra-institutional" factors in explaining political orientations (Olick 2007, 301). Political culture by itself, claim Almond and Verba (1980), "is not a theory," but rather "a set of variables" useful for constructing theories (Almond and Verba 1980, 26).

According to Laitin (1995), the study of political culture was left in the "professional dog house" for years until the publication of Robert Putnam's 1993 seminal work, *Making Democracy Work*, a study of Italy's culture, society and local regional politics. Prior to 1970, Italian regions were without autonomy and were granted more say in local governance at a time when many other European states were also experimenting with the concept of "decentralization" of power. Based on an empirical study of Italy, Putnam wanted to understand the role of institutions, their adaptation mechanisms on the local level and mechanisms of public representation. He also sought to further comprehend if the idea of "civic culture," associated with economically well-to-do and educated publics, develops throughout the country. He gathered data in support of the idea that local governments are more successful where political culture is more "sociable" rather than "passive and parochial" and/or where strong political traditions are preexisting (Putnam et al. 1983, 56). Putnam understood that northern Italy is what can be categorized as a "post-industrial" (postmodern) society and the extreme south can be categorized as "pre-industrial" (premodern and traditional). His main hypothesis was that differences one sees in local institutional performance are a function of the political culture of the given region. He hypothesized that Italy's regional traditions (especially of the central and northern parts) are linked to "communal republicanism" of the Middle Ages, while the south has been affected by the feudal "Norman kingdom." Indeed, the

elite in some city-states in northern Italy had already established basic selfrule in the 14th century, while southern Italy at the same period was run by dictatorial monarchs. He further hypothesized that the indicators for a civic culture were, inter alia, the existence of "voluntary associations," while an active media showed the interest of the public in politics and potentially allowed for public accountability of politicians on "policy decisions and outcomes" (Hooghe 2010, 203).

Putman talked about three paradigms of institutional (political) performance: structure, modernization, and culture. The structure paradigm involves formal legal studies on institutional design and governmental structures, taking them as their independent variable for representative effective governance. By taking institutions as the independent variable, Putnam explored how a change in institutions affects the dependent variables of identity, power and political actor strategies (all being components of civic or political culture). He also suggested that institutions are themselves affected by history and social context. In turn, the modernization paradigm views socioeconomic change and growth as the independent variable. One of Putnam's hypotheses corresponded to modernization model that: "Institutional success will be greater where socioeconomic development is more advanced," while another hypothesis held that "Institutional success will be greater where the political culture is participant and sociable, rather than passive and parochial" (Putnam et al. 1983, 55).

Through formulating a massive and meticulously analyzed database (Eurobarometers Surveys), Ronald Inglehart (1997) looked into the attitudes, sentiments, values and opinions of the public across Europe. He later used similar techniques to compare countries worldwide (World Values Surveys). In his initial research, Inglehart's quantitative analyses led to the identification of two major dimensions or polarities which

he argued effectively organize the diverse attitudes and values of Europeans: The "authority" dimension (or "modernization axis"), which has two extreme poles of "traditional" and "secular-rational" (Inglehart 1997).

A second determining dimension, according to Inglehart, of European attitudes and values was that of "wellbeing" with one extreme pole of "survival" values and the other pole emphasizing "postmaterialist" beliefs (e.g., importance of leisure for all and need for imagination in children). Among Inglehart's findings were that northern European countries, those that are historically of the Protestant Christian denomination, cluster at the high end on the postmodern wellbeing and moderately high on "secular-rational authority." On the other hand, the more the states' population identifies as belonging to the Catholic Christian denomination, and the more southern European the states are, they are relatively closer to the "traditional" pole on the authority dimension, and far less postmodern on the "wellbeing" dimension. Inglehart also found that the richer countries tend to cluster at the juncture of postmodern and secular authority, while the poorer nations at the more extreme end of the traditional authority measure and grouped near the survival pole. When looking at the "democracy" measure, Inglehart concluded that modernization or authority dimension has no correlation with the years a nation has been democratic and that modernization does not necessarily favor democracy and can give rise to both democratic rule and authoritarianism. He also found the existence of "postmaterialist values" (which include interpersonal trust and tolerance) as a core component of postmodernism or "postmaterialism"—defined as subjects favoring a less impersonal society, urging more popular say in government, and believing that ideas count more than money (Inglehart 1997).

As to the reasons why some ideas remain and others are discarded leading to "cultural change," Inglehart adopts a "functionalist perspective," claiming that the survival and spread of "certain [cultural] characteristics" are because of "functional advantages" for a given time and space. For example, a "postmaterialist" set of norms, ideas and beliefs is normally associated with the industrially rich states, with the same beliefs unable to take root in poor societies given the need for "economic imperatives" and socioeconomic development (Berman 2001, 236). He found, inter alia, that populations of advanced industrialized countries hold attitudes and values manifesting in tolerance for nonconforming behaviors like homosexuality, concern for the environment, and support of women's rights (Inglehart 1997). As opposed to Almond and Verba who had postulated that increased citizen participation may lead to "overload of the political system," Inglehart found participation and critical citizens as a positive indicator and not a threat to stable democracy (Hooghe 2010, 206).

Critiques of political culture

Critics argue that relying on "political culture" as a determinant of difference in policy and politics is a sort of "crude determinism," implying that a given country or society is "fated to live in more violent" or nondemocratic ways than another due to "imponderable cultural proclivities" (King 2005, 64). Berman (2001), for example, is critical of "cultural theorists," claiming that they primarily take culture as "all-encompassing and eternal" or a "structural factor" of the "cognitive or symbolic" type, assuming oneway "causal arrows" originating from the structure of culture to agents. She claims cultural theorists are wrong to assume an "overly mechanistic … unvoluntarist view of political behavior," where supposedly by knowing a "person's cultural context"—such as Eastern versus Western Canadian; Anglophone, Francophone or other;

Catholic, Protestant, Orthodox, Hindu or Muslim—they can automatically determine the actor's political behavior. Berman holds the viewpoint that cultural scholars have failed to address "how ideas rise to prominence and become institutionalized." She concurs with historical institutionalists and constructivists who focus on the mutual influencing of ideas and institutions versus political actors (247).

Laitin (1995) argues that some scholars of political culture have commingled their independent and dependent variables, resulting in causal directions having become "obscure and unconvincing." He considers the claims of Almond and other proponents of political culture as "poorly specified," tautological and indicating a "degeneracy" of the research program (168). Others have also criticized political culturalists for not accepting the idea that culture, itself, is an intervening variable—or "epiphenomenon" (Ross 2009, 135)—and that the actual relationship between the "normative order" and political and socioeconomic structures is, in all likelihood, one of "mutual reinforcement over time" (Femia 1998, 477).

Yet other critics argue that the normative model of politics and society privileges Western-style political systems "as the model against which all others must be judged" (Olick 2007, 301). Thomas Koelble (2003), for example, claims that political cultural "static interpretation" will result in "fundamental misunderstandings," including "claims that certain kinds of peoples and cultures are 'inherently' unable … to develop democratic institutions." Such critics caution that to understand why some countries in the postcolonial era move towards democracy faster than others, instead of culture, one has to "lay bare the underlying socio-economic structures, both local and global, that underpin the process of political transformation and change" (217).

Though Samuel Huntington's thesis views political culture as being "inherently stable" and unable to "change much over time," and thus an "enduring conflict" or "clash of civilizations" being inevitable as a result of "interaction between cultures" (Hooghe 2010, 206), Marc Hooghe argues that empirical data show the malleability of cultures, instead. Germany of the 1950s and the question as to whether it "was conducive to stable democracy" or not is a good example. By the 1960s, the once fascist Germany had become a "very stable" democracy, though the exact reasons behind such a transformation are still debated (207).

Furthermore, according to Hooghe, a key problem with the study of political culture is the identification of determinants of democratic governance in postauthoritarian regimes. He claims that measures of "political trust, political interest, and political efficacy remain remarkably low" in postcommunist states, for example. Institutional approaches put their emphasis on fixing the internal problems of postcommunism, including such key problems as corruption, after which trust levels are to rise. "Cultural approaches," however, take a reverse model, that it is changes in political culture and attitudes and values amongst the population that can lead to less corruption (207).

For Archie Brown (2005) and many others, "the cultural mode of understanding politics" is not an "all-embracing one," either. Brown holds that "culture [is] just one of the elements to be explored in political analysis, alongside institutions, interests, leadership, power, and ideas." Each scenario and case may take any of the said elements or variables as its prime focus. For Brown, the real world is not parsimonious and he thus favors "rich interpretation" (180)—what anthropologists call "thick description" (Geertz 1973, 6)—over "parsimonious explanation" of social science phenomena. Brown (2005) warns of "oversimplification" and "culturally *determinist*" forecasts and interpretations

(180). Culture, says Brown, does not have to be interpreted as accounting "for all political beliefs and actions" but that in "a significant range of cases [culture] contributes something essential to understanding" and it should thus not be treated as "a mere residual factor" (181). He further says that: "It is important not to cross the line that separates acceptance of the reality of cultural influence from attribution of cultural determinism" (191).

The end of the Cold War

It's been said that the Cold War was "not [primarily] a war" but "a clash of values and ambitions" between the West and the Soviet Union (Wood 2013, 1). Whether the Cold War was a material and military clash, clash of culture and ideas or a combination of all, the reasons for the end of the Cold War and abolition of the Soviet Union remain contentious. By the time of the collapse of the USSR, George Kennan, known as one of the chief "architects" of the U.S. Cold War strategy, had found it

> … hard to think of any event more strange and startling, and at first glance inexplicable, than the sudden and total disintegration and disappearance … of the great power known successively as the Russian Empire and then the Soviet Union. (quoted in Aron 2011)

Still, various possibilities have been proposed regarding the end of the Cold War, they being anywhere from "Soviet economic stagnation," the expensive "arms race" with the West, the influence and "power of personality," "Eastern European agency" (aka "demonstration effect"), "overextension abroad" (particularly in Afghanistan) and "the influence of ideas" (Snyder 2011, 1).

Historically speaking, the dissolution of the USSR, as an empire, was not a unique phenomenon. Donald Puchala argues that it's the nature of empires to be "inherently politically unstable" given the desire of "subordinate units [for] greater autonomy"

(quoted in Brzezinski 1997, 9). The Roman Empire, for example, claims Zbigniew Brzezinski, also disintegrated, its undoing having been, inter alia, its very success in annexing territories. Thus empires become "too large to be governed from a single center" (12), goes the argument, what Paul Kennedy refers to as "imperial overstretch" (*Economist* 2002)—not too dissimilar to attempting to cover a salad bowl with insufficient or weak plastic stretch wrap. Another reason for the Roman Empire's fall, according to Brzezinski (1997), was sheer "prolonged period of imperial hubris" which led to a sort of "cultural hedonism [that sapped] the political elite's will to greatness"; while the third reason was economic: "sustained inflation … undermined the capacity of the system to sustain itself without social sacrifice, which the citizens were no longer prepared to make" (12). Not too dissimilar to many empires-past, the USSR thus "eventually imploded and fragmented, falling victim not … to a direct military defeat as to disintegration accelerated by economic and social strains," says Brzezinski (9).

There are similar political-economic explanations for the end, as well. Gleason (2001) claims that "Soviet collapse was a product of the unwillingness of key Russian politicians to continue paying the 'cost of empire'" (81), while Kathryn Stoner-Weiss and Michael McFaul (2009) claim that it was not so much outside influence, such as the inducement into military expenditures or aiding the Mujahideen that brought down the USSR, but that Soviet communist system "was already in deep decline" by the 1980s, mainly due to the fact that "communism had exhausted itself as an economic model." And despite foreign intervention having accelerated the demise, the U.S. (and the West) "had little influence over the dramatic decline in world oil prices, and expanding Soviet debt," they being "factors [which] had a much greater impact on decisions Gorbachev made to reform the system," which ultimately and inadvertently led to the USSR's

implosion and demise (39).

What about political cultural explanations? From the start, the "Leninist nationality policy" had attempted to maintain any "progressive" components of the individual republics' "traditional culture," but do away with elements which it considered as "bourgeois nationalist" or "reactionary" (Rakowska-Harmstone 1970, 231). The Kremlin had sought to promote or create what it considered as "socialist," "proletarian-internationalist" and "Soviet patriotic." In the words of Vladimir I. Lenin: "The proletarian culture, socialist in content, ... does not change the national culture, but gives it content [while] the national culture does not change the proletarian culture, but gives it form" (quoted in Rakowska-Harmstone 1970, 232). "In Soviet parlance," writes Charles King (2005), "the idea of 'political culture' was if anything, an antidote to disorder, not a way of analyzing it." Being "cultured"—whether as a person or republic—was equivalent to "high political culture," to being "cultured," "civilized" and avoid "antisocial" and "violent" behavior (65).

Unlike the Russian literary figures of the 19th century, such as Dostoevsky and Tiuchev, with their "irrational nationalism," Lenin saw his philosophy of anti-imperialism and national liberation as one of "rational internationalism" (Kohn 1971, 48). This, combined with the Soviet policy of forming titular ethnic republics, acted as a double-edged sword as the Soviet system also encouraged an internationalist set of traits and political culture with shared socialist values. During Mikhail Gorbachev's time in office, for example, the 10 times or so that he became angry to the point of shouting had all to do with the question of ethnicity—read culture (Goble 1989). On the other hand, the Soviet Union also promoted the "flourishing" of nationalities and their individual national awareness (Gleason 1987, 235; Foroughi 2001, 41).

And yet, according to Alex Stringer (2003), the creation of the new Soviet Socialist Central Asian republics via the existence of nominal "autonomous" republics was merely an "illusion" doled out "under Stalin's national delimitation" experiment, which included "the nurturing of native elites," who were expected to implement "Soviet policy." He claims that such actions were mere "cosmetic moves" implemented so as to avoid "the appearance of a continuation of the Russian Empire, albeit under Bolshevik leadership" (156). After the death of Stalin, his Soviet "formula for proletarian culture—*national in form, socialist in content*—[was] ironically … reversed" (Kuzmits 2013, 104).

The communist system, itself, also had effects on the political culture of the Union along with the individual republics and citizenry. Some or much of this effect, many claim, was deleterious. Alexander Zinoviev (1986), for example, describes the characteristics of the typical Soviet bureaucrat—but also any highly Sovietized citizen—as a *homo sovieticus*, a creature "capable of having mutually exclusive opinions about one and the same question, and opposite emotional responses to one and the same stimulus" (422). Zinoviev claimed, albeit in an exaggerated manner, that this creature or new human, the Sovietized citizen, lacked certain basic traits, including "courage, reliability, honour [sic], dignity, morality, conscientiousness [and] goodness" (429). Whitefield (2005b) argues that communism sought, and in many ways was successful, in destroying "civil society" and attempted to "*atomize* individuals by inhibiting the organization of social classes or local communities' homogenization" (6).

According to the Soviet dissident, Andre Amarlik (1970), the supposed post-Stalinist "liberalization" of the Soviet system had only led to a "growing decrepitude of the regime rather than its regeneration …" (31). According to Stringer (2003), by the 1970s "circumstantial evidence" supported "the impression of general material, if not

political, benefit brought about by Soviet development" (161). Material progress, however, had slowed down substantially by the 1980s: "Soviet development [had] lost momentum" (162). In addition, by the mid-1980s, the Gorbachev-introduced *glasnost* and *perestroika* reforms, some argue, "released latent forces of nationalism," which initiated "a process of disintegration that accelerated rapidly," finally ending in the dissolution of the USSR in 1991 (Rakowska-Harmstone 1992, 519)—what one author has referred to as the "unfathomable realm of the unintended consequences" (Davies 2011, 733).

Towards the end, Gorbachev-initiated reforms were strong enough to "destroy the orthodox ideological discourse," but unable to "abandon the professed authoritative position of the [Communist] party." This led to a "spiral of delegitimization" where "reforms started to lag behind societal developments" and expectations (Caiser 1999, 55). Gorbachev (2010), himself, thinks that the reforms, which led to "the rejection of the totalitarian system; [significant degrees of] freedom of speech, assembly, religion and movement; and [eventually some] political and economic pluralism" came about too late and that if they had been introduced in the 1970s (instead of the 1980s), and if allowance had been given for a federated USSR, in which the member republics could "exist as sovereign states within a decentralized democratic union," then there would not have been the powerful (centrifugal) forces, which led to the USSR's dissolution.

The explanatory role of the power of ideas, norms and values vis-à-vis the end of the Cold War also falls into a political cultural paradigm. Thomas (2001) argues that the joining of the Soviet Union into the CSCE in 1973 and its associated historical Helsinki Final Act (1975), was pivotal in the eventual implosion of the USSR through the power and effects of "ideational change and transnational networks" (286). This, he argues,

occurred due to the Soviet regime seeking "international legitimacy" through pledging to uphold a series of voluntary liberal norms, which Soviet planners had initially understood to be a de facto "empty" series of commitments, which ultimately undermined Soviet repression (3). Sarah Snyder (2011) built on the same thesis by emphasizing "collective and individual human rights advocacy"—rather than focusing "solely on human rights norms"—as the independent variable, which led to the end the Cold War (4). If Snyder's theory is correct, it is thus ironic that the Soviet leaders were far more of an enthusiastic lobbyist for the formation of the CSCE than their American counterparts. Robert Gates, former director of the U.S. CIA, had this to say about the matter: "The Soviets desperately wanted the CSCE, they got it and it laid the foundations for the end of their empire. We resisted it for years, went grudgingly … only to discover years later that CSCE had yielded benefits beyond our wildest imagination. Go figure" (quoted in Thomas 2001, 257).

Postcommunism

According to Stephen Whitefield (2005b), the overarching approaches to political cultural studies of postcommunism can be analyzed from an individual and social, collective or group level. The individual level analysis is one of measurement of "social psychological attributes" that may lead to "political behavior." The second level sees "political culture as a property of social collectives" and their "material and mental" historical memories that define "social meanings and possibilities of action [and change] for institutions and individuals ..." (2). According to Whitefield, it is the collective level that primarily determines the fate of states. Furthermore, political culture's main concern is with "fundamental normative orientations to the world that are in their very nature

comparatively stable over time at [both] the individual and group level[s]." Political decisions of individuals, groups and nations, therefore, is a function of what is learnt in schools, families and "other socialization mechanisms," inter alia, with "national and ethnic groups, local communities, social occupations and classes, educational institutions [and] religious groups," which together "form bonds of group loyalty" (4-5).

According to King (2005), the postcommunist states are characterized by such vast "diversity of regime types, levels of development, and social structure … that treating them as a single category of cases seems impossible." He further says that it is difficult to attribute postcommunism's diverse "political trajectories … to any set of initial 'Communist' conditions." King acknowledges that many other postcommunist scholars would argue that there are "fundamental commonalities" amongst the countries, including "the generally low level of associational life, even when controlling for … regime type and level of economic development" (79). He also states that "Communist states [in their days] and their successors have … been radical culture-makers," using "primordial" and "intergenerational" arguments for social mobilization. Elites have manipulated "formal high culture" (e.g., literature, language and the arts) as "their proper purview" and a focus of "statecraft" has been "state institutions that mirror ascriptive lines of language, ethnicity, and religion" (80).

Many observers had assumed that the end of the Soviet era and fall of communism in Eurasia would, with the introduction of institutional changes, lead to a convergence of politics and economic policy towards a Western model of liberal-capitalism and political pluralism (Meadows 2003). What the demolition of the Soviet Union and formation of postcommunist and new independent states demonstrated,

however, was that the mere "introduction of a democratic constitution," guaranteeing key sets of liberal norms, freedoms and principles, does not by itself "lead to the establishment of a democratic society" (Abazov 2003, 43). Morgan Liu (2005), in turn, is critical of seemingly simplified Western aid schemes and democratization programs where, often with little knowledge of the local cultural and political cultural context, attempts are made towards encouraging cliché "political reform at the top levels, transferring [of] technical expertise to local elites [and] building of so-called 'civil society'" under postcommunism (234).

Yanqi Tong (1995) introduced the notion of "mass alienation" brought about by the socialist system characterized by "citizenry's disassociation" from "meanings, norms, and values." Alienation involves a combination of "powerlessness," "meaninglessness," "normlessness" and "estrangement" (216), all of which lead to deviant behavior under socialism, such as "irresponsibility," "disgust with authority" and "corruption," indicators of alienation which do not necessarily fade "once democracy and the market are introduced" (233) and which can impede "the construction of an effective democracy and a viable market" under postcommunism. She suggests that despite the praises of "institutional reform," it has the potential to lead to a "vicious cycle" of alienation, reform distortion and further alienation (234).

Whitefield's (2005a) analysis on political attitudes in postcommunist Russia determined that "normative orientations" of the population based on "fundamental beliefs" and historical experiences have a stronger effect in "shaping [individual and societal] choices" than recent "experiences" (142). Among other things, he postulates that given multiyear empirical survey data, postcommunist Russia lacks the "connection of

normative commitment to democracy" and "measures of political liberalism" as an element determining "state identity." And though today's Russia and its citizenry do hold a general commitment to "market economy," the country's "community of identification … is not socially founded on shared conceptions of political freedom"—perhaps a surprising (or a logical) find given Russia's harsh experience with authoritarianism under the Tsar and the USSR. This, claims Whitefield, explains why the recent trends in Russia "towards ever more restrictions on political freedoms has had little negative impact on identities" (143). Further proof for this, claims King (2005), is the Vladimir Putin-led constitutional reforms in Russia, where greater power for the presidency, including appointment of provincial governors and partial control of Duma elections, were established by mid-2000s—with "considerable support of the Russian population" (66).

Meadows (2013) compares the postcommunist trajectories of Latvia and Belarus, where upon independence, Latvia indeed did commence on "comprehensive liberal reforms" towards a market economy and Western European-aligned politics of pluralism. Belarus, on the other hand, "took a divergent path" instead, one of "anti-liberal, anti-reform, and pro-Russian in orientation." As discussed in Chapter I, Meadows assigns three core components to political culture: Worldviews, ways of life and historical memories (1). He has two hypotheses when comparing Belarus and Latvia's postcommunist transitions: First, that economic policy divergence amongst the two states is due to "different political-cultural worldviews," which, in turn, directly affects the ideas held by Belarusians and Latvians, including "beliefs and preferences in regard to what constitutes proper political-economic organization of society and the legitimate role of the state …" Second, that the divergent "political-cultural worldviews" of Belarus and Latvia are caused by "differing historical legacies in terms of ways of life relating to

religion, and the social organization of politics and economics." Here, Meadows takes Latvia's religious exposure to Christian Protestant Reformation versus Belarus' original conversion to Orthodox Christianity (and later lack of exposure to Protestantism) as "critical junctures" and "definitive moment[s]" in the divergence process of the two postcommunist states (2).

Conclusions

The question arises, therefore: Are the postcommunist states locked into a cultural deterministic future, with little maneuvering of their fate? Citing the possibilities of ideational changes amongst people once living under communism, Bernd Wegener (2000) claims that postcommunist states of Eastern Europe have been able to undergo "drastic attitude changes" and leave behind their "socialist convictions," which they had grown up with, "almost from one day to another" (76). Ilya Prizel says: "While the redefinition of national identities is generally a gradual process, under situations of remarkable stress even well-established identities can change at a remarkable rate and a people's collective memory can be *rearranged* quite quickly" (quoted in Whitefield 2005a, 127). Under normal circumstances, Whitefield sees that norms are expected "to shift only gradually as people acquire greater experience of the world" or only as time passes and a new generation emerges (143). Tong (1995), in turn, suggests the option of cultural change through learning form new democratic institutions and the introduction of civic cultural norms, such as the "rights and obligations of citizenship" (235).

Predictions of both all-doom and democratic cascade under postcommunism have proven wrong. Still, one can argue that Amalrik (1970), who had predicted "anarchy" following the "death" of the USSR (31), was at least partially correct, in that part of the

former Soviet space saw largescale violence, especially in the immediate years following the implosion of the Union. The civil wars in Chechnya and Tajikistan, together, are thought to have led up to an estimated 260,000 deaths in the 1990s (*New York Times* 2005; Olcott 2012). For King (2005), political culture is a "broad context in which action occurs" and within the postcommunist world, its use may well aid "to make sense of why some … transitions have been violent while others, against all odds, have remained remarkably peaceful" (80). King notes that "cultural conflicts" whether "over ethnicity, national identity" or territory are amongst "the defining elements of the post-communist transition[s]" in Eastern Europe, Caucasus and Central Asia (64), and that despite what the academic community thinks of political culture, it is a fact that "cultural entrepreneurs" have used the power of culture towards "nefarious purposes" (65). He also has a sobering forecast, claiming that "for the foreseeable future, 'culture' is likely to continue to be considered, on the ground [or microlevel], as a reasonable excuse for throwing one's neighbor down a well" (80).

CHAPTER VI

THE CONTAGION EFFECT

"Spread of disease by contact," "corrupting influence," "rapid communication of … a doctrine or emotional state" (Merriam-Webster 2006, 138). These are dictionary definitions of "contagion." Some scholars have proposed that the study of war and conflict would benefit from looking at the "spread of international conflict over time and space … like the epidemiologic phenomenon of the spread of contagious disease" (Levy 1982, 562). Jacob Kathman (2010), for example, uses the term "exposure to the civil war virus" when looking at reactions of and effects on a neighboring third party state (1007).

According to Sir Francis Galton (1822-1911), "comparison across units" (whether in the biological sciences or comparative politics), if given to the assumption of independent observations "can yield misleading conclusions if the outcome of interest varies because of diffusion [or contagion] among units rather than functional relationships between the attributes compared" (quoted in Beck et al. 2006, 27). In political science, "contagion" is defined as "a process in which the likelihood of an event occurring in [a given] state is directly influenced by the earlier occurrence of similar events outside of the state" (Maves and Braithwaite 2012, 3) or "that an ongoing internal conflict in one location increases the likelihood of conflict nearby" (Forsberg 2009, 17). When looking at the spread of violent conflict, in addition to using the term "contagion," scholars have also used, inter alia, "diffusion," "conflict generation, infection, band-

wagoning, imitation, [and] emulation" (Forsberg 2009, 15). It must also be said that "contagion" can be a positive or normative phenomenon. For Sikkink, for example, prosecution of human rights violators in recent years has become a "contagion … crucial to building new democracies" in Latin America and Africa (Ishay 2011). This chapter looks at the phenomenon of "contagion effect" through the variables or elements of geography, religion, ethnicity, and institutions.

Geography and contagion

"[T]he study of how geography can … shape the destiny of whole peoples, nations, and empires" is known as "geopolitics," a term coined by Sir Hartford Mackinder in 1904, when he was the director of the London School of Economics and Political Science (McCoy 2015). Just prior to the dissolution of the Soviet Union, world renowned Kyrgyz novelist Chingiz Aitmatov said that "unlike the Baltic republics of the USSR, which bordered advanced and democratic European societies, Kyrgyzstan has as its neighbor China *with its almost feudal dictatorship* [sic]" (Huskey 2003, 129). And though the geopolitics of "sharing a border" does not by itself necessarily cause "contagion effects," if the conditions are right, border contiguity is posited to create "an increased opportunity" for contagion (Forsberg 2009, 22).

Among the "negative externalities" of exposure to conflict are provision and exposure to weapons and refugees which can "flow abundantly" from zones of conflict to neighboring countries. It is also argued that often "the underlying correlates of civil conflict" (such as "political regimes, poverty, and valuable natural resources") are factors which can "cluster geographically" and thus affect many states in a given region (Maves and Braithwaite 2012, 2).

According to Kathman (2010): "Civil wars have a tendency to be geographically contagious" with states across the border (but not the "noncontiguous third parties") facing "the threat of being infected by … hostilities, the consequences of which can include substantial death and destruction, regime change, or an end to the … state's very survival" (990). Kathman uses five "domestic predictors" of the likelihood of "experiencing civil conflict," which can serve as part of the state's vulnerability in being affected by a civil war in a neighboring contiguous state. Those factors are: economic wellbeing, domestic politics (level of existing conflict or stability), ethnic composition, demographic growth and history of domestic violent conflict (998).

The contagion effect can be felt not just over contiguous borders, but "across considerable geographic distances." Antiwar protests in the U.S. during the 1960s and early 1970s, for example, are known to have been "mimicked by similar movements" in Europe, while also as the receiving end, in the 1970s and 1980s, Western European terror groups "emulated the [supposedly past successful] approaches employed by [violent] movements in Latin America" (Maves and Braithwaite 2012, 4).

Contagion as a concept also plays a role in the fields of global finance and political economy. In the 1990s, for example, the IMF cited worries about "systemic contagion" amongst the world's largest economies as explanation for its US$150 billion rescue package for Russia and East Asian states of Thailand, Indonesia and South Korea (Sanger 1998). Financial contagion has even been compared to the "red menace" or "domino theory" of the Cold War.[36] To justify U.S. support of the IMF plan, the then

---

[36] On how the "domino theory" fit the spread of communism in Southeast Asia, starting with Vietnam, U.S. President Dwight Eisenhower said in 1954: "You have broader considerations that might follow what you would call the *falling domino* principle. You have a row of dominoes set up, you knock over the first one, and what will happen to the last one is the certainty that it will go over very quickly. So you could have a beginning of a disintegration that would have the most profound influences"

U.S. Deputy Secretary of the Treasury, Lawrence Summers, had commented that the "financial domino theory has actually proven more accurate than the national security domino theory. Vietnam fell and other countries didn't. But you saw what happened after Thailand," a reference to the "ground zero of the Asian [1990's financial] meltdown" and consequent contagion (quoted in Sanger 1998).

Erika Forsberg (2009) postulates the possibilities of "spillover processes linked to … weapons or economic decline." A civil war can be an excellent opportunity for the flourishing of an arms market across boundaries and the "increased availability of arms" often "at knock-down rates" (given their ubiquitous nature during many civil conflicts) for the receiving end of violent contagion scenario (34). Forsberg also proposes economic reasons behind contagion in the case of "economic decline" brought about by a stoppage of international trade due to civil conflict in one trading state that, in turn, could lead to internal conflict in another. Most important, perhaps, is Forsberg's proposition that the study of the contagion effect is "evidence for the need to integrate a transnational perspective to the study of civil war" and "to understand the causes of civil war … beyond the nation state and its boundaries" (35).

As wars can diffuse across borders, some argue so can democracy and political systems. When looking at the postcommunist era's "special diffusion of democracy and capitalism," Jeffrey Kopstein and David Reilly (2000) theorize that "the political and economic behaviors of postcommunist states are related in part to the behaviors in neighboring states" and, inter alia, "geographical proximity to the West has exercised a

---

http://goo.gl/5qaqVi (3 May 2013). Leftist critic, Noam Chomsky (2011), in turn, has claimed that the *domino theory* is in reality the "rotten apple theory," and that the analogy of "one rotten apple can spoil the barrel" was a neoliberal means of misleading the public. "The danger" in regime change in favor of egalitarian governments, he writes, "is that the *rot*—social and economic development—may spread" and become "a threat of a good example" for others to follow. "That's why even the tiniest speck poses such a threat, and may have to be crushed" (22).

positive influence on the transformation of communist states [while] geographical isolation in [or proximity to] the East [such as the Central Asian states] has [in turn] hindered this transformation (35).

Religion and contagion

When looking at the issue of crossborder contagion, Jonathan Fox (2004), using the Minorities at Risk dataset, proposes that violent contagion is more serious when religion is in the mix: "[R]eligious contagion influences the extent of both ethnic protest and rebellion whereas nonreligious contagion influences only ethnic protest." Fox speculates that the reason for the potency of religious over nonreligious contagion may be that "violence is an intrinsic element of religion" (89). He bases this supposition on Rene Girad's work where it is argued that an elemental function "of religion is to take man's natural inclination for violence and institutionalize it into a more socially acceptable context." Religion, it is argued, can allow the believers—often in an "automatic and unconscious" manner—"to express their instinct for violence in a way that is not [directly] harmful to society," such as via rituals of incorporating "violent imagery" (e.g., Christianity's "crucifixion," Judaism's previously-used "animal sacrifice," and the concept of "jihad" [and martyrdom] in Islam). Thus, if it is correct that "religion already has a violent tendency," it can be postulated that it has the potential to "act as a transmitter of violence from one place to another" (100).

Fox also finds four overarching trends vis-à-vis "the spread of conflict across borders": One, violent conflict via various "contagion rebellion variables" can cross borders but that "peaceful protest," though it may inspire other "peaceful opposition" across borders, does not inspire violent conflict. Two, "religious affinities" across borders

serve as a factor in the spread of violent conflict, in the way of affecting coreligionists across the border. Fox finds no evidence of violent conflict contagion from one religious group to a different religious group across the border. Three, the contagion of peaceful protest is helped by the presence of common religious identity, but—as opposed to violent contagion—does not require it. And four, violent contagion coming from across the border can aid in ethnic conflict, but is not the main or "significant cause," with the "strongest influence on ethnic conflict" being the "domestic factor" of "repression." That said, an "international factor," that of "international military support" for a given minority is proven to be statistically significant in correlating with violent conflict (99).

Furthermore, Fox finds "religion and its influence on conflict" as not being purely confined to domestic matters. Factors such as "ethnoreligious conflicts, fundamentalist challenges to states, and separation of religion and state have international repercussions" (99). Fox cites examples of takeover of states by religious fundamentalist regimes (examples of Islamic extremists in Iran and Afghanistan) and their attempts to "spread their revolutions" abroad, whether directly across their border or worldwide (100).

For Brigitte Nacos (2009), there is no surprise "that contagion effects tend to be far stronger among ... groups that share the cultural and religious background of organizations and leaders with inspirational ideologies." When looking at terrorist groups who emulate the actions of other violent groups, Nacos claims that a specific "terrorist technique is only of interest to a group that has already made the decision [itself] to adopt a terrorist strategy." This, Nacos defines as "inspirational contagion." This form of terror is alarming to many states given that "it is the stuff that makes terrorists tick and leads to the formation of new organizations and cells."

Ethnicity and contagion

Ted Robert Gurr, utilizing the Minorities at Risk database, shows that the contagion effect is heightened when "tactics of conflict—including both protest and rebellion—diffuse via shared ethnic ties" across borders (Maves and Braithwaite 2012, 6). Gurr, however, distinguishes between crossborder conflicts which can be termed contagion and "diffusion." Contagion for Gurr is the basic spread of conflict "through a region," while diffusion is "the demonstration effect that antiregime activity can have for ethnic kindred living elsewhere, whether they live in bordering states or on the other side of the world" (Fox 2004, 90).

David Lake and Donald Rothchild point to three "broad possible mechanisms" of the spread of ethnic violence across borders: One, ethnic conflict in originating state "may alter the local balance of power between competing ethnic groups" due to refugee flows and demographic shifts, for example. Two, given "demonstration effect," ethnic kin groups may rebel in the receiving state. This could take place initially via information flow which could "alter the local ethnic group's perception of the efficacy of safeguards contained in extant agreements with [their own] government" or local coethnic rebels could "adjust their calculus of the costs of rebellion and their probability of success." Here the example of former Yugoslavia is brought where former regions of Bosnia and Croatia were encouraged to rebel, resulting in a complex multiethnic civil war, ironically "triggered by [former fellow Yugoslav] Slovenia's relatively straightforward break away" from Yugoslavia (Maves and Braithwaite 2012, 7).

Janina Beiser postulates that pairs of states with "ethnically polarized" or "discriminated" groups are more susceptible to the contagion effect (quoted in Maves and Braithwaite 2012, 5). Similarly, Forsberg (2009) focuses on the "neighborhood effect of

civil conflict," finding that: First, there is more susceptibility to contagion in more "ethnically polarized" states and neighborhoods. Second, contagion increases if coethnic kin live across the border from each other. Third, the flow of refugees contributes to civil conflict contagion for the host state. Fourth, claims Forsberg, the granting of "territorial concessions" to a given group—despite assumptions to the contrary—does not increase the likelihood that other ethnicities will make similar demands (15).

Fox (2004), in turn, makes a number of observations regarding contagion and ethnic and religious groups living across borders: One, the group being affected normally has "national, religious, or ethnic ties with groups living in other states." Two, refugees fleeing a given conflict can themselves become causes for destabilization when they engage in violence, what can be labeled as "refugee warriors." Three, sheer "instability" brought about by one conflict in a given state can be a source of destabilization in bordering state(s). Four, globalization of information and international media can publicize conflicts worldwide. Five, the end of the Cold War and even a temporary end of "superpower rivalry" has allowed for more "feasible" intervention on an international level. And six, players in "domestic conflicts" are capable of using "international forums and pressure … to further their aims" (90).

Institutions and contagion

Though "geographic proximity and neighborhood effects"—including religion and ethnicity—are known to be among the key factors in a contagion scenario, "institutional characteristics of regimes" also play a role, which some claim is under-studied (Maves and Braithwaite 2012, 2). Jessica Maves and Alex Braithwaite argue that the "domestic political context" has an "important bearing upon contagion" and that a

chief determining factor of the "contagion of civil violence" is the "characteristics of local political institutions" of the receiving state (1-2). Thus, just like a weakened body which is susceptible to a disease-causing virus, the state being affected by a contagion—given certain domestic structural deficiencies—must itself be susceptible to specific influences emanating from the contagion-bearing (or contagious) neighbor. Maves and Braithwaite bring up the examples of the Arab Spring and also more violent contagion of the 1990s in Central Africa's Zaire (now named Democratic Republic of Congo) where the civil war in neighboring Burundi and the genocide in neighboring Rwanda very likely triggered the antiregime uprisings against the longtime dictator Mubuto Sese Seko in 1996. Military intervention can also be induced by similar contagion factors. Based on a large database of civil and neighborhood conflicts, Kathman's (2010) analysis contends that as "a neighbor[ing] state's expectation of being infected by the hostilities" or its "fear of violence diffusion" increases, so does "its likelihood of intervention" (1008).

Maves and Braithwaite (2012) also propose the importance of "regime types" as a key factor in the violent contagion effect, in that "more open regimes are, presumably, both more vulnerable to spillover and more welcoming of information" from abroad. Gurr concurs, but distinguishes between nonviolent and violent rebellion spillovers, claiming that in "long-established democracies the utility of nonviolent communal activism is high," but democratization brings forth "opportunities that spur the mobilization of communal groups for both protest and rebellion" (7).

Normally, contagion refers to a negative phenomenon, but, as noted above, "good" or "normative" contagions also exist, in what can be referred to as the "contagion dimension of international norms" (Ross 2007, 9). In 1972, for example, when looking

into the formation of the Conference for Security and Cooperation in Europe (the forerunner to the OSCE), a British position paper referred to the "contagion of liberty," which it meant as the spread of liberal norms and "[W]estern beliefs in the freedom of movement, information, and cultural contacts" throughout the then Eastern bloc (Thomas 2001, 43). Huntington also theorized that "an implicit part" of the socalled "Third Wave of democracy" and associated liberal norms is a "demonstration effect" (quoted in Maves and Braithwaite 2012, 8), while others refer to the "interconnectivity of [democratic] transitions in time (and space) … [using] terms such as *contagion, diffusion* [and] … *demonstration effect*" (Silitski 2010, 274).

An example of an institution which could "serve to forestall the onset of armed conflict"—contagion-induced or not—is the presence of pluralistic legislature in most democracies, claim Maves and Braithwaite (2012). This is so, given that legislatures in democratic states have the ability to "address contentious issues nonviolently and in a diplomatic forum" via enacting "policy changes" through civil modes of discussions (9). Indeed, despite opposing views in a democratically-elected legislature and "though debates among politicians and their constituents can be quite rancorous, rarely do they ... escalate to the level of violent revolt." Open legislatures can also assist dictatorial rulers, however. Jennifer Gandhi and Adam Przeworski tell that even dictatorships can use their legislature as means of political longevity versus regimes that lack a legislative "type of institution." Maves and Braithwaite agree and posit that: "Autocracies with an elected legislature are less likely to experience the onset of civil conflict than are autocracies that lack an elected legislature" (10).

Observing oppositional politics of the country next door or around the world allows for the state's own opposition politics to potentially "contest legislative elections

or simply to engage in dialogue with the regime [and] adjust their calculations of the costs and benefits of participation in existing institutions…." Such observation of outside politics may also "compel moderates and undecided segments of the population" to join the opposition against the ruling regime (12). The opposition's tactics may involve "radical methods to have its demands met—[using] violence, in particular," which may include methods learnt via spillover or contagion effect from the neighboring state (13). What is perhaps counterintuitive with existence of democratic or semidemocratic institutions (such as an elected legislature) within an overall autocratic system is that: "Autocracies with an elected legislature are more likely to experience the onset of civil conflict if conflict breaks out elsewhere in the [geographical] neighborhood" (23).

CHAPTER VII

POLITICAL CULTURE: HISTORICAL MEMORIES

"There's no man without a hat and no Turk without a Tat"!
–Mahmud al Kashgari, possibly alluding to the
unseparatable ties of ethnic Turks and Tajiks
in Central Asia. (Bergne 2007, 16)

"If we fear the death which fate ordained and prefer to
live as dogs, we shall deserve the curses of our forebears
and of our descendants alike. But if we have the courage to
die for freedom, we shall ensure the freedom and happiness
of those who follow us." –Enver Pasha, leader of the
20,000 Basmachi army (quoted in Olcott 1981, 359)

"Communism has never concealed the fact that it rejects
all absolute concepts of morality. It scoffs at any consi-
deration of "good" and "evil" as indisputable categories."
 –Alexandr Solzhenitsyn (1980, 55)

An expert on Eurasia posted a scenic image of Riga, Latvia's capital city, in May 2013, on the social networking site, Twitter, with the message: "Kind of mind-blowing to think that not long ago this was in the same country as Tajikistan"![37] What the traveler failed to acknowledge is that the 15 Soviet successor states were different and often unequal to start with when annexed (such as the Baltic republics and Caucasus) or created from scratch (such as the Central Asian states) by the USSR in the early to mid 20th century. The Soviet republics were also "[u]nequal at birth" in 1990-1991 when they successively—starting with the Baltic states—declared their independence from the Soviet Union and "entered the [post-Cold War] world with very different [circumstances]

---

[37] Kucera, Joshua, 2014, @joshuakucera, Twitter, 30 May, https://goo.gl/IKBukI (1 June 2014).

and life chances" (Huskey 2003, 111).

As examples of how past history determines diverging postcommunist status quos, Eugene Huskey (2003) tells that as part of their historical memories, some post-Soviet states had "at least a fleeting moment of national independence" (such as the three Baltic states and three post-Soviet states of the Caucasus), or as Uzbekistan and Ukraine, had "a golden era in the distant past," serving as collective memories "that could be revived and revised." That's not the case with Kyrgyzstan, "where collective memories" are "centered on a nomadic people, the [ethnic] Kyrgyz, rather than on a sacred territory or an earlier state tradition" (112). Nearly the same argument, sans the nomadic component, can be had for Tajikistan—though the Tajik government's claims of a glorious imperial past under the reign of the Persian-speaking Ismail Samani (892-907 AD), who ruled over what was then transoxiana, is largely correct.

Many are convinced that there's been something special about Kyrgyzstan's political culture and history. As early as 1993, Kyrgyzstan was described as a postcommunist state where "[c]ivil liberties … [are] unparalleled in Central Asia" (U.S. Congress 1993, 2-3). Furthermore: "If the future of Central Asia is to be determined by greater democracy, freedoms and economic development," writes Ahmed Rashid (2014b), "then we will have the plucky Kyrgyz to thank for showing the way." In the way of cooperation and engagement with the international community (on a variety of issues, from the economy to human rights treaties), of the five Central Asian states, Olcott (2005) claims that "Kyrgyzstan has been the most receptive in the region to international advice" (105). At the same time, Erica Marat (2014) writes that since the 2010 regime change (or "revolution"), Kyrgyzstan has had the "most dynamic political system in post-Soviet Central Asia" (314). Alexey Malashenko (2013), in turn, calls the Kyrgyz

government "more accountable" to the people, given the relatively active populace capable of forcing regime change. He adds that "the Kyrgyz[stanis], unlike some of their neighbors, have overcome their inertness and developed a sense of selfworth and awareness that the "little people" are not just the objects of political life, but its subjects as well" (128).

The remainder of this chapter provides a general overview of the history of the two Central Asian states studied in this dissertation—Tajikistan and Kyrgyzstan—and demonstrates that the two, though in many ways similar, are also rather different in their political culture, history and historical memories. This is not to take a "cultural determinism" position in way of political culture serving as "the *key* that unlocks all mysteries" of state behavior (Brown 2005, 198). I concur that "a political culture approach" does not necessarily hold that every action of a state can be attributed to culture and history, but "that a significant range" of "compliance/rejection behavior"—in our case, the ratification of and compliance with human rights norms and conventions as in UNCAT and OPCAT—, ceteris paribus, "can be better understood by reference to culture" as opposed to "institutional incentives" (Whitefield 2005b, 5).

Political culture in Central Asia

The concept of the nation-state is relatively new to Central Asia. As Peter Osnos (2009) puts it, "Central Asia resembles sub-Saharan Africa, lands with imposed national boundaries in an imperial era now being defined, awkwardly, as nations." Indeed, prior to the takeover of the region by the Bolsheviks and their administrators, the political entities in the region, the Emirate of Bukhara, the Khanate of Kokand and the tsar-protectorate of Turkestan, were far from being nation-states. The region had, however, always been

made up of a series of tribal and clan societies. And despite the Soviet attempt to do away with regional rivalry, by bringing whole presumed nations and ethnos under the socialist banner, Soviet communism was unable to "overcome [age old] traditional tribal or regional rivalries" (Abazov 2003, 45).

Oliver Roy claims that political culture in Central Asia functions at a two-level game on which local traditionalism (aka culture) has been present in both the Soviet era and during postcommunism. The first level is a mere "appearance of conformity with the 'social project' imposed by the political elites." (It can be argued that if the elite social project under communism was the ideals of "Soviet socialism" and "communism," today, under postcommunist, it is one of "capitalism" and "neoliberalism," instead). Political culture's second level, according to Roy, is "the subversion of the project by practices of clientelism, with clan networks as important intermediates between the levels (quoted in Warkotsch 2007, 840). Part of this second level game was and is manifested via practices of patrimonialism (in way of gerontocracy, patriarchalism and feudalism) based on tradition and what Weber calls the "sanctity of age-old rules and powers." Today's practice of neopatrimonialism in Central Asia, for example, argues Roy, has its roots in the autocratic rules of the archaic khanates and tsars (839).

The fault of "transitologists," claims Kathleen Collins (2004), has been that they have focused on a somewhat mythical route to democracy, while having paid "little attention to *nondemocratic trajectories*—either regime collapse or transitions to new autocracies—and misse[d] the informal mechanisms beneath the failed liberalization" in Central Asia (229). "Interclan" deals in Central Asia have led to their stabilizing role in society and state, while, in turn, interclan rivalries in Tajikistan led to a bloody civil war

of 1992-1997 (224); similar clan rivalries in Kyrgyzstan led to increasing authoritarianism and corruption, resulting in two "revolutions" in 2005 and 2010. To acquire a better grasp of the similarities and differences between Tajikistan and Kyrgyzstan vis-à-vis their political culture, and associated historical memories, a brief overview of the region's history is set out below.[38]

Pre-Soviet histories and memories

Centuries of trade and invading armies have provided for a rich genetic pool in Central Asia—"a classic example of miscegenation" (Rashid 1994, 160)—given the interaction of the locals with the Mongoloid (via invasion of Genghis Khan's army), the Europeans (given Alexander the Great's invasion and later the conquering Russians), Arabs and Persians (via invading armies of Islam). Soviet and post-Soviet Central Asian states, therefore, despite their proclaimed ethnic distinctions, are in reality melting pots of genes and cultures. That said, there are distinguishing histories for each Central Asian state and associated nominal ethnic group. Historical stages and events have, claim Kirill Nourzhanov and Christian Bleuer (2013), "left an imprint on the collective knowledge systems of the Tajiks [and Kyrgyz]," stages which are "characterized [sic] by …*politics of memory* [sic]" (35).

It is not clear when the term "Tajik" became an "ethnonym" for a nation. What is highly suspected is that it was the invading Muslim Arabs who labeled the Persian-

---

[38] Collins (2004) offers four propositions vis-à-vis the activity of clans in Central Asia: First, clans are durable phenomena specially when under repression but not destruction by the state and allowed "access to institutional channels of survival." This explains the survival of clans under Soviet rule. Second, though informal clan pacts do not lead to democratic transitions, given external threat, such informal pacts "foster regime stability, especially in transitional states …." Third, clan pacts, the ideological leanings of leaders and mere formal political institutions are of temporary importance and relatively unimportant for political trajectories. Fourth, "formal regimes" tend towards informal politics with "clans [as] the primary source of political and economic power," with clans pervading "the regime and its institutions" and potentially having serious destabilizing effects (226).

speaking sedentary population of the region as "Tajik" as opposed to the Turkic speaking nomadic people of the same region. Today, "Tajik" has become the self-identification of Persian-speaking peoples of northern Afghanistan and Central Asia (Chvyr 1993, 246), i.e., the self-identification of the majority of people living in today's Tajikistan and key urban locations of Uzbekistan (Bukhara, Samarqand and Shahrisabz).

Contemporary Tajik historians claim the Tajiks to be the "indigenous" peoples of Central Asia, while non-Tajiks, such as Uzbeks having "merely adopted the Tajik lifestyle and culture." Among other things, "the myth of Aryan civilization has become a key element in the historical ideology of the Tajik regime" and a tool and "factor of confrontation" with non-Tajik neighbors—especially the rival state of Uzbekistan (Horák 2010, 70). Likewise, Tajik historians and regime authorities have referred to the Samanid dynasty, which ruled over a large part of Central Asia, Afghanistan and Iran during 819-999 AD—founded by Saman, "reputedly a convert from Zoroastrianism" (Akiner 1996, 93)—with its capital in Bukhara (present day Uzbekistan), as the "high point of Islamic civilization," "a model of governance … [and] an effective, well-ordered … state structure" (Horák 2010, 70).

While the ethnic Tajiks are generally considered as part of the Iranian stock of peoples and their language a branch of Persian, an Indo-European language, the ethnic Kyrgyz are from among the Mongol people and speak a Turkic language, aka Kipchak, part of the Altaic family of languages (Rashid 1994) with its closest and "mutually intelligible" cousin being Kazakh (Huskey 2003, 123). "Kyrgyz origins lie in a warrior culture," with much of its genetic stock having originated from Siberia. The Mongol chief, Temüjin, is said to have "defeated his rival in battle and was acclaimed as Genghis Khan, leader of all the Mongols [by around 1221 AD]," which the Kyrgyz also identify

with. "Kyrgyz culture," claims Rashid (2014b), "draws on a fascinating mix of nomadism, Zoroastrianism, Shamanism and Mongol, Islamic and Soviet traditions." The Kyrgyz have historically called their land *Altyn Beshik* (Golden Cradle or Homeland). The backbone of the local economy had for centuries—and even today in parts of the country—been "sheep and yak breeding for wool, milk, meat and fat" (Rashid 1994, 144).

By the 17th century, continuous fighting amongst the ruling Turkic clans of Central Asia in addition to a dramatic fall in trade via the Silk Road (given a rise in alternative trade routes, including sea) had "led to economic devastation, which reached its nadir in the first half of the eighteenth 18th century, when it is said 'there were no citizens left in Samarkand' and 'Bukhara had only two inhabited *mahallas* [i.e., neighborhoods]'" (Nourzhanov and Bleuer 2013, 16). By the late 19th century, the three Central Asian khanates, Kokand (1868), Khiva (1873) and Bukhara (1875), each became "vassal[s] of the Russian Empire," which had already conquered the nonkhanate terrains and steppes over a century past. Russian hegemony over Turkestan, therefore, was solidified "rapid[ly], and, on the whole, not very bloody [for Russia]" with little initial resistance by the Muslim khanates and Britain (18).

Ürkün and the Kyrgyz memory of resistance

Events towards the end of Russian tsarist rule and beginnings of the Bolshevik takeover are part of the historical memories, which can demonstrate differences in the status quo political culture of Kyrgyzstan versus Tajikistan. Two such memories are the Ürkün (The Exodus) of 1916 in present day Kyrgyzstan, which, it is argued here demonstrates the overall Kyrgyz "culture of resistance," and Tajikistan's "culture of defeat" in way of the loss of the anti-Bolshevik "Basmachi" (Freemen) army and the

arduous formation of ethnically-based Soviet republics.

In 1916, Tsar Nicholas II, who was already imposing his will on the local population of Central Asia by way of forced cotton cultivation, [39] acceptance of increasing numbers of Russian settlers and forced "evacuation of over half a million Kirghiz [sic] and Kazakh nomads from the choice farmland in Semireche province" in what is today Kyrgyzstan (Olcott 1981, 354), also attempted to fortify the Russian troops engaged in battles of World War I, through "forced conscription" of Central Asian young males (Kodaman 2012, 25). The local populations, specially the Kyrgyz and Kazakh, interpreted this decree as being forced to potentially fight alongside the Russian Christian "infidel against the [Istanbul-based Islamic] Caliph," leader of the Ottoman Empire (Olcott 1981, 353). This and other points of objection led to the formation of an organized resistance amongst the Kyrgyz nomads, which ultimately led to a massacre by the tsarist army (Rashid 2014b).

The Russian military commander, General Alexey Kuropatkin, who as a young man had participated in the conquering of Samarqand and Bukhara, is known to have given the order to his men: "*Don't begrudge any bullets, kill all insurgents. Confiscate their livestock and lands* [sic]" (Kodaman 2012, 25). According to Adeeb Khalid (2007):

> In the towns [in present day Kyrgyzstan and southern Kazakhstan], crowds gathered in front of administrative buildings to protest, destroying conscription lists and killing many government functionaries, both Russian and local …. In the steppe, … protest turned into a full-blown rebellion against Russian rule. Tens of thousands of nomads—armed with lances, swords, and the odd rifle—attacked government offices and Russian peasant settlements …, destroying them and killing their inhabitants. The government hastily armed the settlers and diverted soldiers from the front to quell the rebellion. (49)

---

[39] By 1915, for example, cotton farming accounted for 60-95% of all arable lands in the Ferghana province of Russian-controlled Turkestan (Nourzhanov and Bleuer 2013).

"[S]elf-appointed Russian militia and mobs [are said to have] lynched many Muslims who fell into their hands" (Brower 1996, 44). As a result of the onesided battle, the Russian army, Cossacks and Russian settlers were able to kill an estimated 30,000 mostly ethnic Kyrgyz (and Kazakh and Dongun) suspected resisters, a few hundred after capture and in front of firing squads, while another 200,000 primarily Kyrgyz were exiled to Siberia and 300,000 fled to Eastern Turkestan (Xinxiang, China) (Kodaman 2012, 25). The above, combined with an ensuing famine, led to the death of an estimated one-quarter of the Kyrgyz population (Rashid 2014b). One regional expert claims that: "Even the lowest estimates put the death toll [associated with Ürkün] at more than 100,000 people" (Pannier 2006).

Ürkün has played a special place in the memory of the ethnic Kyrgyz. But "[d]espite the scale of the tragedy, referred to as the 'largest revolt in Russian Central Asia,' public discussions of it were silenced" during the Soviet era. The "selective *forgetting* [sic]," according to Aminat Chokobaeva, a Kyrgyz scholar, "was a part of the Soviet campaign to remove any reminder of ethnic dissent, which would interfere with the [Soviet] vision of the 'Friendship of Nations'." For many Kyrgyz, Ürkün is "a source of intense nationalist sentiments" and is equivalent to "genocide" or *Kyrgyn* (extermination). For others, Ürkün symbolizes "a misstep in an otherwise amicable and beneficial relationship" between the Kyrgyz people and Russia (Chokobaeva 2013, 7). The Ürkün tragedy was condemned by liberals among the Bolsheviks, such as Aleksandr Kerensky, head of the provisional Russian government in 1917 (Pilger 2014), and some Soviet historians have labeled Ürkün as "a popular movement of liberation from imperial oppression" (Brower 1996, 42). Given the above narrative, this dissertation argues that that Ürkün has primarily served as a "historical memory of resistance" in the psyche of

the ethnic Kyrgyz people, who form the majority in Kyrgyzstan.

Sovietization and the Tajik memory of defeat

The 1917 Октя́брьская револю́ция (October revolution) had direct ramifications on former Russian territories and protectorates in Central Asia. By 1919, a number of Bolshevik policies, including forced nationalization of land (including large amounts of *waqf* or Muslim clerically-controlled lands), confiscation of wealth of the rich, outlawing of Quranic schools and closing of *Sharia* courts, led to a massive and violent opposition by looselyheld groups of around 20,000 Muslim insurgents, collectively referred to as Basmachi (Olcott 1981), dispersed throughout the then Russian Turkestan and the Bukhara Emirate. More specifically, the Basmachi operated in "Ferghana Valley, the Lokay region south of Dushanbe, Bukhara, and the Turkmen Steppes around Khiva …" (Oliker 2008, 24). The Basmachi uprising and movement, in turn, was abetted by larger economic factors due to the Russian civil war and the October Revolution, as well, such as the collapse of the "internal trade networks" within Russia and its Central Asian territories, which prevented the smooth export of cotton and import of basic food commodities, mainly grain from other parts of the Soviet Union (Olcott 1981, 353). Needless to say, in the eyes of the Bolsheviks, the Basmachi uprising was "profoundly feudal and reactionary" in nature (Rakowska-Harmstone 1970, 237).

Initial successes of the Basmachi led the Bolsheviks in 1919 to think about what we can label the "winning of hearts and minds" (not dissimilar to a strategy by the U.S.-led occupations in Iraq and Afghanistan in the 21st century). To do so, the *Turkkommissiya* (Turkestan Commission) was set up by the Bolsheviks to investigate alternative approaches to subduing the armed opposition. The Commission "concluded

that the Basmachi threat would not end with its military defeat [and] that its 'political disarmament' was necessary …," which led to an attempt by the Bolsheviks to improve their image in Turkestan. Inter alia, it established nominal selfrule and formation of a Provisional Central Committee composed of Russian and Turkestani Bolshevik supporters. An immediate concern became the ongoing famine which had taken hold since the civil war. In addition, "[t]emporary concessions to religion" was made in the way of partial restoration of "*Adat* (customary) and *Shari'a* … and a laissez-faire attitude adopted towards the *waqf* lands" (Olcott 1981, 357). All such measures, however, were soon overturned.

By 1921, the deposed leader of the Ottoman Empire's Young Turks, Enver Pasha, a "romantic adventurer," was sent by Lenin to Bukhara to "convert the Muslims to the Bolshevik cause," yet he chose to join, and then lead, the Basmachi, instead. Enver Pasha also injected the Pan Turkic philosophy into the Basmachi with the ultimate goal of forming a confederation of Turkic speaking peoples and lands (Olcott 1981, 357). He died in a confrontation with the Bolshevik forces on 8 August 1922 (Oliker 2008) in Baljuvan, a district in former eastern Bukhara and today's southern Tajikistan. With his death, the anti-Bolshevik armed resistance gradually lost its strength.

The new leader of the Basmachi, Ibrahim Bek—who had utilized northern Afghanistan as refuge and base of attack into Tajikistan—was eventually driven out of Afghanistan with his army by the new Afghan king, Nadir Shah. Thereafter, the Basmachi endured massive losses and were forced to surrender to Soviet troops in Tajikistan (Kunitz 1935).[40] Ibrahim Bek was subsequently executed by the Soviets in

---

[40] Joshua Kunitz (1935), an American communist who visited Tajikistan in the 1930s, writes:

1931 (Ritter 1985). The Soviet policy of utilizing "a combination of soft power tactics to win over the population that had been drawn to the Basmachi revolt with hard power tactics to eliminate the Basmachi" had thus been successful (Oliker 2008, 24).

An estimated 10,000 mostly ethnic Tajiks and Uzbeks died in the anti-Soviet Basmachi uprising and the said events are thought to have "had a lasting effect that contributed to the conflict dynamics which emerged" seven decades later in the way of the 1992-1997 civil war of Tajikistan (Akiner and Barnes 2001). Aside from the loss of the Basmachi, a significant proportion of whom were ethnic Tajiks, a historical memory of defeat for the Tajiks from the said period is their initial sidelining by the Soviet planners. By September 1920, the archaic Emirate of Bukhara, much of the territory of which had already been annexed by Russia in the late 19th century and the remainder had been a Russian protectorate, had finally fallen to the invading Bolshevik forces led by the Bishkek-born Soviet General Mikhail Frunze. The Emirate was "succeeded by the pro-Soviet Young [Bukharan] government, the [Bukharan] Peoples Soviet Republic," which lasted until 1924. The Emir (Muhammad Alim Khan) and his entourage fled to eastern Bukhara [today's Tajikistan] and ultimately Afghanistan, from where he "[unsuccessfully] directed local opposition to the Soviet regime" (Olcott 1981, 356) and where he died in 1944.

According to Vyacheslav Molotov, a Stalin ally, the formation of the Soviet Central Asian republics and their border delimitations "was entirely [Stalin's] doing" (quoted in Foroughi 2002, 40). Tajiks as a people appear to have been—at least initially—deliberately overlooked by Soviet planners, who associated their culture and

---

"There were rumors that Great Britain was backing Ibrahim Bek, intending to utilize him in the creation of a buffer zone between Soviet Tadjikistan [sic] and Afghanistan. The zone was to be settled by Ibrahim's followers, and he himself was to be the ruler of Britain's choice" (230).

language with that of the Emirate of Bukhara, the state language of which was Persian. In addition to what we can label "guilt by association" in the eyes of Soviet planners, the ethnic Tajiks had no representation and formidable voice about their own rights and future. The vast majority of the population of the Bukhara Emirate, including ethnic Tajiks, were poor farmers and were referred to as раъият (*raiyat*, i.e., "peasants") or фуқаро (*fuqaro*, i.e., "the poor")—the latter term of which, up to this day, in Uzbekistan, is often synonymous and used interchangeably with "citizens" (Samarqandi 2014). And thus, according to Russian historian, Vladimir Bartold: "When the Constitution of the Turkestan Republic was confirmed in 1920, only the Kyrgyz, Uzbek and Turkmen were recognized [sic] as indigenous peoples [while] [t]he most ancient of the inhabitants of the region, the Tajiks, were forgotten" (quoted in Bergne 2007, 21).

By 1924, Tajikistan was initially to become and remain a mere province within Uzbekistan if it were not for "intervention by the Politburo of the Russian Communist Party Central Committee." This led in the same year to the formation of the Tajik Autonomous Soviet Socialist Republic (SSR) within the Uzbek SSR. By October 1929, Tajikistan was elevated to a full Union republic and given the territory of the northern Leninabad (now Khujand) province, as well (Nourzhanov and Bleuer 2013, 41). But despite its full membership among other members of the Union, "Stalin's cartographic whim" had led to Tajikistan being "assigned an impossible terrain and disparate population, [with] its great historical centers deliberately left out of its boundaries. Lacking its Central Asian "fabled cities" (Fuller 1992, 23) and "sacred cultural centers" of Samarqand and Bukhara, a contemporary Tajik intellectual has compared Tajikistan to "a France without Paris" (quoted in Foroughi 2002, 40)—a loss which "annoys many Tajik historians" (Kuzmits 2013, 92). Roy argues that the Tajiks were "the losers in the

Stalinist division policy" and that the reason for the flawed delimitation was Stalin's fears that the Tajiks would identify with imperial pro-Western Iran, a problem which Turkmenistan, Uzbekistan and Kyrgyzstan could not encounter given no "contiguous foreign state with which to identify" (Roy 1993, 14).

The exclusion of the said centers of Tajik history and civilization from Soviet-created Tajikistan proper has remained to this day "a bitter cause of grievance" for many Tajikistanis (Akiner 2002, 150). This, along with the defeat incurred by the anti-Soviet Muslim Basmachi forces, in addition to other real and imaginary discriminations experienced by ethnic Tajiks in the Soviet era have left deep scars in the psyche of the Tajik nation, leading, it is argued by this dissertation, to a "political culture" and "historical memory of defeat" in the psyche of today's Tajikistan and its dominant ethnic Tajiks.

Idiosyncratic dealings with "the end"

While the end of the Cold War is thought to have come in 1990 with the signing of the Charter of Paris, which ratified a united formerly East and West Germany, "marking the end of the bi-polar political confrontation," some, like Raymond Garthoff (1997), claim that the Soviet implosion in 1991 was primarily an internal issue, and "not a consequence of the revolutionary transformation of the external world" (13). Garthoff writes that "[t]he Soviet Union was defeated by history, not by the Western powers" (15). Mark Beissinger (2009), in his turn, contends that "Gorbachev's policy of *glasnost* and the political liberalisation that it produced were ... the critical institutional conditions ... allow[ing for] the collapse of communism." But the collapse was "the unintended result of ... [*glasnost*], not its conscious goal ... [as] Gorbachev [had] sought to [merely] reform communism ... , not to dismantle it" (335).

By 1989, Eastern European states were one by one—like dominos—shedding their communist regimes, and "hardly anyone in the summer of 1991 predicted that the USSR itself would fall apart by the end of the year." If anything, the USSR "might have limped on for decades, as the Ottoman Empire did in the late 19th century, dying slowly amid civil wars." The death knell came, but not after an attempted coup on 21 August 1991 against its final leader, Gorbachev, and other reform-minded "liberals." The coup, however, was an abject failure, "a fiasco from the start," which rather than preserving the communist Union, hastened its downfall, instead (Sebestyen 2011).

The position of individual republics at the time of the failed 1991 August putsch can be taken as an indicator of a country's present day political culture. Kyrgyzstan, for example, had already elected Askar Akayev, a noncommunist as its leader in 1990, "a physicist and self-styled democrat who enthusiastically carried out political and economic reforms" (Radnitz 2012). Akayev's nomination had been "a compromise candidate … distinct from the ruling clans that had dominated the Soviet-era power structures" (Lewis 2010b, 46). Graham Fuller (1992) describes Akayev as an "intellectual, soft-spoken, gentle and accommodating in his manner, … with a firm commitment to democracy [and interethnic harmony, thus civic nationalism]" (27). Not surprisingly, among the Central Asian leaders of the time of the Moscow putsch, Akayev was the only one to have opposed the coup, "publicly and strongly" (Hiro 2011, 289), later having stood with Gorbachev's rival, Boris Yeltsin; once the coup was defeated, Akayev banned the Communist Party of Kyrgyzstan.

In contrast to Kyrgyzstan, the leader of the Supreme Soviet of Tajikistan, Qahhor Mahkamov—despite having banned the Communist Party as well—supported the Moscow anti-Gorbachev putsch (Rashid 1994). Malashenko (2013) believes that the

exception of Akayev as leader serves as a key reason as to why Kyrgyzstan "has been socially active, drawn to political pluralism [and] passed through two revolutions [in the post-Soviet era]" (125). Still, despite the country's opposition to the August coup, most Kyrgyz—including President Akayev—greeted independence from the USSR with "ambivalence, even reluctance [similar to other Central Asian states]" (Huskey 2003, 112).

A key reason for Tajikistan's insufficient reforms, stagnant political situation and insufficient engagement and cooperation with the international community, including noncompliance with human rights norms, it is argued here, in addition to its distinct political culture, is its postindependence civil war, which forced the country to resume "its state-building process roughly five years later than all the other former Soviet republics in Central Asia" (Olcott 2012, 314). Although the war also had ideological reasons (roughly those of: Islam, liberalism and neo-Soviet conservatism), it was based on the competition and vying for powers of "political actors" whose "main rationale of domestic politics [had been] *localism* [sic], or the fact that political loyalty is, for most people, to their regional group of origin," a political culture, which Olivier Roy (1995) refers to as "re-traditionalism of a Soviet system" (317). Olcott (2012) points out that given the brutal and divisive five-year civil war, "in many ways," Tajikistan has "never really *caught up* [sic]" with developments in the rest of the countries (314). Chapter X of this dissertation discusses the Tajik civil war, albeit through the prism of the *Afghanistan contagion effect*.

CHAPTER VIII

POLITICAL CULTURE: SYNCRETIC ISLAM

"As all religions have a previous history,
they all represent some sort of syncretism."
–L. F. Brakel (2004, 6)

"Let the sins of society not be attributed to Islam."
–Tajik cleric, Hoji Akbar Turajonzoda
(quoted in Freedman 1997, 221)

"Our communist leaders may have been nonbelievers,
but no Uzbek was really a communist—a liar yes,
but not a communist [!]"–An Uzbek cleric
(quoed in Olcott 1992, 112-3)

"Islam … condemns all manner of vile and
destructive behavior, harm and torture, viol-
ence and bullying, and killing and pillaging …"
–Tajikistan's President Rahmon (GoT 2014)

"We were children of nature, our God.
 We worshipped the wind, sun, fire
 and sky before embracing Islam."
–Kyrgyz intellectual (quoted in Hiro 2011, 287)

"For the Kyrgyz people, the *Manas* is more than
an epic. It is what the Bible is to Christians."
–President Akayev (quoted in Hiro 2011, 295)

"When you walk in the street[s] of [Bishkek,] the capital [of Kyrgyzstan], you feel only the cold breeze of 'Scientific Atheism' blowing in your face. One would be tempted to believe that Manas [a near deity quasimythical "national legend"[41]] is the real prophet of the Kyrgyz people" (Gardaz 1999, 276). For the Kyrgyz (as opposed to many

---

[41] Electronic communication with Alexander Cooley, Columbia University, 23 July 2013.

others in Central Asia), "the 'Epos Manas' [what Kyrgyzstan's first president referred to as a "immortal cultural masterpiece" (Akayev 1994, 10)] is by far more important than the Qur'an" (Gardaz 1999, 277). These thoughts of a Canadian scholar visiting Kyrgyzstan in the late 1990s reflect what many visitors to Kyrgyzstan have experienced.

Indeed, based on similar anecdotal evidence, the Kyrgyz are more in tune with their post-Soviet nationhood and its symbols than with Islam and its teachings. Among other things, in Bishkek—in striking contrast to Tajikistan's capital, Dushanbe—one rarely sees a female with either traditional Kyrgyz outfit, let alone the *hijab* (Islamic veil or headscarf), with nearly all females preferring "European" or Western attire (a tradition remaining from Soviet days and reinforced by globalization).

In Tajikistan, however, since independence in 1991, Islam and Islamism have gained popularity and strength. Among other things, "[w]eekly newspapers and magazines feature articles on Islamic beliefs and practices, and court Muslim leaders as part of the national elite, whilst a multiplicity of grey Islamic literature and recorded sermons" are sold in bazaars or exchanged through believers. The government, too, has recognized the significance of utilizing Islam in its ongoing statebuilding project. For example, the year 2009 was designated by the [Tajik] President as the year of *Imami Azam* [The Great Imam]," that of "commemorating the founder of the [Sunni] Hanafi … school in Islam, Abu Hanifa" (Epkenhans 2011, 81). Furthermore, also in 2009, Tajikistan, in conjunction with the government of Qatar, commenced building what is promised to be Central Asia's "largest mosque" at a cost of US$100 million (Fayz 2009) with an expected capacity for 20,000 worshippers, while in 2010, Dushanbe was labeled by the government as "the Capital of Islamic Culture" (Epkenhans 2011, 81). And on the issue of women's attire, as opposed to their Kyrgyz counterparts, a high percentage of females

in Dushanbe wear traditional conservative native clothing, while increasingly, women are also wearing the even more conservative Islamic headscarf.

The Kyrgyz, known to be among the last Turkic tribes to stick to "shamanistic traditions" (Hiro 2011, 288), were the last Central Asian ethnic group to convert to Islam, "largely as subjects of the Khanate of Kokand in the 1820s" (287), and given their nomadic culture, the "prevalent attitude among [the Kyrgyz] towards Islam [has been] less rigid than their settled co-religionists" (Akbarzadeh 2001, 451), such as the Tajik and the Uzbek. The remainder of this chapter will explore the following: One, the question of Islamic "syncretism"; two, the arrival of Islam in Central Asia with a focus on the ethnic Kyrgyz and Tajik peoples; three, the resilience of Islam and its degrees of syncretism in Kyrgyzstan and Tajikistan under Soviet rule; four, syncretic Islam and its relations to women's rights in the two countries; and five, the status quo of Islam in Kyrgyzstan and Tajikistan, with special attention to "political Islam" or Islamism.

What are "syncretism" and "syncretic Islam"?

According to the Merriam-Webster dictionary, "syncretism" refers to "the combination of different forms of belief or practice" or "the fusion of two or more originally different inflectional forms." Peter Berger and Anton Zijderveld (2009) refer to Central Asia's socalled "Silk Road" as a place where "a true plurality" of peoples and thoughts, "especially in the way different religious traditions [have] interacted and influenced each other" (10). For them, syncretism is the "collective processes of contamination" of religious thoughts and practices occurring in a time frame of centuries of interaction (11). The distinction of viewing Islam by the ethnic Kyrgyz and Kyrgyzstan—as opposed to the ethnic Tajiks and Tajikistan—is hereby argued to be due

to a more syncretic form of Islam or a higher degree of syncretism in the Islam held by the Kyrgyz population and state, a phenomenon which has ramifications on many areas of statehood, including human rights and cooperation with the international bodies. According to Rashid (1994), "[t]he political and religious tolerance of the [Kyrgyz] people is unmatched anywhere in Central Asia and this is Kyrgyzstan's greatest strength" (156).

If "conversion" to a religious ideology like Islam equates to a "radical change of [a group's] world views and identities, linked with a conflicting, exclusive relationship towards the past and former commitments," the Kyrgyz as a nation—it is argued hereby, given their near millennium time difference in converting to Islam as compared to the Tajik—can be argued that they did not fully do so, but largely underwent an "alternation" of their past beliefs, instead, i.e., adapted "to less radical forms of religious and ideological change that are more inclusive regarding former commitments … without the necessity of really breaking with the past" (Wohlrab-Sahr 1999, 353).

Alexander Bennigsen refers to the "symbiosis" of "inherited Islamic traditions and emerging national identities" as a process "which went a long way in explaining why Soviet efforts to eradicate Islam failed dismally" (quoted in Akbarzadeh 2001, 453), while Shahram Akbarzadeh refers to the phenomenon of "hybrid Islam" in Central Asia, where "nomadic Muslims intermittently borrow[ed] ideas (even verses and texts) from urban" centers to enrich their "folkloric Islam," while "urban Muslims," too, "borrow[ed] rituals and festivals for the inspiration and vigour they bring to their rather life-less scripture-based Islam" (453). Deniz Kandiyoti (2007), in turn, says that upon their respective conversions, the "sedentary populations" (referring to Tajiks and Uzbeks) and

the "nomadic and seminomadic peoples" (mainly the Kyrgyz and the Uzbek) merged "Islamic practices with [pre-Islamic] local beliefs and cosmologies" (603).

Arrival of Islam in Central Asia

Prior to the invasion and entry of the Muslim Arabs and bringing of the religion of Islam to Central Asia, the people living in the territory of what is today Tajikistan and much of its surroundings professed to a variety of faiths including Mazdaism (i.e., Zoroastrianism), Nestorian Christianity, Manichaeism and Buddhism (Nourzhanov and Bleuer 2013). There was also "a significant Jewish presence" in Samarqand and Bukhara, while in the south there were "traces of Helenistic cults" (Akiner 1996, 92). "Archeology has revealed numerous Buddhist remains [and a number of Zoroastrian "fire temples"] in present northern Afghanistan and parts of Tajikistan" (Frye 2014), for example, including the discovery in 1966 by Soviet archeologiests of a magnificent 16-meter long wooden sleeping Buddha, on display today in Tajikistan's national museum.

The Kyrgyz (the name of which means "forty tribes") originally inhabited the upper Yenisey River in Siberia. They overthrew the Uighur Khanate in what's today the Xinjiang province of China in 840 AD and are said to have eventually migrated south and east settling "as mountaindwelling [sic] pastoral nomads in the grasslands of the Tien Shan range," where today's Kyrgyzstan stands (Karagiannis 2010, 33). The Kyrgyz were followers of "Tengrism," forms of "syncretic religions practices in Turkic khaganate [empire] before the peoples of the region converted to Buddhism, to Manichaeism, or to Islam." After conversion to Islam, as ancient Turkic texts demonstrate, the term "tengre" or "tergir" was associated with that of "Allah" (God) (Laruelle 2007, 204).

It was the Arab Muslim armies which through a series of raids starting in the 670s AD across the Oxus, aka "Amu Darya" (Amu River), managed to conquer *Mavara al-nahr* (aka *Transoxiana*, "The land beyond the river"), taking over Bukhara in 709 AD and incorporating it into the Islamic Umayyad caliphate (Khalid 2007, 25). The initial introduction to and eventual conversion to Islam of the mostly Tajik and Uzbek inhabitants was through the power of the sword. The first raid of the Arab Muslims (in 673 AD), sent by the Arabian peninsula-based Muawia caliphate, for example, demanded a massive war ransom and 4,000 slaves from the then Soghdian dynasty female ruler of Bukhara (Bosworth 2014). According to Shirin Akiner (1996),

> At first the new religion was imposed by force, sometimes with great brutality and the wholesale destruction of monuments and the cult objects of other faiths, especially those of Zoroastrianism. Later, however, more moderate policies prevailed. (93)

By the 9th century, the Islamic Abbasid caliphs were eager to capture Turkic and Slavic slaves.[42] They were specially sought after in the Middle East as Turkic tribesmen were famous for their "martial skills and endurance" in addition to many among them being master equestrians. In addition to the Arab Abbasids, the Persian and Muslim Samanids, with their capital in Bukhara and renown as the "principle figures of the eastern Islamic world" (Golden 2011, 68), did the same, i.e., raided the region's Turkic tribes in search of slaves, who were often sold for profit. An 893 AD Samanid expedition, for example, is said to have captured between 10,000 to 15,000 men and women, "including the wife of the Qarluq [aka Karluk] chieftain" (66).

By the 10th century, Bukhara emerged as the capital of the Samanid dynasty and Transoxiana "an integral part of the Muslim world" with a number of "important figures

---

[42] According to Peter Golden (2011), the word "slave" comes from the name "Slav" (64).

in Islamic civilization" having sprang out of the region, among them: Abu Nasr al-Muhammad al-Farabi (d. 950 AD, aka "the second teacher," after Aristotle) and "rationalist philosopher" Abu Ali Ibn Sina (aka "Avicenna," 980-1037 AD). The Samanids eventually were overthrown by the newly-converted Muslim Turkic tribe of Qarakhanids in 1005 AD (Khalid 2007, 25).

By the mid 11th century, the now Muslim Seljuqs, originally from the "Qiniq tribe of the Oghuz confederation," aided the Abbasids to rid Baghdad of Islamic Shia domination. Thusly, "the Seljuqs became the dominant force in the Sunni Islamic world." In 1071 AD, the Seljuq Sultan, Alp Arslan, defeated the Byzantines in eastern Anatolia and laid "the foundations for the Seljuk [sic] Sultanate of Rum" and eventually Alp Arslan's son, Melikshah, of the Ottoman Empire "brought the Qarakhanids under Seljuk rule" (Golden 2011, 74). The Turks not only took up Islam as a creed, but thusly became "its champions in the Islamic heartlands, as well as in Central Asia" (75).

For centuries onward, however, the "surrounding steppe" beyond Transoxiana, "with its largely Turkic-speaking nomadic population [primarily the Kyrgyz and Kazakh], remained a borderland" to Islam (Khalid 2007, 25). The Kyrgyz were among the last converted masses to Islam in Central Asia. Some living the southern part of today's Kyrgyzstan, in the Ferghana Valley—took up Islam as late as the end of the 17th century through the missionary activities of Yasawis and the Naqshbandis, while many others accepted Islam in the 18th and 19th centuries with the endeavor of Tatar missionaries from Russia (Gardaz 1999). The Naqshbandi order of Sufism dominates Central Asia's Islam. The tomb of its founder, Bahauddin Naqshband (1318-1389 AD), in Bukhara is said to be amongst the holiest places of worship outside of Saudi Arabia's Mecca and Medina for Central Asian Muslims (Gunn 2003).

Although some among the Kyrgyz, Kazakh and other tribes of the "steppe people" converted to Islam through raids, "it was not the sword alone that brought the religion to [them]." More important were "[p]olitical advantage" and *Sufi* Muslim missionaries, whose "mystics" would ventured into the steppes to establish personal and "business contacts with nomadic chieftains." Some of the Sufis, relying on their shamanic heritage, "appeared in outlandish attire; some shaved off all body and facial hair and wore only horn and loincloths." There was also a belief that Sufis could do miracles, including transforming themselves into animals and curing sickness, and possessed the ability to predict the future. Such peaceful contacts, in addition to "[c]ommercial and social bonds quietly expanded into a common [Islamic] communion" (Golden 2011, 69).

The Islam, which originally was introduced to the Kyrgyz and other Turkic tribes, was thus highly syncretic, in that it was "blended, to varying degrees, with local usages that did not fully distinguish it from earlier shamanistic and other practices, such as ancestor worship or the use of dance and chanting … [to enter] the spirit world" (70) or "belief in the spiritual powers of mountains, rivers and the sun"—ideas and principles orally transmitted via "legends, epic poems and stories" by the elders (Rashid 1994, 138). Furthermore, given the "genealogical" mode of transmission of authority, power in the Kyrgyz and Kazakh nomadic societies thus "derived their moral authority" through *adat* (i.e., customary law) of "tribal custom and the traditions of the elders," and not via "juridical tradition" of Islamic *sharia* (i.e., Quranic law) as developed in Bukhara and other "urban societies by generations" of Islamic *ulama* (theologians). Amongst the nomads, oral, rather than written tradition was dominant and "book learning in [*madrasas* or Islamic schools] was practically nonexistent, [while] access to Islam lay primarily through sacred lineages" with special "allegiance" to Sufi sheikhs and Qojas, tribal

leaders often belonging to lineages that had originally introduced or "brought Islam" to the local people (Khalid 2007, 33).

Imperial Russia's conquering of the steppe and Muslim Transoxiana in the 19th century was not its first encounter with Islam. Islam had had a "constant presence in Russian history"—ironically older than Christianity. Genghis Khan's grandson, Batu, who "conquered the principalities of Rus" and his newly-converted Muslim descendant, Özbek Khan, in 1327 AD had allowed a Muslim government to have "political overlordship" on Rus lands. That might have been one reason why Tsarist Russia's rule over the Central Asian Muslim-dominated regions was initially done with deference and respect to Islam and local traditions and the ability to distinguish between the sedentary (primarily ethnic Tajiks and Uzbeks) and nomadic (mostly ethnic Kyrgyz and Kazakh) populations (Khalid 2007, 36). Given their degree of syncretism, the Kyrgyz and the Uzbek "appeared [to the Russians] to be *Muslim only in name* [sic]" (Akiner 1996, 99). In the early years of Russian domination over the region, there was little conflict between a culturally-sensitive Russian imperial power and the territories under its administration. An American, Eugene Schuyler, in the region in 1873, found it "strange" that Central Asian Muslims "spoke in the highest terms of the Russian Emperor [and his envoy in the region] General Tchernaief" (100). Russian attitudes and policies, however, did not remain in a culturally-friendly mode for long.

Islam's resilience under Soviet rule

By the end of the 19th century, Bukhara had grown to an Islamic religious center, having been home to 80 madrasas and hosting 10,000 pupils from the throughout the region (Nourzhanov and Bleuer 2013). The Emirate had also remained a highly

authoritarian state. For decades prior to the October 1917 revolution, the Emirate of Bukhara had a "reputation" of fanaticism and "a bastion of conservative orthodoxy," where the *ulama* "ruled the roost" (Khalid 2007, 39). The state and the people, in turn, were expected to refer to the Emir as *zilluloh* ("God's shadow" on earth) (Zainiddinov 2013, 475).

According to Geoffrey Wheeler (1977), if the attitude of Tsarist Russia towards Islam was to have been "contemptuous and suspicious, albeit tolerant," the USSR's view of Islam eventually became "one of active hostility" (40). The Bolsheviks saw their Islamic underbelly in Central Asia as a "potential breeding ground for counter-revolution," an outlook which "added fuel to the fire of Soviet objections to Islam on social and cultural ground" (42). Among other things, in 1929, a new restrictive Soviet "Law on Religious Associations" was passed. Soon after, the Bolsheviks "dissolved all Islam courts," which were overseeing "criminal justice by upholding" customary and sharia laws (Froese 2005, 488). Other measures included the changing of Tajik (Persian) language's Arabic alphabet to Latin in 1928 and to a specialized form of Cyrillic by 1940, as the Bolsheviks associated Tajiki's Arabic script with both a link to the outside world (Afghanistan and Iran) and to Islam. There even occurred instances where individuals were prosecuted for teaching the Arabic alphabet (Atkin 2005).

The greatest syncretism of Islam under communism was its very adaptation during Soviet rule. Despite Islam and communism, in theory, being "natural enemies," the majority of Central Asians were able under Soviet rule "to accommodate and sometimes foster" communism, as they saw Soviet domination not necessarily without benefits (Froese 2005, 501) nor did they have much of a choice. According to Tolib Saidbayev, Central Asian Muslims lived within "two dimensions" under Soviet rule:

"[I]n the one, relating to the public sphere, [they] were thoroughly Sovietized in their attitudes, values and loyalties; [while on] the other, relating to the private sphere, they retained a largely traditional outlook, their world shaped by customs and preconceptions that were rooted in Islamic practice"—albeit, it too, syncretized with pre-Islamic past. As such, many Central Asians would likely have agreed with what a "committed" Kazakh communist once said: "I am an atheist but also a Muslim" (quoted in Froese 2005, 496).

Based on adherence to Marxist-Leninism, the Soviet system was attempting "to eliminate religion from the public's consciousness." And yet, a deep level of penetration of antireligion atheistic propaganda and education appears to have been wishful thinking on the part of Soviet administrators. According to Muriel Atkin (2005), surveys in 1973 and 1982 of university students of the Polytechnic Institute of Tajikistan showed that the majority (78%) had described themselves as atheist. The same surveys found, however, that many believed in "superstitions," including "fortune telling," *jinns* (demons) and a belief in the "evil eye" (quoted in Foroughi 2003). What is also known is that a significant number of people "continued to pray, observe the Ramadan fast at least partially, celebrate major religious holidays, and perform life-cycle rituals [of childbirth, funerals, circumcision ceremonies, religious weddings and *khudoie* (remembrance of the dead)]" (Atkin 2005). Religiosity, however, was (and still is) far higher in rural areas where over three-quarters of Tajikistan's population lived (and lives).

In Kyrgyzstan under communism, despite "Soviet propaganda [having] heaped scorn on the notion of shrine worship," equating such syncretic Islamic practices as "superstition," many traditionally "holy places survived … while new ones continued to crop up, and … attract pilgrims." Pilgrimage sites in Kyrgyzstan have "ranged from a humble grave site or a clump of sacred trees, where people … tie strips of cloth as votive

offerings, to major sites, such as the mountain *Takht-i Sulayman* [Solomon's Throne]"—
Solomon having been a prophet cited in the Old and New Testaments and the Quran—
near the town of Osh in southern Kyrgyzstan (Khalid 2007, 102). Solomon's Throne has
been described as part of "popular Islam," including the "cult of the ancestors" [*arbak* in
Kyrgyz (Karagiannis 2010, 33)], with "roots in pre-Islamic practices" (Gunn 2003, 399),
where prayers at its grottoes and springs, especially believed by Kyrgyz Muslims, are "to
help cure illnesses or infertility" (398). During Soviet times, in 1950s, "some gatherings
of pilgrims [at Solomon's Throne]… reportedly numbered in the tens of thousands"
(Khalid 2007, 102). The *Sadum* (USSR's "Spiritual Administration of the Muslims of
Central Asia and Kazakhstan") had even issued a *fatwa* (Islamic decree) in 1959 "against
pilgrimages to the Sulayman Throne," and in 1963 a mysterious bombing (possibly a
state plot) temporarily disrupted pilgrim traffic (Karagiannis 2010, 33).

Syncretic Islam and women's rights

The civil code of Tajikistan's laws "stipulates a state sanctioned monogamy," and
only government-registered wedding to be considered as legal marriage. Despite an
increasing divorce rate in the country and consequent abuse of economic and property
rights of women, and the fact that "enforcement of a religious marriage contract (in case
of divorce or inheritance) cannot be submitted to a civil court," there appears to be an
increasing decline in the number of legally-registered marriages (aka *Zags* in Russian) in
favor of religious marriages, particularly in rural Tajikistan (Nozimova and Epkenhans
2013, 978). In addition, incidences of polygyny, based on anecdotal evidence, are also
relatively high, with one estimate claiming that at least 10% of all men in Tajikistan have
multiple wives (Foroughi 2012b).

The country's most respected Islamic theologians, chief among them Hoji Akbar Turajonzoda—a Soviet-sanctioned graduate of Islamic Law from the University of Jordan, who was the Islamic *qozi* (chief cleric) of Tajikistan towards the end of the USSR (1988-1993) (Atkin 2005), a onetime deputy leader of the IRP and later a deputy prime minister under President Rahmon (1999-2005)—regularly contradict the official law of the state on the illegality of polygyny and on the subject of the Islamic hijab. Turajonzoda and his cleric brother, Nuriddinjon Turajon (aka Eshoni Nuriddin), have labeled polygyny as "normal" in a Muslim society and the *ulama* and others who oppose it as "ignorant" (Nozimova and Epkenhans 2013, 978). And on the topic of the hijab, Eshoni Nuriddin has said that wearing it is a "duty" for all Muslim women and it is only the "non-believers" who can ignore it (979).[43] President Rahmon's administration, in turn, has a deep mistrust of "independent and popular religious authorities" like the Turajonzoda brothers, a mistrust which is likely exacerbated by negative memories of Hoji Akbar's tenure of administrating Tajikistan's Islamic *qoziyot* "towards the end of the USSR" (Epkenhans 2011, 92) and his association with the IRP.

On the issues of Islamic marriage, polygyny and the veil, what distinguishes Tajikistan from Kyrgyzstan is the depth of discussion by authoritative Muslim scholars, a phenomenon far more prominent in Tajikistan, and the taking to heart and action that the reasoning and interpretations of Islam and the Qur'an by Sunni Hanafi Muslim clerics induce on the local population. Indeed, "representatives of traditional Islam are very respected by and influential among [Tajikistan's] population" (Zainiddinov 2013, 467). Despite similar issues (polygyny and the veil) existing in Kyrgyzstan, the Kyrgyz take

---

[43] As with its opposition with the hijab, the government has viewed "the growing [of] beard with suspicion and considers the beard a symbol of Islamic extremism," rather than religious piety" (Zainiddinov 2013, 464).

such matters far more lightly. They also appear not to be bothered by a large segment of their population indulging in consumption of alcohol, a tradition which has deep cultural roots going back to the pre-Islamic era.[44] In addition, the sight of females drinking alcohol or smoking in Bishkek, for example, in bars or restaurants is not uncommon, while the same is very rare—even considered a taboo—in Tajikistan.[45]

The Kyrgyz's traditionally nomadic lifestyle has bestowed far more freedoms to females than in Tajikistan. In the latter part of the 19th century, the territory of what is now much of Kyrgyzstan even had a governess, Kurmanjan Datka, known for her independent character and ability to rule. On the whole, for the ethnic Kyrgyz, "Islamic injunctions for women [are] much less meaningful than elsewhere." Among other things, for example, "Kyrgyz women often say their prayers alongside their men" (Rashid 1994, 153), which would be prohibited in Tajikistan and nearly all Islamic-majority states.

An opinion survey of women in secular universities in Kyrgyzstan and Tajikistan found that Tajik women value Islamic education nearly twice as much as their Kyrgyz counterparts (Commercio 2013), demonstrating a higher level of religiosity even among the average educated Tajik female as opposed to their cohorts in Kyrgyzstan. That said, despite many freedoms bestowed on females, Kyrgyzstan still remains "a highly structured patriarchal society where girls marry young," much value is put on "bride price" (Rashid 1994, 153), and bride kidnapping, especially in rural areas, which may

---

[44] *Koumiss*, a "part of the staple Kyrgyz diet," is fermented horse milk churned and allowed to become alcoholic prior to turning into lactic acid (Rashid 1994, 144). Though many in Tajikistan also consume alcohol (especially vodka), the habit is likely due to Soviet heritage rather than a pre-Soviet tradition.

[45] When student subjects of a survey of female opinions ($N = 200$, conducted by El-Pikir Center for Public Opinion Study and Forecasting) were asked to confirm the statement: "I would like my children to study in a religious university," 41% of females in secular universities in Tajikistan agreed with the said statement as opposed to 24% in Kyrgyzstan. Likewise, with regard to the statement: "The study of Islam should be included in state school curriculum programs," 61% of Tajik females in secular universities agreed as opposed to 38% of their female counterparts in Kyrgyzstan (Commercio 2013).

include sexual assault, remains a serious social problem.

Islam's status quo in Tajikistan and Kyrgyzstan

At the height of Soviet communism, Bennigsen (1971) wrote that the concurrent growth of Soviet Muslim intelligentsia could potentially lead to "the resurrection of a pan-Islamic consciousness" (182). In reality, the Soviet experiment created neither "the new Soviet man" [only "homo Sovieticus" (Zinoviev 1985)[46]] nor in the postcommunist era has there been a trend towards pan-Islamism. The rather unsuccessful Soviet experiment with de-Islamization, however, combined with a postcommunist atmosphere of authoritarianism has left the door open to hypernationalism and potentially radical "Islamist tendencies slipping in" from abroad (Winbush 2012, 5). In this process, the more susceptible and vulnerable state among the two cases studied herein is Tajikistan.

Upon commencement of the Soviet war in Afghanistan, "Islam became [increasingly] politicized in the Soviet Union … and political Islam made considerable inroads in Tajikistan" (Roy 1993, vi). There were a few reasons for this: One, within the USSR, the existence of "parallel [nonstate-sanctioned Islamic] clergy" (20) was strongest in Tajikistan.[47] The second reason for inroads of political Islam into Tajikistan by late-1970s, early-1980s, according to Roy (1993), is Tajikistan's initially weak ethnic and

---

[46] "Homo Sovieticus"—a term coined by Alexander Zinoviev (1922-2006), a Soviet dissident, who wrote a book by the same title—is a sarcastic reference to the "New Soviet Man." Libor Brom (1988) writes that Zinoviev's homo Sovieticus is "fragmented, atomized, reified, alienated, exploited, and dehumanized" and is contrary to Soviet Man which is to correspond to "Marx's concept of the ennobled selfless human being." To the contrary, the homo Sovieticus is characterized by "irreversible submission, enslavement, aggression, and destruction." In place of the promised communist "solidarity and equality," the USSR produced "group egoism" as "a coverup for an unmitigated private interest rationalized in terms of the public good." The homo Sovieticus confronted had "no way out of the Communist trap," writes Brom, "where collective ownership, lethargy, fickleness, and inability [became] the norms" (25).

[47] Among the "parallel mullahs" during the Soviet era in Tajikistan was a certain Haji Sayyid Abdullo Nouri (1947-2006), who in 1973 had founded the *Nahzati Javononi Islomii Tojikiston* (Islamic Youth Movement of Tajikistan), which set the foundation for the formation of the IRP of Tajikistan, the opposition party which Nouri led in the post Soviet era until the time of his passing (Schmitz 2015, 10).

national identity (and an emphasis on localism, rather than nationalism), which allowed for traditional Islam to substitute for any nationalist urges. Three, there existed the phenomenon of "the politicization of a fringe of the parallel clergy" as influenced by events in countries with large ethnic (or geographic links) to Tajikistan—not only due to the war in Afghanistan, but also the 1979 Islamic Revolution of Iran[48] and the Islamization of Pakistan under General Mohammed Zia ul-Haq in the late 1970s (Karagiannis 2010, 1). Four, the personal and "remarkable shift" of the official Soviet state Great Qozi Turajonzoda, who joined the antigovernment forces. As part of this 180-degree shift, Turajonzoda was able to coordinate the "parallel mullahs into a clerical organization shaped along the administrative divisions of Tajikistan," with among other things, appointing *imam khatibs* or "prayer leaders" throughout the country (20).

Up until mid-2015 in Tajikistan, political Islam could be divided into two categories of legal and underground. The first includes the IRP, the only legal Islamic party in the postcommunist world, formed towards the end of the Soviet era, banned during Tajikistan's civil war, but unbanned soon after the signing of the 1997 Peace Accord (and yet again banned in 2015).[49] In recent years, however, in tandem with the growing popularity of the IRP, the authorities—who still hold a grudge against the

---

[48] Iran remains highly popular in Tajikistan, both for its Islamism and its ethnic links with Tajikistan. A 2009 opinion survey (N = 3,500) on Islamic radicalism in Tajikistan, which, among other things, asked subjects: *In terms of how state and religion interrelate, which Muslim country should inspire Tajikistan in the future?*, found that Iran and Saudi Arabia are perceived as the most favorable Muslim states for 49% and 39% of Tajikistanis, while Afghanistan and Yemen were the least favorable, with 6% and 4%, respectively, favoring them (Taarnby 2012, 41). Iran is also known to have provided inspiration and logistical and material aid to Tajikistan's armed opposition during the civil war. On the question of Iran's involvement in Tajikistan's civil war, Brenton Clark (2014) writes: "Iran did provide financial assistance to a limited extent to the opposition, namely those linked to the IRP. But Iran's support for a so-called Islamic revolution in Tajikistan was half-hearted at best" (105).

[49] At the time of its inception in 1990, the IRP was an all-Union party headquartered in Moscow with three "regional structures" of Central Asia—where the vast majority of its supporters were ethnic Tajiks in Tajikistan—North Caucasus (wherein supporters were primarily ethnic Dagestanis, Chechens and Ingush) and Europe (structure serving the ethnic Russian and Tatar Muslim supporters) (Akcali 1998, 269).

Islamic opposition, which led the civil war against them—were "tightening the noose" around the party (Freedom House 2014, 593) by harassing its leadership and questioning IRP's necessity and legitimacy in the state-controlled media.

Since the mid-2000s and onwards, Tajikistan has also banned a number of allegedly extremist Islamist groups, chief amongst them, Hizb ut-Tahrir, Islamic Movement of Uzbekistan (IMU), *Jamoati Tabligh* (Proselytization Society) and *Salafiya*, in the process having detained, tried and sentenced hundreds of their followers— extremist, violent or not—to long prison terms, largely through unfair trials. In 2009, Tajikistan also passed a new law "On freedom of conscience and religious associations," which observers have argued aims to: "[combat] real and perceived Islamist extremism," "halt successes of mostly evangelical Christian [but also Islamic] missionaries" and "defend the honor of the Tajik nation" (Foroughi 2009).

Though Kyrgyzstan has also had its challenges with political Islam and has banned a number of organizations including Hizb ut-Tahrir, the threats to the security of the state and extremist sentiments amongst its population appear to be far lower as compared with Tajikistan. The state, as well, appears more lax and professional in its attempts in dealing with potential Islamist extremists. As an example, the Jamoati Tabligh Islamic group, which Roy has described as "completely apolitical and law abiding" (quoted in Foroughi 2012a, 113), is banned and persecuted in Tajikistan with tens of its members imprisoned, but is free to function in Kyrgyzstan. Political Islam has also been largely unpopular amongst the ethnic Kyrgyz. As an example, when the IRP was an all-Union party upon its inception in 1990, it managed to recruit only ethnic Uzbeks in Kyrgyzstan, and while the party flourished in Tajikistan in the post-Soviet era, any support it had in Kyrgyzstan had already fizzled out (Johnson 2007).

Conclusions

Analysis of syncretic Islam demonstrates the innate differences in political culture between the behaviors and policies of the two Central Asian states of Tajikistan and Kyrgyzstan. As compared to its historically sedentary neighbors (i.e., the dominant ethnic groups in Uzbekistan and Tajikistan), the formerly nomadic Kyrgyz, as Huskey (2003) puts it, came "to Islam late and with less fervour [sic], especially in its northern regions" of the country. Given a combination of late introduction or indoctrination into Islam, seven decades of antireligious Soviet propaganda and continuing influence and interpretation of highly syncretic form of Islam, which combines elements and traditions of shamanistic past, on the whole, "Islam remains a notable but not a dominant element in the collective memory of the Kyrgyz" (118). This partially explains why the Kyrgyz are also "less deferential in their attitudes towards [state] authority" (126) and willing to openly challenge it as demonstrated by two regime changes or "revolutions" in 2005 and 2010.[50]

This dissertation argues that the historical experience of the Kyrgyz with Islam and their adherence to a highly syncretic form of it, has, in turn, provided the opportunity and incentive for Kyrgyzstan as an independent postcommunist state to demonstrate more flexibility towards new ideas and norms, be potentially more adept to tackle the roots of Islamic extremism,[51] and be willing to engage with the international community on a

---

[50] It has been argued that the 2005 regime change in Kyrgyzstan—aka "Tulip Revolution"—was more akin to "a coup d'état than a revolution" given that it led to a mere "reshuffle of the elites" with one politically- and economically-dominant clan set aside in favor of another (Kupatadze 2008, 284).

[51] Payam Foroughi and Alexander Sodiqov (2012) claim that "[t]he roots of [Islamic] extremism and organized nonstate violence in [Central Asia] are found in a combination of factors, including ubiquitous corruption, high unemployment, low wages, increasing disparity between the rich and the poor, a significant lowering of the post-Soviet quality of education, insufficient access to social services, deteriorating environmental conditions, conflict over natural resources, and infiltration of fundamentalist ideologies" (370).

variety of new and liberal issues, whether they be entry into the World Trade Organization (with Kyrgyzstan having been the first post-Soviet state to do so and over a dozen years prior to Tajikistan), or signing up and attempting to adhere to international human rights norms, such as permitting access to the country's prisons by the ICRC and attempting to uphold the UN antitorture convention, UNCAT, and its Optional Protocol.

CHAPTER IX

AFGHANISTAN CONTAGION: THE DRUG TRADE

"[T]he poppy flower in full bloom makes a
rose look a garden weed." (Shishkin 2013, 54)

"Even if they kill us, we will grow poppy because
otherwise we'll die of hunger. … And it's better to die
of a bullet." –Afghan poppy farmer (Shishkin 2013, 57)

"[A] state's border policy never takes place in a
socio-political vacuum. Borderlanders['] … social
networks transcend official categories demarcating
states and administrative units." (Parham 2010, 6)

"We have failed, we have lost—that's all there is to it."
–A Western diplomat describing Afghanistan's costly drug
eradication program. (quoted in Norland and Ahmed 2013)

"[Tajikistan is] on the front line [of] … most dangerous point
where international terrorism, extremism and drug-related
crime converge." –Foreign Minister, Hamrokhon Zarifi,
at the OSCE Permanent Council (GoT 2011b)

"[W]orld's first true narco-state." That's how Afghanistan is described by a *New York Times* article (quoted in Norland 2013). Opium cultivation, overwhelmingly on the rise ironically since the U.S.-led invasion of the country in 2001, exceeded a whopping half-a-million acres in 2013, a 36% increase year-on-year (Norland and Ahmed 2013) and a 26 times increase since 2001 (Shishkin 2013). When comparing revenue as a percentage of GDP, trade in opium and its refined modality, heroin, is now far larger in value for Afghanistan than coca is for Bolivia or Columbia. Tajikistan, in turn,

described as "the worst hit Central Asian state" when it comes to drug trade (Mohapatra 2007, 161), is even more dependent (also in way of economic contribution as percentage of its GDP) on illicit Afghan drugs than the country of origin, Afghanistan, itself (Bewley-Taylor 2014).

Proximity to Afghanistan, a mountainous terrain, a porous border not easily policed, poverty, and organized criminal entities enjoying "systematic collusion" with the ruling elite (Paoli et al. 2009, 194) have made Tajikistan part of "a sophisticated supply chain" of illicit drugs beginning in "remote Afghan poppy fields and stretch[ing] through a network of heroin cooks, smugglers, and corrupt officials" on the way to lucrative markets in Russia and Western Europe (Shishkin 2013, 45). It's been argued that given the impact of the drug trade on corruption, violence and funding of extremist organizations, Tajikistan's and much of the rest of Central Asia's "security [are now] inseparable from Afghanistan's illicit crops" (Cornell 2005, 24). As a former head of the UN Office of Drugs and Crime (UNODC) has claimed: The socalled "Silk Route, turned into a heroin route, is carving out a path of death and violence through one of the world's most strategic, yet volatile regions" (quoted in Lewis 2010a, 39). In the remainder of this chapter, I will discuss the issue of drug trade—as part of the *Afghanistan contagion effect*—and its highly skewed and negative influence on Tajikistan as opposed to Kyrgyzstan.

Background on drugs in Afghanistan

Opium is "one of the most addictive and destructive drugs known to man." It is also "Afghanistan's most lucrative export" (Shishkin 2013, 46). Opium is thought to have originated in Europe, a commodity, which in centuries' past "colonial empires were built

[upon]." During the Cold War, opium served as capital for Western-backed "guerrilla groups" fighting communism, and today it is known to be funding Islamist terror groups and also the mafia (Buddenberg and Ruttig 2016).

During the Cold War, in 1984, Afghanistan-originated heroin supplied an estimated 60% of the U.S. and 80% of the European markets (McCoy 2016). Today, it is thought that Afghanistan produces 90-95% of the global supply of opium and heroin (Norland 2013; Rosen and Katzman 2014). The surge in the production of opiates is despite the fact that Afghanistan under the Taliban had in 2000 declared the cultivation of opium to be "un-Islamic," and in the process had led to "the most successful (and shortest) anti-drug policy the modern world has seen," with a reduction in opiate production in the country by 91% in a mere 12-month period (EU Center of North Dakota 2011, 5). Afghanistan is also the world's largest producer of hashish (purified marijuana extract), with roughly 2,500 tons of production annually (UNDOC 2010). Estimates of the export value of Afghanistan's illicit drugs in 2011 were at US$2.4 billion (UNODC 2011) and by 2013, drug exports as a percentage of the country's GDP were thought to have been around 15% and rising (Norland 2013), while in comparison, the same ratio for Colombia vis-à-vis its production of coca was no more than 1% of GDP (UNODC 2012a). Only about 3.5% of the estimated 375 tons of Afghanistan's annual illicit exports of heroin is thought to be intercepted (Rubin and Rosenberg 2012).

"We don't have real roads, we don't have electricity, or even candles to burn, and you ask us why we grow opium[?]," asks an Afghan farmer (Shishkin 2013, 46). Indeed, for one of the poorest countries on Earth, there's a clear economic incentive to grow and sell drugs: Farmers can earn 10 times more income from the same amount of land if planted in opium versus wheat. Farmers also use the poppy straw "as fuel and animal

fodder," while poppy seed is utilized "for cooking oil and soap" (Taylor 2006, 3).

On the greater scheme of things, for the majority-poor farmers, "growing opium [is] a matter of prudent judgement" (Rashid 2008, 318). "The human security of large segments of the Afghan population is dependent on poppy," claims specialist Vanda Felbab-Brown (quoted in Aikins 2014). Referred to as "the cheapest and fastest cash crop" (Rashid 2008, 318), "poppy is [claimed to be] always good … like gold. [Y]ou can sell it whenever and get cash," claims an Afghan farmer (quoted in Rubin and Rosenberg 2012). Opium can "be stored for several years if prices [drop]" (Rashid 2008, 318). It serves as "a tradable commodity … [and] … a means of exchange, … a liquid asset … [and] an ideal commodity for marketing, trade and speculation" (Taylor 2006, 4).

The spread of drug production in Afghanistan is largely due to a vacuum of alternative economic opportunities, which in addition to the expansion of "the opium-fed underground economy," has led to the "breeding [of other forms of] crime and corruption," as well (Rashid 2014a). Much of the profits from the Afghan drug trade have been invested in real estate in Kabul where a myriad of "poppy palaces" (Zucchino 2013)—described as "[h]uge, gaudy [and] multicolored," and "looking uncomfortably incongruent next to the hovels of the poor" masses—have been built primarily in "Kabul's suburbs" (Rashid 2008, 330), while much of the profits have also been channeled abroad, with a special focus on Dubai, where a large part of the elite may wind up in case of resurgence of largescale violence or Taliban victory. More important, according to the UN Office for Drugs and Crime (UNODC 2011), there exists a "strong link" between "opium cultivation" and "insecurity" (5).

Others have argued that opium is serving as Afghanistan's "resource curse," in the way of a relatively abundant and easy source of income, which in turn discourages an

end to the civil war and insecurity (Rosenberg 2014). According to a U.S. special inspector for Afghanistan, in spite of US$7.6 billion of "drug eradication" programs spent by the U.S. in Afghanistan during 2004-2014, "by every conceivable metric, ... [the process has been a failure]. Production and cultivation are up, interdiction and eradication are down, financial support to the insurgency is up, and addiction and abuse are at unprecedented levels in Afghanistan" (McCoy 2016). "We have failed, we have lost—that's all there is to it," says a Western diplomat when describing engagement in Afghanistan's drug eradication efforts (quoted in Norland and Ahmed 2013).

Tajikistan: A "narco-state"?

During the Soviet era, an area known as the "Green Triangle," where borders of Afghanistan, Iran and USSR (Turkmenistan) met, was used by Afghan smugglers to transit mostly raw opium to Iranian and Soviet buyers. Afghan suppliers would hide opium among the reeds in the river along the border and receive compensation in the form of jewelry and other valuables back from the USSR (Akcali 1998, 280). The volume and reach of such trade as compared to today was miniscule, however.

In the post-Soviet era, drug smuggling from Afghanistan into Tajikistan with the intention of trafficking to Russia commenced in 1992 when strict border patrols on both sides of the border had substantially weakened. Initially, this trade involved "almost exclusively" opium, with the main traffic route having been through the two countries' identically-named provinces of Badakhshan, via the Pamir highway through Tajik Badakhshan's capital, Khorog, north to Kyrgyzstan's second largest city, Osh ["one of Central Asia's busiest [drug] trafficking hubs" (Shishkin 2013, 64)], from there to Andijan in neighboring Uzbekistan (Paoli et al. 2007, 959) and later to Russia and

potentially other parts of Europe. Refining of the opium into the far more potent substance of heroin was initially done in the destination markets (Shishkin 2013).

Afghan traffickers soon realized, however, that they were missing a potential windfall and began "converting opium into heroin inside Afghanistan" (58). Within a decade, nearly the whole of Tajikistan's southern border had become drug transit points, with the volume of the drug shipments having geometrically risen and its substance increasingly shifted from opium to heroin. Roughly one-third of Afghan's total annual heroin exports are trafficked through its Central Asian neighbors, including Tajikistan (BBC 2012a). Of that figure, around 85% or an estimated 90 tons of heroin pass through Tajikistan annually (UNODC 2012b).

Today, Afghanistan's landlocked "borders leak opium like sieves into five neighboring countries" (Aikins 2014). The country's drug industry evolved in two decades from the main source of "raw opium or morphine-base" in the mid-1990s into the number one source of heroin in the world by early 2000s (Cornell 2005, 24). A "rule of thumb" has it that 10kg of opium is needed to produce one kg of heroin. In 2003, Tajikistan "recorded the world's third largest heroin seizures after China and Pakistan," surpassing Iran (Paoli et al. 2007, 960). Tajikistan's largely "untrained army" and "corrupt state institutions" (BBC 2013a), have in turn allowed for a significant inflow of drugs from Afghanistan for illicit export and trafficking into Russia. Today, Tajikistan's drug trade is estimated to account for a near one-third (30%) of its economy, granting Tajikistan "the unenviable title of the country most dependent on the illicit drug industry" (Paoli et al. 2007, 951)—essentially, a "narco-state" (Paoli 2009, 181).

Paradoxes of the drug trade

David Lewis (2010a) points to three paradoxes vis-à-vis drug trafficking in Central Asia: First is with regard to drug-related violence, the level of which, counterintuitively, has lowered while the estimated volume of drug trade has risen in the region. Lewis, however, acknowledges that "rivalry over resources led to [Tajikistan's] vicious civil war … [and] drugs played an important role in prolonging [the war]" as "[w]arlords linked to both sides used trafficking revenues to supply their forces with arms and ammunition" (42). The second paradox is with regard to drug seizures, which have also had a negative correlation with the volume of illicit drug trade. This reduction in "seizure rates has occurred despite an influx of millions of dollars of aid from the [U.S. and the EU countries] to the border and law enforcement agencies of Central Asia." And the third paradox is that the growing drug trade has not, contrary to what many experts have assumed, been funding antigovernmental violent insurgencies in Central Asia (40). Lewis's third paradox surely does not hold in Afghanistan, where the Taliban are known to fund their antigovernmental war through the drug trade, including the taxing of poppy farmers.

Some argue that there are benefits to the drug trade for Tajikistan, given that it contributes an estimated US$2.2 billion or more annually to its economy, and that the drug trade in the region can, ironically, even be considered as "a model for inter-ethnic cooperation" (Falkenburg 2013, 11). Indeed, key sources of income and employment for the population of Tajikistan remain to be: Participation in the illicit drug trade, living off remittances sent by relatives working primarily in Russia, and, among other things, employment with international organizations (such as the many UN agencies) and foreign and foreign-funded NGOs (Olcott 2005). With this reality, even if one were to assume

that Tajikistan's government sincerely desired to crack down on drug trafficking, given the depth of involvement of a significant portion of the population and corresponding economic benefits of the trade, countering it "would result in a substantial deterioration of living conditions" of a segment of the people (Paoli et al. 2007, 971), and potentially lead to economic and even political turmoil. One observer claims that "without the profits of the drug trade, Tajikistan would be a failed state, which is not in anyone's interest" (quoted in Johnson 2013).

And yet, the functioning of a "criminal–institutional partnership" in Tajikistan's drug trade, which seems to "represent a positive factor for stability," at least for now, in the longer run can "preclude the building up of legitimate and accountable institutions" (De Danieli 2011, 131) and lead to instability, instead. One piece of evidence is from Afghanistan where according to the UN, there exists a "strong link" between opium and insecurity: The "less secure" regions of Afghanistan are also "most likely to grow opium" (UNODC 2011, 5). But "unlike other transit countries such as Mexico [or even Afghanistan], Tajikistan sees little drug related violence" (*Economist* 2012a). An indefinite continuation of the trend, however, is doubtful.

Detriments of the drug trade

An estimated 1.6 million Afghans, or 5.2% of the population, are thought to be drug addicts, a rise of 70% since 2009, claims the UN (Constable 2015)—a significant proportion of whom are thought to be heroin addicts, and from among those, given needle sharing, over 70% are HIV positive (Falkenburg 2013). Of the Afghan drugs trafficked through Central Asia, up to 25% are likely consumed locally, with the remainder forwarded to markets in Russia, Western Europe and even China and the U.S. (UNOCE

2007). Russia is the main destination of the socalled "Northern Route" of Afghan drugs, with a heroin market worth US$6 billion, around 10% of global heroin market (East-West Institute 2015, 30). For Russia, the imported Afghan drugs are estimated to result in more deaths annually than the total number of Soviet combat forces killed in Afghanistan during the whole period of 1979-1989 Soviet-Afghan war (Markedonov 2013). In Tajikistan, as well, drug use has been on the rise. By 2003, the country was estimated to have the "eighth highest prevalence of opiate abuse, following Iran [and] Laos" (Paoli et al. 2007, 964). As of 2012, there were officially 7,100 drug addicts in Tajikistan, 80% being heroin users (GoT 2012).

On the whole, the drug trade through Tajikistan may have four major negative impacts: First, given its lucrative nature, it "undermines the [state's] political will for economic reform and corrupts government institutions"; second, it corrupts the ordinary citizenry and takes the focus of activity away from legitimate commerce; and third, it has "a knock-on effect on health," by way of increasing number of addicts and thus lowered economic activity (ICG 2003, 21)—not to mention, given sharing of needles, inducing HIV/AIDS.

The fourth deleterious impact of the Afghan drug trade for Tajikistan is that given its exacerbating of an already ubiquitous corruption, it spurs and strengthens authoritarianism. "Corrupt officials" in Tajikistan, claims Lewis (2010), "enforce a monopoly over the drug trade" by having forced out "political rivals who had maintained alternate smuggling routes, while using border guards and counter-narcotics agencies— such as the internationally funded Drug Control Agency (DCA)—to keep control over rival groups" (44). Ironically so, therefore, narcotics trade in Central Asia, instead of

fueling violence and instability, has "strengthened regimes, providing them with a way to manage political challenges by centralizing power and buying off disaffected groups," but in the process strengthening repression and authoritarianism (47).

An American counternarcotics agent in Afghanistan described the country as being "rampant" and "rife" with corruption, at a level "beyond anything ... seen in Colombia or Mexico or any place else," with the drug trade serving as the "principal fuel" of corruption (Bewley-Taylor 2014, 13). The situation is no better in Tajikistan with regard to a drug-induced corruption. It's no surprise, for example, that the Switzerland-based Basel Institute on Governance (2014) ranked Tajikistan as the fourth worst state among 162 countries ranked in 2013 on its Anti-Money Laundering Index, with the top three having been Afghanistan, Iran and Cambodia. One writer tells of a capital city of Tajikistan, "awash with cash, construction and flash cars," a significant amount of it being suspected money earned from the trafficking of Afghan heroin (*Economist* 2012a).

Corruption in Tajikistan has the characteristics of being clannish, hierarchical and moralistic (i.e., one does not pay or take bribes within one's own circles). Security posts are known to be bought and sold with positions of representative of the MIA (i.e., chief police) for a district bordering Afghanistan, for example, being valued at least US$50,000 —and possibly far higher, up to a factor of 10 to 20. One government source claimed that eight out of 10 security officers in the country are corrupt (Paoli et al. 2007). Observers claim that the "narcotics business enjoys protection at the highest levels of the Tajik government" with senior "law enforcement" suspected of being involved. Ironically, a U.S.-funded US$53 million modern bridge over the Panj River linking Afghanistan with Tajikistan is thought to have eased the flow of drugs. "Why take it on a donkey if you can

drive it by the truckload?" an official is known to have said (Trofimov 2012). According to Joshua Kucera (2014), when it comes to catching drug traffickers, Tajikistan's "U.S.-trained and -equipped GKNB targets not the big-time smugglers with ties to the government, but the smaller pushers who have to sneak across the Afghan border." [Small pushers are periodically shot and extrajudicially executed by the border with no investigation by the government and donor agencies]. Kucera further writes: "In the most cynical interpretation, the [U.S.] is helping the government of Tajikistan take out its drug-trafficking competition." Ironically, such foreign aid may be thus concurrently buttressing a corrupt authoritarian regime, while also easing—not reducing—the flow of drugs.

One statistic shows that while both drug production in Afghanistan and its associated trafficking via Central Asia were on the rise, drug interdictions in Tajikistan fell by over 75% in 2009 when 1.1 tons were seized as compared to 2004 when 4.8 tons were intercepted (Standish 2013a). The weakening in Tajikistan's "interdiction capacity" is thought to have been, at least partially, due to the transfer of border control from Russian borderguards to Tajikistan in 2005 (East-West Institute 2013). Data for Central Asia on the whole speak the same, as despite major rise in heroin production in Afghanistan, drug seizures in Central Asia "have been flat or falling," indicating a very likely collusion between the traffickers and the supposed counternarcotic authorities in the region (Lewis 2012, 1233).

According to Nalin Mohapatra (2007), not only does drug trafficking breed "corruption, [it] brings about an 'unholy nexus' between criminal elements and functionaries of the state, [and which in] the long run [causes] a deep impact on the security and stability … [including in] health and morale [of the population]" (167). And

according to Lewis (2012), given this strategic nexus between the state and organized crime, any foreign assistance meant for combating the drug trade in a place as "Tajikistan will have little impact on [decreasing] the volumes of drugs transiting the region" (1233).

Narco-terror

Observers speculate the existence of a "narco-terror nexus" (De Danieli 2011, 130) or "a marriage [between] drug trafficking and Islamist terrorism" in Central Asia (Foroughi and Sodiqov 2012, 372). Terror and militant groups in Afghanistan, such as al-Qaida, are known to have been engaged in the drug trade in way of narcotics middlemen. After 9/11, Britain "accused bin Laden and his networks of exploiting the drug trade" and the Taliban for allowing bin Laden not only "to operate his terrorist training camps" in Afghanistan, but to "protect the drugs stockpiles" (Mohapatra 2007, 164). The IMU has also been accused of being engaged in the drug trade and even controlling over two-thirds (70%) "of the heroin and opium transiting the area … from Afghanistan across Tajikistan and into Kyrgyzstan." The IMU's 2000 incursion into Kyrgyzstan's southern border via Tajikistan, for example, was "close on the heels of the harvest of record opium in Afghanistan" (165), with speculation having existed that its incursion across Tajikistan and into Kyrgyzstan was to secure drugrunning routes between northern Afghanistan and the Ferghana Valley (Rubin and Sherman 2008).

In spring 2009, Tajikistan's government security forces engaged in an operation in the eastern part of the country, resulting in the deaths of 13 "suspected extremists and drug traffickers" (Foroughi and Sodiqov 2012, 372). Furthermore, the country's firstever suicide bombing took place in September 2010 at the regional police headquarters of the Department for the Fight Against Organized Crime in the northern Sughd province, and

skirmishes in eastern Rashd Valley that led to the deaths of as many as 60 government soldiers and security personnel during the same year may both have involved extremists engaged in narco-trafficking.

Suspected traffickers

Drug trafficking in Tajikistan, as opposed to many other parts of the world, is in the domain of not "common criminals," but "gangs headed or protected by high-ranking government officials." According to Paoli et al. (2007): "In no other country of the world, except perhaps contemporary Afghanistan, can such a superimposition between drug traffickers and government officials be found" (970). Among the key figures allegedly involved in drug trafficking in Tajikistan are thought to have been the former deputy to the progovernmental People's Front of Tajikistan (PFT) and later Minister of Internal Affairs, Yaqubjon Salimov, a onetime close ally of Rahmon, later falling out of favor, renditioned from Russia, detained, tried and imprisoned on "treason, banditry and abuse of office" charges in 2005; while on the opposition side, a key alleged trafficker had been the former "military chief of the UTO," Mirzo "Jaga" Ziyoev, who had become the Minister of Emergency Situations under Rahmon (Paoli et al. 2007, 969) and who was killed in mysterious circumstances in 2010, likely by government agents. During the war, such figures would justify drug trafficking via "patriotic" reasoning—that "we are dealing with drugs because we live in a situation of war, and in war everything is licit, as far as it aims at protecting the homeland." Another influential figure with alleged drug links had been General Ghaffor Mirzoyev, a onetime head of the Presidential Guard, who was also later arrested, tried and detained on nondrug criminal charges (De Danieli 2011, 131).

Yet other examples of traffickers in Tajikistan include an ex-deputy defense minister who in 1998 was convicted "for using a military helicopter to smuggle 89 kilograms of opium from Dushanbe to [the northern town of] Penjikent (Paoli et al. 2007, 958), and the case of the former head of the Tajik Railways, Amonullo Hukumov, a relative of Rahmon, whose son was convicted of drug trafficking and imprisoned in Russia, only to be released with Rahmon's personal intercession with the government of Russia (Usmonov 2013). But perhaps the most intriguing smoking gun had to do with the arrest of Tajikistan's Ambassador to Kazakhstan in 2000, Sadullojon Nematov, due to a 62kg of heroin find in his car by the Kazakh security agents in Almaty, in addition to US$54,000 in cash and a money order for 1.3 million British pounds. In the same incident, another 14kg of heroin was found—appropriately—in the home of Tajikistan's trade representative in Kazakhstan (Mamadshoev 2000). The Tajik Ambassador subsequently fled Kazakhstan (Paoli et al. 2007). In another incident, when a senior Tajik government official was detained in 2008 on suspicion of drug trafficking, he was soon released, while "the counternarcotics officers who made the arrest were allegedly imprisoned in his stead" (Lewis 2010a, 44). In 2013, the US military in Afghanistan announced a temporary ban on dealings with a private Tajik airline, given accusations of drug smuggling "in bulk" (Nichol 2013, 19).

Tajikistan is thought to have received over US$92 million of technical assistance during 2005-2014 on border security from a combination of U.S. government, EU, UN and the OSCE (Usmonov 2013). Filippo De Danieli (2011) talks about two "perverse" effects of "international counternarcotics assistance" to Tajikistan, the first being the "militarization of the state" given the extra resources available for the government to boost and strengthen its "power ministries," chiefly the MIA and various security

services. The second perversion is the paradox of improved "capacities of [Tajikistan's] law-enforcement agencies" having induced a stronger "political-criminal nexus" (139) by way of "strategic partnerships between drug mafias and governmental actors" and the concentration of criminal economic opportunities in fewer hands (140).

Experts claim that the role of the state with the drug trade may not necessarily be direct, but a "hand-off approach" in exchange for the maintaining of security. One diplomat tells that the role of hundreds of millions of dollars of Western aid [including in counternarcotics] to Tajikistan over the years is that of "keeping the government happy to assist the NATO war effort in Afghanistan." Citing the flamboyant homes of state officials, another diplomat states that "the people doing the trafficking are [ironically] the same counter-narcotics people that Western countries are training" (140). Given this scenario and the overall "non-sustainability" of Western-funded antinarcotics programs, experts remain "skeptical about the likelihood of any efficient counternarcotics regional cooperation developing [in the] post-2014" era (Peyrouse 2013, 252).

Russia and the Tajik-Afghan border

As early as 1993, the former Russian president, Boris Yeltsin, had referred to the Tajik-Afghan border as "the frontier of Russia" (Warikoo 1995, 214), with the Kremlin having sent reinforcements to prevent the supposed spread of Islamic extremism into Tajikistan from Afghanistan. Two decades later, a high level Russian official referred to the same frontier as a "zone of instability," wherein "the influence of extremist groups" and "penetration of Islamist fundamentalist ideas" are expected to grow in a post-2014 scenario (*RIA Novosty* 2013). Gleason (2001) writes that for Russia, the Tajik-Afghan border, "is seen as a cultural divide between the values of Western civilization and …

lawlessness" (83). Drug traffic is also a key concern for Russia: "Once heroin crosses the Afghan border into a Central Asian state, there are no obstacles and no frontiers anymore," says a Russian diplomat (quoted in Trofimov 2012). Prominent Russian researchers agree. According to Pavel Koshkin and Alexey Malashenko (2013), in post-2014 Afghanistan, "[t]he most challenging risk is drug trafficking," while the second "risk is that Afghanistan will once again turn into a hotbed of extremism and terrorism"—what Cornelius Graubner (2012) has referred to as Afghanistan's "evil twins [of drugs and extremism]." To counter the exacerbated threats of extremism, terrorism and drugs in a post-2014 world, Russia has offered a return of its border guards to the Tajik-Afghan border (BBC 2014).

Drug trafficking and Kyrgyzstan

In 1998, Kyrgyzstan's president, Akayev, listed three security issues facing his country, nearly all of which were connected with its southern neighbors of Tajikistan and Afghanistan: The drug trade, rise in refugees from Tajikistan (with the far majority being ethnic Kyrgyz) and "the spillover" of Islamic extremism (Marat 2006, 104). Shortly after commencement of Tajikistan's civil war in 1992, Kyrgyzstan had already experienced an upsurge of drug-related criminal activity and an increase in pro-Islamist sentiments in its second largest city Osh, in the south of the country (Warikoo 1995).

Afghan-originated drugs, which come through southern Kyrgyzstan, have added elements of criminality to "the bureaucracy and economy" (Huskey 2003, 119) of the country. An estimated 60 tons of heroin pass through Kyrgyzstan annually and there is very little interdiction of trafficked drugs on their way to Kazakhstan, with a mere estimated 0.5% of the total cache intercepted. Many "law enforcers" are thought to be

"long involved in the drugs trade" (Kupatadze 2008, 285). The "underpaid public service officials" in Kyrgyzstan accept bribes "in exchange for not inspecting vehicles [or] acquitting those traffickers who are arrested by the police" (UNODC 2012b, 74).

The drug mafia has allegedly benefited from political instability in Kyrgyzstan and had influential backers in a number of Kyrgyz government administrations in the postcommunist era. Kyrgyzstan's 2005 Parliament, for example, had been referred to as a "criminal parliament" due to a number of suspected rich and corrupt politicians amongst its members with likely links to organized crime including drug trafficking (Marat 2006, 99). The deposed President Akaev even "blamed his overthrow on *a conspiracy of drug dealers and extremists* [sic]" (Lewis 2010, 46). In addition, after the 2005 "revolution," "[a] number of contract killings of high-level public figures … allegedly … connected to the … narcotics industry" took place (Engval and Osmonaliev 2006). And in 2009 "the country's independent DCA which had increasingly set its sight on highlevel [sic] targets" was disbanded, while the "political protests in April [2010] and ethnic pogroms in June [are thought to have]… directly and indirectly facilitated traffickers …" (UNODC 2012b, 75).

Kupatadze (2008) tells of Kyrgyzstan's politicians during 2000s "using criminals for intimidating political rivals and mobilizing voters" and criminals, in turn, gaining "information, protection and support" from the elite. Given the state's dire economic conditions, some criminals also won "hearts and minds" of communities by performing traditional state functions (293). The supposed anticorruption ambitions of the new government, therefore, remained at the level of rhetoric, while the Bakiev familial clan gained substantial economic gains—what eventually fueled the 2010 regime change.

Given anecdotal evidence, the post-2010 scenario appears to have had a two-pronged direction vis-à-vis drug trafficking and associated ills in Kyrgyzstan. There are no reports (that this writer could identify), which tell of a reduction in the level of drug traffic. At the same time, however, the Kyrgyz public and civil society appear to have gained strength and demanded accountability in a number of areas from government authorities, while the corruption level within President Otunbaeva's (2010-2011) and President Almaz Otunbaev's (2011-present) administrations appears to have been significantly less than the Akayev (1992-2005) and Bakiev (2005-2010) era governments. Comparing Kyrgyzstan with Tajikistan on the World Bank's 2014 rankings on "Ease of Doing Business," for example, where 189 countries worldwide are listed, the country's moderate ranking of 68 stands out from that of Tajikistan's poor ranking of 143 (World Bank 2014).

Conclusions

According to Letizia Paoli et al. (2009), a number of "interrelated geopolitical factors" account for "the exceptional expansion of the illicit opiate industry in Tajikistan," with the main determinants being "proximity and ethnic ties with Afghanistan." They also note the "socioeconomic, political, and cultural factors," chiefly the occurrence of the civil war and the "persistent weakness and corruption of the resurgent state institutions," which when converged, grant Tajikistan a "competitive advantage" over other post-Soviet republics in serving as a chief transit state for Afghan narcotics (188).

Scott Radnitz and Marlene Laruelle (2013) claim that the "reality" of threats to security in Central Asia in the post-2014 era "comes [primarily] from within—in the

form of social inequality, corruption and blatant disregard for human rights." They also claim that Western "policy for the region post-2014 is focused on border security and the fight against drug trafficking, two programs that have yielded little success."

All things, including the post-2014 precarious scenario, being equal, the status quo of the Afghanistan-originated drug trafficking, with its consequences on neighboring countries, has had a far more deleterious effect on the wellbeing of Tajikistan than it has had on Kyrgyzstan, a phenomenon which, this dissertation argues, is bound to affect the state's inability and unwillingness to pursue lofty human rights norms and international obligations, including antitorture commitments under UNCAT and signing up to and implementing OPCAT.

CHAPTER X

AFGHANISTAN CONTAGION: TAJIKISTAN'S CIVIL WAR

"Universal laws rule regardless of place … without distinction
[while] place matters to the extent that the universe does not."
–Göran Therborn (2009, 500)

"Nothing [other than war] has a greater impact on a state's
intention and capacity to comply with multilateral agreements
in the areas of human rights and the environment and nothing
renders so many of the compliance-building efforts of outside
parties more ineffective [than war]." (Downs and Trento 2004, 31)

"You can't look at Afghanistan as an airtight entity."
–Edward Schatz (quoted in Ward 2009)

"… we cannot avoid the Afghan issue, since we always refer
to the fact that it is impossible to imagine Central Asian secu-
rity without safety and stability in Afghanistan." –President
Rahmon addressing Tajikistan's Parliament (GoT 2012)

"It behooves us not to transform Central Asia into Afghanistan via
Tajikistan, but we must transform Afghanistan into Central Asia."
–Saimumin Yatimov, Head of Tajikistan's State Committee
 for National Security, while addressing an international
 audience in Dushanbe, 19 June 2014 (*Faraj* 2014)

"[I]nternal conflicts are almost never exclusively *internal* as they usually

introduce costs for neighboring states." This implies that the experience of war by one

state nearly always has "repercussions through a whole region" (Forsberg 2009, 17). This

generalization aptly applies to Central Asia wherein the country of Afghanistan has been

involved in various violent conflicts spanning four decades since the "overthrow of King

Mohammad Zahir Shah" in the early 1970s (Malashenko 2013, 86), and which its myriad

spillover effects—by way of drug traffic (see Chapter IX), economic retardation, refugee flow, political instability and terrorism—have been serious concerns not only for its neighboring states, but the greater international community.

Among the post-Soviet Central Asian states, none has been more concerned or affected by Afghanistan's wellbeing (or lack-thereof) and fearful of its negative spillover effects than Tajikistan. President Rahmon, in an April 2011 speech to his country's Parliament, expressed his concerns on this issue poetically when he equated the "security and stability [of Afghanistan] as the air we [Tajikistanis] breath" (GoT 2011a). Rahmon has also expressed his concerns for the scheduled withdrawal of US-led NATO troops from Afghanistan and the potential "security spill-over effects" on Tajikistan, listing the dangers to include "terrorism, extremism, drug trafficking, weapons smuggling and illegal immigration" (Bleuer 2012b, 2). Rahmon's point of reference had likely been the negative experience of the 1990s civil war of Tajikistan, which this dissertation hereby argues was heavily influenced and affected by violence, war and instability in Afghanistan, beginning with the Soviet invasion of that country a dozen years prior to the implosion of the USSR. This perspective has long been held by Russian officials as well, whereby Tajikistan's stability has been linked to the rest of the region:

> In this domino theory, Tajikistan has become the key tile, and Russian leaders are determined to keep it as a buffer against the menace of Islamic fundamentalists, opium lords, gun runners and other sources of instability from the south. Some senior army officers have vowed that Russian troops will remain in Tajikistan forever. (Hockstader 1994)

The remainder of this chapter will provide: A brief overview of the history of the Soviet invasion and war (1979-88) in Afghanistan; a similarly brief overview of Tajikistan's civil war (1992-97); a discussion of the four key factors of the *Afghanistan contagion effect* influencing Tajikistan's civil war (ethnic kinship, Islamic solidarity,

sanctuary, and exposure); a note on Kyrgyzstan's relative immunity to the same contagion; the status quo of the Afghanistan contagion effect in relation to instability in Tajikistan; and a brief discussion on the consequences of the contagion effect on Tajikistan's demeanor and compliance vis-à-vis international human rights norms of concern to this dissertation: the UNCAT and its Optional Protocol.

The "Great Game"

Though it was Conolly, the British emissary, imprisoned and brutally executed by order of the Emir of Bukhara in mid-19th century (see Chapter I), who is known to have coined the term "Great Game," it was the British writer Rudyard Kipling's use of the expression in his 1901 novel, *Kim*, which propagated it to a wider audience at-large. What Conolly and Kipling were referring to by the Great Game was the *realpolitik* "imperial game of chess" between Tsarist Russia and British India in the latter part of the 19th century over the strategic territory of Afghanistan, which then lay between the spheres of influence of the two great powers vowing for resources and influence in Central Asia (Misra 2004, 16).

Afghanistan has historically been viewed as a "buffer state" between areas of domination of great powers. This notion began to take shape in the 1870s with the Gandamak Treaty, which ended the second Anglo-Afghan war (1878-79). Come further expansion by Russia, in 1887 the northern boundary of Afghanistan was drawn following the Oxus or Amu River, and by 1893, its southern boundary, as well, was delimited—the so-called "Durand Line"—in an agreement, which the Afghan king claimed was done "under duress." The buffer state logic was completed in 1895 with the formation of the "Wakhan corridor," "a narrow arm through rather hostile mountain territory" (Harpviken

2010, 282) lengthening Afghanistan's northern territory to touch the Chinese border and to act as a land barrier preventing the encounters of British India and Russian-dominated Central Asia (i.e., Turkestan and the Bukhara Emirate).

Afghanistan's 1919 war with Britain, using technical support from the Soviet Union at a time when the British Empire was falling below its apex, brought a sense of external legitimacy and an original Afghan foreign policy, one based on *betarafi* (neutrality), a policy which Afghanistan was able to uphold even through much of the Cold War years by "carefully balancing Soviet and US assistance" (283). Betarafi came to an abrupt end in 1973, however, when a palace coup toppled 264 years of Afghan monarchy, which had been in place since the formation of Afghanistan by the Hotaki Empire in 1709, replacing it with an increasingly leftleaning series of shortlived regimes. In 1978, the then Afghan prime minister, Muhammad Daoud, attempted to steer the country away from Soviet influence and potentially into a "genuine non-alignment" (Misra 2004, 25). This led to a communist coup in April of the same year, aka the "Saur revolution," when Daoud and others were killed and even closer relations were forged with the USSR.

"Last battlefield of the Cold War"

"[Central Asia is] *our* sphere of influence [and] *our* borders, not yours[!]" This is what former Soviet General, Valentin Varennikov, claims the KGB in Kabul in 1979 was instructed to convey to its American counterpart. "It does not explain why we did something as stupid as sending in the Soviet Army[!]," adds Varennikov when discussing Moscow's justifications to invade Afghanistan commencing on Christmas Eve 1979 (Cooley 2002, 9). That said, there were multiple reasons behind the Soviet invasion and

occupation of Afghanistan. According to Andrei Gromyko, the Soviet foreign minister at the time of the invasion, the reasons for the 1979 invasion were: One, the presumption that the U.S. was attempting "to destabilize the southern borders of the Soviet Union and [thus] create a threat to [USSR's] security," a claim and suspicion which years later came to have been correct, given accounts of former U.S. President Jimmy Carter's National Security Advisor, Zbigniew Brzezinski (quoted in Cooley 2002, 7).[52]

The second reason for the invasion, according to Gromyko, was the victory of the 1979 Iranian Islamic Revolution: Given the loss of a key U.S. ally in the region, the overthrow of Shah Muhammad Reza Pahlavi, the Iranian monarch, there was an assumption and fear on the part of Soviet leaders that the U.S. was seeking to replace Iran with Pakistan and Afghanistan "as [its new] anti-Soviet" allies (7). The third reason was that the Kremlin had assumed that the Afghan president of the time, Hafizullah Amin— once a doctoral student at Columbia University in New York—had U.S. sympathies and possibly was even "an American agent" (9). On this issue, Diego Cordovez and Selig Harrison (1985) write that as opposed to what many had argued at the time,

> Moscow did not launch its invasion [of Afghanistan] as a first step in a master plan to dominate the Persian Gulf … . Rather after stumbling into a morass of Afghan political factionalism, the Soviet Union resorted to military force in a last desperate effort to forestall what it perceived as the threat of an American-supported Afghan Tito on its borders. (4)

---

[52] In a 1998 interview with a French magazine, Brzezinski stated that "the first covert CIA aid to the Afghan resistance fighters was actually authorized … six months before the Soviet invasion—in July 1979, as the Communist government in Kabul was beginning to lose control …" as a means to "draw the Russians [sic] into the Afghan trap." Upon the entry of Soviet troops into Afghanistan, Brzezinski is said to have told President Carter: "Now we can give the USSR its own Vietnam war [!]" (Cooley 2002, 10). A "defiant" Leonid Brezhnev, First Secretary of the Communist Party of the USSR at the time of invasion, had said: "To have acted otherwise would have meant leaving Afghanistan a prey to imperialism" (*Time* 1980). Years later, Richard Murphy, a former U.S. Assistant Secretary of State during President Ronald Reagan's administration, while presumably referring to the U.S. assistance to the Mujahideen, said: "We did spawn a monster in Afghanistan" (Hiro 1999, 20).

The First Secretary of the Communist Party of Soviet Union (CPSU) at the time of the invasion, Leonid Brezhnev, had been of the opinion that "Amin was capable of reaching an agreement with the [U.S.]" (Cooley 2002, 8). Therefore, for Moscow, a military intervention—which included an assassination plot of Amin, codenamed "Storm-333" (Shishkin 2013, 48)—"held the possibility of keeping Afghanistan a buffer zone between fanatic Iran, Islamic Pakistan and Moscow's own restive Central Asian flank" (Cooley 2002, 26).

Odd as it may sound, there was also a human rights justification by the Soviet Union of its invasion of Afghanistan: The 31 December 1979 handwritten top secret note for the Soviet archives signed by a handful of key CPSU Central Committee members refers to the new Afghan leadership, headed by Babrak Karmal, installed after the Soviet invasion, as an entity which

> having taken into effect the mistakes made by the former regime … intends to pay serious attention to the extensive democratizing of the social life, ensuring observation of the laws, widening of the social basis and strengthening of the local authorities, [and] pursuing a flexible policy towards religion, tribes and ethnic minorities. (Cooley 2002, 248)

This gives the impression that, ironically, establishing a form of Soviet local democratic governance, limited freedom of worship and rights of ethnic minorities in Afghanistan were possibly among the objectives of the Soviet occupiers.

The 1979 invasion "provided ... [an] opportunity for militant Islamists, conservative Muslim states, and the United States to form an alliance of convenience against the Soviets" (Gregorian 2003, 67). Soon into the invasion, the U.S. along with Saudi Arabia began recruiting and funding an army of anticommunist Islamist guerrillas, known as the "Mujahideen" (holy warriors), later described as "a fratricidal alliance of

seven Afghan resistance groups, none of whose leaders [were] by nature democratic, and all of which [were] fundamentalist in religion …, autocratic in politics, and [later on having become] venomously anti-American" (Weaver 1996). As much as US$40 billion were spent on the Mujahideen (Hiro 1999), including recruitment of fellow-Muslim warriors from 30 countries worldwide and purchase and provision of mostly American light arms—but also antiaircraft Stinger missiles—for disposal to the Mujahideen (Rashid 1994), whom the American president, Ronald Reagan, in 1985 referred to as "the moral equivalents of America's founding fathers" (Mamadani 2005, 121).[53] The American policy of "bolstering Islamic zealots" in Afghanistan and opposing them in neighboring Iran was a "glaring contradiction" (Hiro 1999, 17-18), which the American planners considered as part of an overall acceptable *realpolitik* strategy.

By 1983, the Soviet leadership had accepted the long haul nature of its war in Afghanistan, with Yuri Andropov, the new First Secretary of the CPSU, having said: "[I]t took almost the entire Red Army fifteen years to subdue the rebellious khanates in the Soviet republics of Uzbekistan, Tajikistan and Kirgizstan [sic]" (quoted in Reuveny and Prakash 1999, 697). U.S. policy appears to have worked, then. Upon pulling its troops out of Afghanistan by 1989, in what ultimately was a defeat, the Soviet Union claimed that over 13,100 of its troops had died fighting the nine-year war. Based on U.S. government estimates, a total of 115,000 Soviet troops were in Afghanistan in 1988 (Taubman 1988).

"[N]o other society," however, "paid a higher price for the defeat of the Soviet Union than did Afghanistan." One million Afghans died as a result of the war, another

---

[53] Among the "freedom fighters"—a term used by Reagan when referring to the Mujahideen—were such notorious figures as Osama bin Laden; Sheikh Omar Abdul-Rahman, the blind extremist Muslim cleric (Weaver 1996), convicted of involvement in the 1992 World Trade Center bombing in New York; and Mullah Muhammed Omar of Afghanistan's *Hizb-e-Islami* (Islamic Party), who later became the chief Taliban commander.

1.5 million were maimed, while 5 million became refugees in other countries, and nearly everyone else became internally displaced. The UN estimates that hundreds of thousands "went clinically insane as a consequence of decades of continuous war," while "those who survived lived in the most mined country" on Earth (Mamadani 2005, 252).

Despite the departure of the Soviet army, the Afghan civil war continued and, in some ways intensified. Major fighting occurred in the capital city, Kabul, for example, a phenomenon which had not been experienced when the Soviet forces were present. Per the 1990 Constitution, the formerly pro-Moscow government of President Muhammad Najibullah—who at one point was a committed communist—labeled Afghanistan as an "Islamic state." This nominal change failed to satisfy the Islamic opposition, however, and a series of factors, including the fall of the USSR, the drying up of aid from Moscow, the relative strengthening of, albeit competing, Mujahideen rebels (who were still awash with cash and weapons) and the eagerness of the Taliban to take over the seat of power, led to the dismantling of Najibullah's regime in April 1992 (Hottelet 1996). The departure of the Soviet military and later the implosion of the USSR also led to Afghanistan quickly losing its onetime significance in the eyes of the West. In a span of three years commencing in 1989, "Afghanistan went from being one of Washington's top foreign policy priorities to one of the … least important to it" (quoted in Misra 1984, 29).[54] This "post-Cold War abandon" of the country, in turn, "allowed it to be 'hijacked' by terrorists, warlords and religious fanatics …" (86).

---

[54] An example of the West's disinterest in Afghanistan once the Soviet troops had left and the USSR had disappeared is that in 1992, the UN was unable to raise US$100 million for the "reconstruction of Afghanistan" from the very same powers that had spent US$40 billion in a decade "on its destruction" (Rubin 1994, 221).

Tajikistan's civil war

"People were dragged out of their beds at night and shot in the streets, hundreds of women were raped and children saw their parents being shot before their eyes" (Rashid 1994, 182). Many were killed simply for having the "wrong" ethnicity and/or place of birth written on their Soviet ID cards. Indeed, Tajikistan's 1992-1997 civil war has been described as "the most brutal violent conflict within the former USSR [prior to the Chechnya wars]" (Roy 1993, v). "The opening shots of [Tajikistan's] civil war were fired [in Spring 1992] when massive rallies of supporters and opponents" of the then-president, Rahmon Nabiev, "gripped" the capital, Dushanbe, for a two-week period (HRW 1993). The civil war was a battle between a postcommunist government composed of former Soviet apparatchiks or "neo-Soviets" (Atkin 1997, 279) versus the UTO, a coalition of Islamists, nationalists and "democrats." The conflict had both "ideological [and geographical] cleavages [of] secularism versus Islamism and democracy/liberalism versus authoritarianism" (Kuzmits 2013, 121). "Terror in all its manifestations, rather than combat engagements, was the main modality of war," and both sides are thought to have exercised brutality, though the UTO forces and their alleged ethnoregional or "sub-ethnic groups" of Badakhshanis and Gharmis bore much of the savage brunt of the progovernment forces (Nourzhanov 2005, 112).[55]

---

[55] A Kulobi "commander had made the following horrifying admission" about his participation in the Tajik civil war: "This is Asia. You cannot fight here in velvet gloves. There is only one way not to go insane here—spill rivers of blood! Having adjusted to them, you stop noticing them. And you have to understand one more thing—your enemy does not deserve to tread this land. I realized [sic] that when I saw my family—mother, wife, and three kids—dead. Not only dead—before killing them, Islamists had performed despicable atrocities on them. Now, when an enemy falls to my hands, it is not enough for me to kill him. I want him to die slowly and painfully, being deprived first of his ears, then tongue, nose, fingers . . . . He screams, choking with blood, and I recall the dead bodies of my children with bellies stuffed with manure and pity only one thing—that I can't extend his suffering for all eternity" (Nourzhanov 2005, 112).

The "Afghan-[Soviet] war and the Tajikistan civil war [were] neighbors in both space and time" (Tousley 1995, 15). It is not a coincidence that Tajikistan's civil war commenced only weeks after the Afghan Mujahideen (headed by Ahmad Shah Masoud) had toppled the Kremlin-backed government of President Najibullah in Kabul in April 1992, an event which energized the anticommunist opposition in Tajikistan (Atkin 1992). Estimates of the number of dead as a result of the five years of civil war in Tajikistan vary, with as low as 23,500 (quoted in Clark 2014) to 50,000 (Nourzhanov 2005; Akiner 2006) to a high of over 100,000 often quoted by Tajik government authorities. Regardless of the actual figure of casualties, it is widely acknowledged that the majority of the deaths, around 60% of the total, occurred during the peak of the civil war during May-December 1992 (Kuzmits 2013), with the epicenter of violence having been the multiethnoregional southeast Khatlon province around the town of Qurghonteppa (Foroughi 2002), where in addition to combat casualties on both sides, massacres occurred in primarily neighborhoods and villages inhabited by mostly ethnic Gharmis, which the progovernment forces accused of being opposition strongholds.

The jury is still out on the underlying reasons behind Tajikistan's civil war. The following factors, however, are generally agreed to have been catalysts, individually and collectively, by way of igniting the war: One is relative poverty. Tajikistan was the poorest among the 15 post-Soviet republics. Two, heavy dependence on mother Russia and inter-republic trade for food, fuel and other vital necessities (in exchange for mostly aluminum and cotton), a dependency, which caused "a greater shock" for an independent Tajikistan when the USSR broke apart as compared to any other former Soviet republic gaining independence (Rubin 1994, 208).

The third reason behind Tajikistan's civil war was competition over formerly socialist resources. One report describes the war as a "power struggle between different regions of the country for access to significant … economic and political spoils … *up for grabs*" (USIP 1995, 2-3). And four, weak and undefined national identity, which encouraged a sense of *mahallagaroie* or "localism" (Roy 1993, v). The lack of unity and focus as a nation-state, especially given a weak "intelligentsia, both in numbers and in influence" (11), had made Tajik nationalism "a weak and ineffective alternative to communist ideology" (Rubin 1994, 208). Finally: five, "proximity to an epicenter of violence [and drugs]" (Rubin 1994; Foroughi 2002, 49) or what is categorized in this dissertation as the *Afghanistan contagion effect*. It is the components of this last factor in affecting the 1992-1997 Tajikistan civil war ("ethnic kinship," "Islamic solidarity," "sanctuary" and "exposure") which I will discuss below.

Ethnic kinship factor

Philip Shishkin (2013) describes his crossing the Amudarya from Afghanistan into Tajikistan in early 2010s as "[having] been [in] a time capsule … from the Middle Ages straight into the Soviet Union circa 1970" (60). Still, despite clear differences between Afghanistan and Tajikistan today and during the Soviet era, cultural and ethnic kinships have also loomed strong. In the late 1980s, for example, when both *glasnost* and the Soviet-Afghan war were in full swing, the prominent Tajik (now Tajik-American) poet and politician, Bozor Sobir, produced a speech in Tajikistan's Parliament titled "on penitence," wherein he "[argued] that it is shameful to wear medals won from killing your brothers," i.e., for Tajikistanis killing other ethnic Tajiks (and/or Muslims) in

Afghanistan (quoted in Khudonazar 2004, 9).

Though the "very notion of who is a Tajik contains ambiguity" (Atkin 1994, 48), and despite what appears to be manipulation of its demographic statistics by Tajikistan, where ethnic Tajiks supposedly make up 80% of the population of Tajikistan per 2000 census versus 62% in the 1989 census (Ferrando 2008), Tajik ethnicity is nonetheless shared across the region, especially with Afghanistan where the total number of ethnic Tajiks are a few million more than in Tajikistan, itself. Both Afghanistan and Tajikistan also have substantial amounts of ethnic Uzbek populations, as well, while the two also have respective populations from the religious and ethnic minority of Ismaili Badakhshanis (or Pamiris). The ethnic makeup of Tajikistan as a whole, therefore, closely resembles especially that of northern Afghanistan.

In addition to ethnicity, a key cultural link between Tajikistan and Afghanistan is the Persian language—of which, both Tajiki and Dari (spoken in Afghanistan) are extremely close variants of—spoken and/or understood by nearly all in both countries (Rubin 1994). Uzbek, a common Turkic language, widely spoken and understood in eastern Tajikistan and northeastern Afghanistan, is yet another important shared tongue between the two. Still, despite the close kinship by way of ethnicity and language, according to Artemy Kalinovsky (2011), "*with a few important exceptions* [emphasis added], the soldiers, advisors, and translators [from Tajikistan and Uzbekistan] who came back to the Soviet Union did not turn against the [Soviet] system and did not join any of the opposition movements," nor did they "automatically identify with their co-ethnics in Afghanistan" (2). And yet, based on studies by Fox (2004), Forsberg (2009) and others (see Chapter VI), shared ethnicity and cultural ties of neighboring states can serve as a cause of contagion in one state in case of conflict, instability, violence and war in the

other. Such an influence—at least directly—on the part of Afghanistan on Tajikistan may or may not have been small, but this dissertation argues that it nevertheless existed and that the Afghan war with the Soviet Union and subsequent civil war were even instrumental in at least indirectly promoting violence in Tajikistan. Around 10% of the half a million Soviet soldiers who were sent to Afghanistan were Central Asians (Bleuer 2012a). And only a few years after the end of the Soviet war in Afghanistan, some form among the 15,000 Tajikistani veterans of the Soviet Afghan war, aka "afgantsy" (Göransson 2016), subsequently fought on either side (of the secular government or Islamist-led opposition) of the Tajik civil war as well.

<u>Islamic solidarity</u>

Fox (2004) argues, based on a large-*N* study focusing on the overall concept of crossborder contagion, that "religious contagion" is particularly potent as it "influences the extent of both ethnic protest and rebellion" (89). Conflict in a bordering state need not necessarily have to have a religious nature, but being "coreligionists" across the frontier exacerbates the interstate spread of violence (100). Another study states that Islam has been a "*nationalist* rallying point," a sort of unifier, in Central Asia and Afghanistan when confronting invading armies (such as the British invasion of Afghanistan in the 19th and 20th centuries or the Bolshevik invasion of Bukhara and Turkestan in early 20th century). The same source also states that Islamic resistance in both cases—the Mujahideen and the Basmachi—had been mainly rural, traditional and tribal (Dunn 1997, 145).

Roy (1992) claims that the "war in Afghanistan acted as a catalyst in encouraging Islamic assertiveness against the Russians [in Tajikistan] but had minimum direct influence" on the dynamics of violence in Tajikistan (341). Lena Jonson (2006) writes

that defeat of the Soviet army in Afghanistan and the formation of an Islamic republic served "as a source of inspiration" for Tajikistan's Islamist opposition (95). What is also known, however, is that "links across the Amu River" between Afghans and Tajikistanis "greatly intensified" after 70 years of communism "through the tragic medium of the Soviet invasion" (Fuller 1990, 51). The war in Afghanistan provided an opportunity for Tajikistan "to establish channels of communication with modern Islamist fundamentalist trends." Among other things, "pamphlets and booklets were smuggled" across the border from Afghanistan, while the Mujahideen even "made [small] armed forays into Tajikistan, particularly in 1987." By then, the main contact of Tajik Islamists with counterparts in Afghanistan was Gulbiddin Hekmatyar, a Mujahideen commander, who despite being an ethnic Pashtun, was from the town of Imam Saheb in northern Afghanistan, just across from the southern border town of Panj in Tajikistan. Hekmatyar headed the *Hizb-e Islami* (Islamic Party) of Afghanistan, described as "the most radical Islamist organization" among the Mujahideen (Roy 2000, 5).

The future head of the IRP, Nouri, then an underground Islamist activist and cleric, led a demonstration in favor of the Afghan Mujahideen in the town of Panj, which led to his arrest and detention for a few months (Johnson 2007). After the fall of the Soviet Union and start of Tajikistan's civil war, the armed UTO opposition, headed by Nouri, established close links with another segment of the Afghan Mujahideen, the *Jamaat-i Islami* (Islamic Community) headed by Burhanuddin Rabbani, an ethnic Tajik (Roy 2000, 5).[56] Pinar Akcali argues that the "appeal of Islamic unity" and the "common

---

[56] Rabbani, who served as Afghanistan's president during 1992-1996 and again briefly in 2001, died by a Taliban suicide bomber who had concealed explosives in his turban in 2011 (*Telegraph* 2011).

bond of Islam" or the "Muslim *umma*"—rather than "nationality and ethnicity"—acted as the "most important and decisive identity" which bonded the IRP and the Afghan Mujahideen groups in the 1990s (Akcali 1998, 267).

There had already been some indicators of Islamic sympathies and opposition to the Soviet war brewing in Tajikistan in the 1980s. Some were privately questioning their involvement in the Afghan war. "[O]ur boys are dying for an alien cause," they would say, while some mullahs would even publically express their opposition to the war, "claiming that the Soviets were trying to convert the Afghans into *kafirs* [heathens]" (Reuveny and Prakash 1999, 704). And Soviet planners had understood this phenomenon. Though initially their forces and support staff in Afghanistan were composed of around 35% Central Asians (mostly ethnic Muslim Tajiks, Uzbeks and Turkmens), Moscow had soon discovered that its Muslim soldiers and bureaucrats were "unreliable" in their completion of necessary tasks (and presumably found to have sympathies with the native Afghans) and thus had to return most of them (aside from the translators, presumably) back to the USSR, replacing them with ethnic Slavs, instead (Akcali 1998, 275).

The war in Afghanistan, according to Bennigsen, demonstrated a number of points to Central Asian Muslims: First, it showed that "open resistance" was possible against the Soviet military and the communist system. Second, the war was also an opportunity for a "rediscovery of the *umma*" and religious solidarity. Islam now appeared to many Central Asians as "more dynamic than Marxist-Leninism." Three, the Afghan war was seen by some Central Asians as both a religious "jihad" and a "national liberation movement." Bennigsen claims that the Islamic revival in Central Asia (chiefly in Tajikistan) may well have been as a direct result of the defeat of the Soviet military by

the Afghan Mujahideen (Akcali 1998, 277). In the end, Tajikistan's postindependence civil war became "Central Asia's first experience of militant Islam after the [Basmachi] Islamic resistance to the Russian Revolution [had] subsided in 1928" (Rashid 2010).

Sanctuary

"Sanctuary" is hereby referred to as a factor capable of contributing to both the political and military preparedness and resilience of an opposition force, which in turn can commence, or in the case of the Tajik civil war, perpetuate an armed conflict. This phenomenon in Central Asia is not new. In 1839, for example, when the British fought the Afghan rulers, driving the Mughan king, Dost Mohammed, out of his palace, he sought refuge with the Emir of Bukhara to the north (Rashid 1994). The Basmachis, as well, had received shelter and aid by Afghanistan and after their defeat at the hands of the Soviet army and the death of its two leaders—Enver Pasha, in battle (1922), and Ibrahim Beg, captured and executed (1931)—Afghanistan saw a number of waves of emigration from what had then become Soviet Socialist Republics of Uzbekistan and Tajikistan.

Up to a quarter of the then population of the Emirate of Bukhara fled to Afghanistan, escaping the advancing Bolsheviks and associated "violent purges, forcible resettlement and collectivization, and religious persecution" (Akiner and Barnes 2001, 19). It is estimated that over 500,000 people in Afghanistan—including the legendary Mujahideen commander, Masoud—can trace their heritage to forefathers who migrated from Central Asia in the 1920s and 1930s. And though the USSR had slightly loosened up its tight border policy in the 1960s in an effort to improve its image, still, relations between the peoples of Afghanistan and Central Asia "were almost non-existent" (Akcali 1998, 273). It was "the 1979 [Soviet] invasion [of Afghanistan] that 'really broke down'

the wall between the people living on the two sides of the border" (274).

Within months of the start of the civil war in 1992, around 200,000 Tajikistanis, including ethnic Russians and Slavs, left their country, many seeking refuge in neighboring post-Soviet (by then Commonwealth of Independent States, CIS) countries, including Russia. Another 600,000 fled their homes and became internally displaced peoples (IDPs) within Tajikistan, and around 70,000-80,000—nearly all of Gharmi ethnoregional origin, but from the southern Khatlon province (not Gharm) and its now capital Qurghonteppa and surroundings—fled to the relative safety of northern Afghanistan (Foroughi 1998; Akiner and Barnes 2001).

While in Afghanistan, thousands of men from among the Tajik refugees (primarily the IRP supporters) were trained to become guerrillas by the Mujahideen battalions commanded by Afghans of Tajik, Uzbek and Pashtun ethnicities and backed by "Arab and Pakistani Islamists" (Matveeva 2009, 23). Aside from kinship ties and Islamic solidarity, another factor which allowed for provision of sanctuary by Afghans for Tajik refugees fleeing the civil war in Tajikistan was shared "anti-Russian sentiments." The Mujahideen had already fought a bloody 10-year war against the Moscow-led Soviet forces and the Tajik refugees were also victims of a Moscow-backed regime.

In what Tousley (1995) labels as the "Afghan leadership impact" on Tajikistan's civil war (33), three of Afghanistan's key civil war Mujahideen leaders or "warlords"— Masoud, Abdurrashid Dustom and Hekmatyar—provided the UTO with camps and bases (thus sanctuary) in northern Afghanistan towns of Jalalabad, Mazari Sharif and Kunduz, where refugees and fighters received assistance in the way of accommodation, food, medicine, weapons, training and religious literature (Akcali 1998; Rashid 1994; Tousley 1995), while also using the territory of Afghanistan as "a base from which to launch

attacks against" Tajik government forces and allied (socalled "People's Front") militias across the border in Tajikistan (Rashid 1994, 167), what in effect were the "the first invasion of a Soviet successor state …" (Atkin 2013, 364). The camps in Afghanistan are thought to have trained and made ready for combat by mid-July 1993 an estimated 7,000 IRP fighters (Akcali 1998, 278). Tousley (1995) claims that the safe havens provided by the warlords to the UTO and situated across the border "sustain[ed] the Tajik opposition in the same way that the Pakistan Northwest sustained the Afghan Mujahidin [sic]" (36).

According to Akiner (2010), among other negative repercussions of the Soviet war in Afghanistan was that: "Soldiers returning from service in Afghanistan became a ready source of narcotics" in Tajikistan, while the war also induced an illegal supply of "small arms" in the country (344). Atkin (1992) claims that leading to the Tajik civil war, both sides: "supporters of the communist old guard" and the Islamist-led opposition, obtained arms from Afghanistan, a country "bristling with weapons" (ii).[57]

Exposure

Exposure to violent extremism by way of experiencing the war in Afghanistan has had immense—primarily negative—consequences not only in Tajikistan, but in farreaching parts of the world. Akcali (1998) says that the Soviet invasion of Afghanistan allowed "face to face contacts [with] some of the world's most devout Islamic fundamentalists" (276). Nacos (2009) refers to the Afghanistan's Mujahideen as the "most lethal and geographically most diffused inspirational virus," which, inter alia, was a factor in "the establishment of Al-Qaeda and its rapidly expanding terrorism network"

---

[57] Afghanistan is still known as a state where lethal aid can be had. In 2013, a reporter asked a resident in Khorog, the capital of Badakhshan, which sits just adjacent to the border with Afghanistan, where the local population would find guns if they decide to fight the central government soldiers, who had occupied Khorog in July 2012. "If something happens again," said one local resident, "people aren't worried about guns. Afghanistan has a lot of [them]. It's not a problem to find guns here" (Kucera 2013).

worldwide. Indeed, from among the 25,000 "jihad veterans" from around the world who fought in Afghanistan, a significant proportion refused to return to their homeland for security or ideological reasons. Some joined the war in Bosnia; others went to Kashmir, while unknown numbers also joined the civil war just across the border in Tajikistan, fighting on the side of the Islamist-led UTO (Weaver 1996).

The government of Tajikistan's upper hand over the UTO forces in 1993 led to the UTO leadership, Nouri, asking for help from the Arab Afghan former Mujahideen fighters, many of whom were based in Peshawar, Pakistan. Arab fighters who had helped the Mujahideen defeat the Soviet army were now disillusioned over the infighting amongst their former Afghan comrades; and given the withdrawal of Soviet troops from Afghanistan and later disappearance of the USSR, all together, they were now "rebels without a cause" (Misra 2004, 88). Many such Arab fighters were no longer welcome in their own countries, others were eager to continue the "jihad" in other parts of the world. By spring and summer 1993 and into 1994, as many as 100 Arab fighters [and possibly up to 600 Mujahideen all together (Nourzhanov 2005)], in three groups, one led by the Saudi-born Samir Saleh Abdullah Al-Suwailem—known by his *nom-de-guerre* "Khattab"—joined the UTO fighters in the Tajik civil war (Hegghammer 2010). Describing his short "jihad' experience in Tajikistan as having been rather difficult, Khattab later fought against the Russians in Chechnya, where he was killed in 2002.[58]

---

[58] Khattab writes: "[Tajikistan] was a hard and tough experience in all standards. I don't think that I or the brothers who were with me will go once again through an experience like Tajikistan. Sometimes the cars would reach an area, then for three or four days … we would walk with donkeys and mules until we reached the rivers. The river by itself was a monster and just crossing it was a jihad. There were mountains which I have never seen in my life … Alhamdulillah, we did one or two operations [in Tajikistan] despite the problems …" (Al Suwailem undated, 6; Firstpost undated. "Biography of Khattab," Video, http://goo.gl/IxyzMo [13 August 2012]).

Experiencing the war in Afghanistan remotely or up close "deeply affected" many of the Central Asian Soviets through observing the "dedication of their opponents" (Rashid 2002). As one consequence, hundreds of Uzbek and Tajik Muslims secretly made their way to "Pakistan and Saudi Arabia to study in *madrasah*s [sic] or to train as guerrilla fighters against the Soviets in Afghanistan." Among the (in)famous personalities affected by their conscription into the Soviet war in Afghanistan was Jumaboi Ahmadjonovich Khodjiyev (aka "Juma Namangani," 1969-2001), a future founding leader of the IMU. Namangani was described as "authoritarian" and a "tough disciplinarian and good speaker who could mobilize people." It was his experience in the late 1980s as a paratrooper in Afghanistan that "turned him into a born-again Muslim" (Rashid 2002).[59] Namangani is known to have fought alongside Tajikistan's UTO forces during the civil war and later fought against the U.S.-led troops in Afghanistan on the side of the Taliban. In 1999 and 2000, IMU rebels, then headed by Namangani, launched incursions from Tajikistan into Kyrgyzstan's southwest Batken province (Huskey 2003).

From amongst Tajikistan's civil war participants, some had been exposed to Afghanistan by serving in the Soviet army as soldiers and Tajik-Russian interpreters. For some, the experience was lifechanging. They drew "much of their [Islamist, anticommunist and anti-Russian] inspiration" from the Mujahideen's war against the USSR in the 1980s "where Afghan [and ethnic] Tajik guerrillas demonstrated their prowess" against

---

[59] Another founding member of the IMU was Tohir Yuldashev (1967-2009), was a 24-year-old college dropout and underground mulla. Yuldashev's followers were mostly members of the all-Soviet Islamic Renaissance Party, formed in 1990 in Russia and had hoped to form their own independent IRP in Uzbekistan. However, when the IRP leadership hesitated to challenge Uzbekistan's Soviet leadership and to "demand an Islamic political state," militants in Uzbekistan's Namangon region set up the radical *Adolat* (Justice) Party, which had at its core the calling for an Iranian-style "Islamic revolution." Adolat members "had no respect for official Islam, no patience with tradition, and no fear of the political regime [of Uzbekistan], which they considered to be on the verge of disintegration and collapse" (Rashid 2002).

the invading and occupying Soviet forces (Rashid 1994, 159). The experience in Afghanistan thus deeply affected some of its Soviet Central Asian participants. "The excessive use of force [by the Soviet army], the lack of visible progress, the massive number of civilian casualties and the undeniable fact that many Afghans did not want the Soviets there" raised doubts in the minds of war veterans (Göransson 2013, 6) and civilians. Tim Epkenhans (2016) claims that the "Tajik *Afgancy*," as they were called, "played a significant role in the nationalist movements [sic.] of the 1980s and many became involved in the fighting during [Tajikistan's] civil war" (7).

Still, claims Markus Göransson (2013), "[b]ar a very small number of exceptions, Tajik soldiers did not turn against the state that sent them to Afghanistan" (13); there was no "wholesale dissatisfaction with the war or with the Soviet regime" (6). For some Tajik veterans, most of whom had joined the Union of Veterans of Afghanistan, their war experience even led to "appeals [for peace in Tajikistan]" prior to the commencement of Tajik civil war, whereby they "urged the political factions contending for power to set aside their differences." They did so—fruitlessly—by "referring to their own experiences in Afghanistan and the bloodshed they had witnessed there" (Göransson 2014).

Atkin claims that some considered the Soviet conscription to fight in Afghanistan objectionable due to cultural factor as they considered killing fellow ethnic Tajiks "amounted to fratricide" (Atkin 1992, 26). Tajikistan's IRP deputy head, Muhammad Ali Haït, a Soviet *Afgancy*, had this to say about his 1980s experience in Afghanistan: "I regret having participated in a war where Muslims were killing Muslims!"[60]

---

[60] Told in a June 2009 roundtable in Dushanbe, where the author participated.

For some war veterans, however, this exposure transformed them into elements of insecurity and destabilization in Tajikistan. Among those who had fought on the side of the UTO from its bases in Afghanistan is Amriddin Tabarov, who is "purportedly the leader of Jamaat Ansarullah, an alleged extremist group in Tajikistan accused of being behind [the] 2010 suicide bombing in Khujand" (Vinson 2013). Mahmud Khudoiberdiyev, a renegade General in the Tajik military who refused to accept the 1997 peace accord between the Tajik government and the UTO is another example. Prior to the Soviet demise, he had served "with distinction" as a Soviet army officer in both Afghanistan and the Transcaucasus (Nourzhanov 2005, 115). Khudoiberdiyev was later involved in two failed coups in Tajikistan in 1995 and 1998. His latter attempt having been launched from neighboring Uzbekistan, where he is thought to have gained sanctuary, resulted in the deaths of several hundred people.

One analyst has referred to the concurrent civil wars of Afghanistan and Tajikistan in the mid-1990s as "two old conflicts merged into one new battlefield" (Dunn 1997, 147). And yet, despite its generally negative effects on Tajikistan, the Afghan war may also—ironically—have ultimately shown the road to peace to Tajikistan: The willingness of Afghanistan to act as host to the third round of the Tajik peace talks (in coordination with the UN) in September 1994, where an agreement on a temporary cease fire was signed (Olimova and Olimov 2001) between the Tajik government and opposition, inadvertently exposed the Tajik delegation to a destroyed Kabul,[61] which may have been instrumental in setting the stage for an eventual peace accord between the

---

[61] The "remarkable victory" of the Mujahideen over the occupying Soviet military was shortlived in that "it soon deteriorated into a humiliating and bloody inter-ethnic, sectarian and factional ["war against all" (Shahrani 2010, 554)] … resulting in a spectacular political and ideological defeat … [and enabling] the emergence of the [ultraconservative Islamist] Taliban (1994-2001) …" (553).

warring factions. According to Davlat Khudonazarov, a onetime opposition figure and UTO member: "The very atmosphere of [Kabul] in ruins was a warning signal to the Tajiks to give up armed confrontation and seek peace" (quoted in Malashenko 2012, 2).

According to Akiner (2010), the general lack of "historical, ethnicity-based hatreds (or myths of historical wrongs)" made it simpler to reach compromises towards ending Tajikistan's civil war as compared to many other conflict situations (353). After a series of peace talks lasting three years, with UN, Russian, Iranian and also Afghan interventions, the warring sides, the goverment of Tajikistan and the UTO, signed a peace accord in Moscow on 27 June 1997, which formally ended the civil war, led to the repatriation of nearly all refugees and fighters from Afghanistan and the incorporation of opposition figures in the government of President Rahmon. According to Jachim Koops (2014), "Russia's changing attitude—from a strong supporter of the Tajik government to a more critical mediator—was in part out of frustration with the polarizing policies adopted by ... Rahmon and in part a reaction to the emerging regional and crossborder threat of a rising Taliban-ruled Afghanistan" (3).

What of Kyrgyzstan and the Afghan war contagion?

As to why Tajikistan "exploded" into a violent civil war in the immediate aftermath of post-Soviet independence and neighboring republics with similarly malfunctioning economies (particularly Kyrgyzstan) did not, this has to do, in one degree or another, as also argued in this dissertation, with Tajikistan's "geographic and ethnic proximity to Afghanistan" (and in the case of Kyrgyzstan, its relative dislocation from the same), but also due to other factors discussed above, factors which if by themselves were not necessarily the cause of Tajikistan's civil war, nonetheless "provided the shocks that

made the potential explosion actual" (Rubin 1998, 132).

On the ethnic kinship issue, for example, as opposed to the nearly 10 million ethnic Tajiks living in Afghanistan, the number of ethnic Kyrgyz in Afghanistan are fewer than 3,000 (Dzhuraev 2013). And when analyzing Kyrgyzstan's geopolitical location, it borders no "rogue state"—at least to the degree of Afghanistan (Huskey 2003, 111). The *Afghanistan contagion effect* has thus been either not at play, or has been substantially weaker, vis-à-vis Kyrgyzstan.

Still, according to Emil Dzhuraev (2013), the "dominant view" of the Kyrgyz public and government is to see Afghanistan "as a source of imminent security threats," a perception he refers to as "the discourse of danger" vis-à-vis narcotics and extremism emanating from that country (3). Dzhuraev describes this to be a "constructed cognitive distance from Afghanistan" (6) and an "overwhelming" narrative "that beyond it little else [vis-à-vis Afghanistan] has stood to matter" (4). In fact, however, argue Bleuer and Kazemi (2014), the primary threat to the security of Kyrgyzstan is "overwhelmingly internal" and not Afghanistan (2). Kyrgyzstan faces a north-south divide and, like Tajikistan, is facing an extremely large income disparity amongst its population. The 2010 interethnic clashes in Osh and Jalalabad, in southern Kyrgyzstan (a near duplicate of events which occurred in 1990), also demonstrated dangerous underlying issues of interethnic discord (even racism), not to mention problems of weak central authority.

Dzhuraev (2013) says that the reality of Afghanistan is so "shut off" from the Kyrgyz public and government and its rhetoric of "threat" so dominant that the country serves as "an ultimate example of backwardness for the Kyrgyz, as in epithets like: *We could be another Afghanistan* [*if only (not) for this or that fortunate happening*]!," a narrative, which is also prevalent in Russia and the rest of Central Asia (3). An example

of the lack of real importance paid to Afghanistan by the Kyrgyz is the fact that, as opposed to Tajikistan, which opened its embassy in Afghanistan in 2002, Kyrgyzstan only opened its diplomatic mission in Kabul in 2013—the last Central Asian country to do so (Bleuer and Kazemi 2014). Dzhuraev (2013) holds the position that Kyrgyzstan should undertake an independent Afghanistan policy, not one of "geopolitical bargaining chip" as influenced by Russia and the U.S. And with regard to the post-2014 scenario, he claims that the region needs to broaden its "perspective beyond fears of terrorism or extremism" so as to "see Afghanistan for what it is and what if may offer" (7).

Christian Bleuer and Reza Kazemi (2014), in turn, claim that given the relative geographic isolation from Afghanistan, and the recent closure of the U.S. military base (a rented property on Manas Airport), Kyrgyzstan's exaggerated concerns related to Afghanistan are not realistic and need "to be read in the context of a country that has weak security and military forces and [more importantly] is seeking as many forms of foreign assistance as possible." If anything, "the phenomenon of foreign terrorist connections," which the Kyrgyz authorities at times publicize, "link Kyrgyzstan more to the Russian Federation (i.e., the North Caucasus) rather that to Afghanistan" (56).

Conclusions

By discussing the Afghanistan contagions of drug trafficking and war, this and the previous chapter sought to demonstrate that a poor, authoritarian and isolated state like Tajikistan, has had the unlucky geopolitical draw of being neighbor to an epicenter of Cold War and post-Cold War violent territory, which can also be labeled as the terror-prone "narco-state" of Afghanistan. Tajikistan's civil war, it is argued in this dissertation, was influenced, directly and indirectly, by instability and violence in Afghanistan. And

Tajikistan's civil war has also had an impact on the country's postwar human rights conditions. Michael Giligan and Nathaniel Nesbitt (2009), for example, claim that their large-*N* study tells of "fairly robust evidence that countries plagued with civil war [practice] torture more than [others]" (458).

Tajikistan has been far more likely to lag behind a similarly isolated and poor neighbor (Kyrgyzstan), which hasn't been nearly as affected by the Afghan drug trade and was far less affected by violent extremism and decades of war emanating from Afghanistan. Afghanistan's contagions—in way of both violence and drug traffic—in addition to political cultural factors, have led, it is argued here, to a lagging behind of Tajikistan in a variety of issue areas including the country's near-total-lack of enforcement of its domestic and international antitorture norms and commitments, as in its obligations under the UNCAT, let alone any signing, ratifying, and compliance of UNCAT's Optional Protocol, OPCAT.

CHAPTER XI

BY WAY OF CONCLUSION: CAN TORTURE

BE STOPPED IN CENTRAL ASIA?

The broad inquiry of this study was the following: Why do two contiguous postcommunist Central Asian states—Tajikistan and Kyrgyzstan—that share many traits in, inter alia, contemporary history, religion, income levels, population size, and pro-Russian sentiments, behave differently when dealing with the UN antitorture regime of Convention Against Torture (UNCAT), its Optional Protocol of torture prevention (OPCAT) and allowance for monitoring of prison and places of detention via formulation of OPCAT's National Prevention Mechanism (NPM) (and the ICRC, for that matter) as a systematic detention monitoring tool?

To make sense of the above, a relatively parsimonious model was formulated with the general argument that there are both overarching internal and external factors with key explanatory variables causing the difference of behavior of the two states vis-à-vis their dealings with torture, UNCAT and OPCAT. The key internal factor proposed in this study was *political culture* (Chapter V) with the particular components of "historic memories" (Chapter VII) and variation in the exposure to and practice of religion or "syncretic Islam" (Chapter VIII). The key external factor proposed we rename here as *geopolitics* or, as was referred to in this study, the *Afghanistan contagion effect* (Chapter VI), by way of the detrimental effects of the proximity of Tajikistan (as opposed to

Kyrgyzstan) to decades of instability and war in neighboring Afghanistan. The said effect, it was posited, has had the two discernable components of (at the minimum partial inducement) of the 1992-1997 Tajik civil war (Chapter X) with its lasting negative effects on the sociopolitical development of Tajikistan, and the deleterious effects of the ongoing Afghan-originated drug trafficking (Chapter IX), largely on Tajikistan and far less so on Kyrgyzstan.

And yet, critical as such nuances are, the inspiration of the overarching theme of this study goes beyond the mere differences between two states. The ultimate question to be answered, and which I will briefly elaborate below in this concluding chapter is: "Can torture be stopped in Central Asia?" The short answer to this inquiry is "yes," with the devil being in the details of a complex domestic, regional and global environments. I will briefly address each level of analysis, while attempting to relate them to the overall findings of this study.

The domestic level: Whither democracy and economy?

When the Norwegian mass murderer and terrorist, Anders Breivik, who killed 77 people in July 2011, was detained, interrogated, tried and sentenced to approximately 21 years of prison, what is generally agreed upon by observers was that he was dealt with extremely fairly, that there was no abuse or torture involved in extracting a confession from him and that among the many due process components, he was provided with a lawyer of his choice and the basic amenities of comfort in detention. And despite Breivik's claims, right or wrong, that not all of his rights and wellbeing in detention were provided for, it is still generally agreed that he has been dealt with by the Norwegian system of justice in a humane manner. A shift from this Nordic example to the region of

this study, it may be foolhardy to ask why the postcommunist Central Asian states do not behave more—or at all—like Norway when dealing with rights of suspects and convicts and vis-à-vis a plethora of other liberal norms. Still, the above example brings to mind factors that make for a near-ideal state like Norway when dealing with liberal norms, including the antitorture norm, and the far below ideal conditions in Central Asia.

Two key variables existing in Norway, which are grossly lacking in Central Asia, are high levels of socioeconomic development and democracy, the combination of which formulate strong institutions favoring liberal norms. Per Fukuyama (2005), before arriving at "democracy," however, one "must have a state," but a "legitimate" and a "durable state," in turn, is in need of democracy, with the two concepts—stateness and democracy—thus being "intertwined." Fukuyama further says that "the core of state-building" requires "monopoly of legitimate power ... capable of enforcing rules throughout the state's territory," and that is the reason "why state-building always begins with the creation of military and police forces." Furthermore, the building of "interlocking institutions" (such as those dealing with human rights and antitorture) for a secure, yet democratic state requires "very careful thought" and is not an immediate and automatic outcome of stateness (88-89).

It would be fair to posit that upon reaching relatively high economic and democratic levels in the foreseeable future, Central Asian states will also behave like Norway in the adoption of liberal norms by their security apparatuses and justice systems. Of the two cases that were studied here, Kyrgyzstan (which, by the way, ratified OPCAT earlier than Norway), we can assuredly posit, save any mitigating circumstances, will have an easier and faster route towards arriving at a point where torture is nearly

abolished as opposed to Tajikistan, which will take a far longer and likely more arduous time to significantly reduce its routine practice of torture. Despite the still undetermined domestic conditions of Kyrgyzstan, as compared to its four Central Asian neighbors, the country does have a more vibrant civil society and scores far better on other democratic principles, such as a pluralistic, albeit less than ideal, political system, while the country also has an independent Parliament, which significantly affects governmental decisions. Indeed Kyrgyzstan's Parliament is far from the "rubberstamp" legislative bodies of Tajikistan and other Central Asian republics.

Kyrgyzstan's regime changes or "revolutions" of 2005 and 2010 also positively correlate vis-à-vis the country's international obligations and aspirations, with OPCAT having been ratified in 2008 and Kyrgyzstan's NPM having been approved and funded by 2013. Any apparent instability brought about by regime change in Kyrgyzstan, therefore, despite many negatives—of resumption of corruption under Bakiev and the power vacuum under Otunbaeva (which led to horrific deadly interethnic feud in the South of the country in June 2010)—were nonetheless instrumental opportunities for civil society activism and eventual reforms, including advancing the international antitorture norm. That said, it is also fair to posit that much of such reforms remain virtual and in the realm of theory, rather than practice.[62]

Still, given the above factors, Kyrgyzstan's chances of forwarding a liberal norms agenda are far better—though not foolproof—as compared to its neighbors, especially so,

---

[62] According to Sir Nigel Rodley, a lawyer, former Amnesty International advisor and one of the individuals behind the creation of the UNCAT, "in the end, it is not the international community who can stop torture, it is only the countries themselves which can stop it. Part of the problem is that most of the torture takes place against common criminals no one cares about, it is committed by incompetent police officers who are underpaid and pressured to keep the streets safe and, as long as they are not brought to justice for it, it will continue to happen" (Amnesty 2017).

if the country were to be able to improve its economic sphere and sway itself from ethnic nationalism. As to why Tajikistan has not experienced nearly any regime change in its postcommunist era and how its authoritarian stability has negatively affected the state's liberal norm compliance, future research could seek answers, among other places, via Lucan Way's model of "three pillars of autocratic strength," those of "strong ruling party, strong coercive apparatus, and/or state economic control" (Way 2010, 251).

The regional level: Liberal or authoritarian contagion?

Concrete achievements in the antitorture norm and potential improvements of democracy levels in a given state in the region, such as Kyrgyzstan, will have positive ramifications on Central Asia as a whole. "[E]ven when other influential factors are taken into account," argue Valerie Bunce and Sharon Wolchik (2010), "democratization in one state ... increase[s] the probability of democratization in adjacent states" (30). Based on the contagion argument of this dissertation, the same can be said of potential instability, socioeconomic chaos and increased authoritarianism. Thus, as much as "rights enhancing norms can be diffused" through the promotion of international regimes, so can "human wrongs," notably torture, "*cascade* [sic] throughout global politics just as quickly" (quoted in Bashir 2014, 15). Turmoil in one state can travel like contagion to a neighboring state, with negative political, economic and human rights consequences. A downward spiral against liberal norms can be fueled by an extended period of economic downturn, such as the current low petroleum prices, with consequent lowered rates of remittance flows from Russia and falling commodity prices (for cotton, gold and aluminum).

Likewise, the ongoing chaotic conditions to the south of the post-Soviet Central Asian region, i.e., war in Afghanistan, if not mitigated, can have forebodings for the region as a whole, but specially so for states contiguous to Afghanistan, chief among them Tajikistan. An ongoing situation of violent deadly conflict in one state cannot not affect a neighboring state negatively one way or another. Still, if war in Afghanistan is detrimental to a wider region, a potential lasting peace and conflict resolution in Afghanistan (albeit not likely to be achieved in the short- to mediumterms, given current circumstances) will also be beneficial to the wider Central Asia and Middle East, as well.

War versus genuine peace, authoritarian rule versus liberal democracy, and noncompliance with liberal human rights norms versus ratification and implementation of UNCAT, OPCAT and the NPM and allowance of prisons and detention visits by the ICRC in one country also have direct and indirect ramifications on the upholding of the antitorture norm in the entire region. In this line, the ratification of OPCAT and formation of the NPM in the Kyrgyz case if it were to actually lead to a significant reduction of cases of torture and to accountability and justice will be closely observed and potentially emulated by stakeholders in neighboring states in Central Asia.

There may also be regional solutions for Central Asia to strengthening liberal human rights norms and fortifying elements favorable to compliance on the antitorture norm. Christopher Waters, for example, argued in 2009 that the gap in compliance on human rights treaties between the states in the Central Asia and Caucasus will likely "grow over the coming years because of the divergence of membership," with the Caucasian states being part of the Council of Europe (CoE), considered a "strong, rights-oriented organization," in addition to "the willingness of some human rights

entrepreneurs in South Caucasus to use [the CoE's] mechanisms [of appeal on individual cases]" (194). Waters reasons that the danger of noncompliance is higher for the Central Asian states given that an equivalent strong treaty-binding regional organization, such as the CoE, which could entice states into rights compliance does not exist for them.

Though not members of the CoE, Central Asian states are, nonetheless, members of a number of other regional and global organizations, including the UN, the OSCE, the Shanghai Cooperation Organization and the Collective Security Treaty Organization. Aside from the UNCAT and OPCAT and their appeals reporting processes, the OSCE, for example, could potentially be influential on liberal norms, but only if it were to form a CoE-like mechanism of appeal on individual human rights cases within the OSCE that could address wrongs and maltreatment committed by governments and, preferably, prevent or reduce future acts of torture. The OSCE could also consider formulating its own post of "Special Rapporteur on Torture Prevention," which could not only have a monitoring and advisory role but work closely with governments, domestic and international civil society, and the UN to promote the signing and ratification of OPCAT, formation of NPMs and lobby for access to detention centers and detainees by the ICRC as both an interim and complimentary means of torture prevention.

The global level: Failure of realism?

"How could the rhetoric of human rights be so globally pervasive," asks David Forsythe (2006), "while the politics of human rights is so utterly weak?" There is a pervasive *realpolitik* at play on both the domestic level where states recall the notion and right of "sovereignty" and on the international level, where global powers and

organizations formally acknowledge the significance of liberal norms, including the prohibition of torture, but more often than not do "not act to protect them" (252).

If during the Cold War, powerful liberal states, notably the U.S., enforced a realist policy of countering communism, one which often trumped basic human rights, in the post-Cold War era, especially given the 9/11 terror incident, the anticommunist "imperative" has been transformed into that of counterterrorism, which has "trumped concern[s] for the abuses of authoritarian governments"—most of whom regularly abuse and torture their own citizens (Ignatieff 2002). Such a position makes for a near ineffective or weakening of efforts of human rights NGOs and IOs in Central Asia wherein governments, in essence receive a dual message: Admonishment by human rights organizations on their rights records and close collaboration and hard security rewards by not only Russia and China, but also key Western liberal states.

Criticisms of a Central Asian state like Uzbekistan by rights groups such as Human Rights Watch for holding what are likely thousands of prisoners of conscience, including Muhammad Bekjanov, one of the world's longest imprisoned journalists (RSF 2016), occur concurrently with the U.S., in essence, rewarding Tashkent with 300 "mine resistant ambush protected" military vehicles (Kucera 2015) worth between US$150-300 million. It is fair to posit that such a dual message to an authoritarian regime, known to regularly abuse, assault and torture its inhabitants, does not fare well with promotion of liberal norms. Indeed, "[n]aming and shaming," alone, by liberal states and IOs will not necessarily raise the "costs of state repression," if "there are no tangible consequences associated with international condemnation" (Conrad and Demerrit 2013, 18).

The securatization of foreign aid, especially so to nondemocratic regimes not only does not contribute to democracy and human rights, but does the exact opposite of "strengthening the regimes' capacities to use violent force against [its] population" and legitimate opposition (Axyonova 2013, 164). Indeed, so long as a shortsighted version of realist foreign policies direct Washington and Brussels to treat "nations as a means to accomplishing other policy goals," such as "winning" an elusive "global war on terror," and not treating states "as ends in and of themselves," one should not necessarily expect behavior change on part of the mostly authoritarian states of Central Asia, either (Kirchik 2011).

End words

In responding to the titular inquiry of this concluding chapter: Can torture be stopped in Central Asia?, it is thus clear that the ratification of UNCAT and OPCAT, by themselves, are not fool-proof mechanisms or a panacea for torture prevention. The danger of focusing on mere abstract donor-funded penitentiary reform projects, including the passage of international treaties, alone, is that reforms can become mere "façade" a la Georgia where the state ratified OPCAT in 2005, subsequently forming the NPM (having designated it as the Public Defender's Office) in 2009, and yet continued to regularly practice torture (Slade et al. 2014, 60). Though the case of torture prevention efforts in Kyrgyzstan may be too soon to judge, criticisms in the same vein may also be fitting.

A culprit at play is the overreliance on an IO-based human rights monitoring system, rather than an emphasis on the root causes of violations. Liberal norms, such as torture prevention, can "degenerate" and lose their normative value in society if "not internalised [sic]" by both the "elite" and (perhaps more importantly) "the general

public," with "non-compliance" becoming "the rule rather than the exception" (Sikkink 2013, 150). According to Giligan and Hesbitt (2009), signing up to UNCAT has not reduced torture worldwide. They say that the antitorture norm is not a "behavioral norm," but "deontological" (466). UNCAT, they claim, is "not a behavioral norm because violations of it are widespread," and it is deontological because "torture is a practice in which leaders engage even though they know it is wrong" (467). Bas de Gaay Fortman (2011) proposes the need for the primacy of justice and writes: "Uplifting the human rights struggle to the level of global justice" (and presumably part of each state's and humanity's behavioral norms) "requires more ingenuous ways of institutionalization than the current circus of councils, commissions, and committees with tedious documents deliberated in lengthy meetings …"

To break what can be called an "elitist antitorture rhetorical trap," IOs and domestic NGOs and individual activists promoting liberal norms as OPCAT must go beyond (or below) the elite level reports and international conferences. They must not only apply a "holistic approach" whereby the torture prevention components of "detention, prosecution, monitoring and complaints [mechanism]" should be fully taken into account (APT 2016, 30), but must link with ordinary citizens and seek ways to inquire their opinions and also educate them on the meanings and significance of UNCAT and OPCAT and allow the populace to take ownership of the liberal norms which their governments are expected to abide by, so that they, the population, can seek and expect from their governments full abidance on antitorture norms, including demanding their elected (or appointed) officials to reform the penitentiary and judicial systems, ratify OPCAT, formulate the NPM and preferably allow for regular uninhibited visits of detention centers by both a nationally-approved domestic antitorture body and the ICRC.

APPENDIX: LIST OF INTERVIEWS

Interviews in Bishkek, Kyrgyzstan

1. Ms Aziza Abdrasulova, Director, NGO 'Kylym Shamy', 21 June 2011.

2. Ms Nargiza Abdyldaeva, Assistant Chairperson, Green Party, Kyrgyzstan, 6 May 2011.

3. Ms Shirin Aitmatova, Member of Parliament, 20 June 2011.

4. Mr Abduvali Akjolov, Head, Department on Prevention of Conflict and Terrorism, Ministry of Internal Affairs, 1 July 2011.

5. Mr Akmat Alagushev, Director, Media Policy Institute, 4 May 2011.

6. Ms Dinara Ashurahunova, Director, Coalition for Democracy and Civil Society, 22 June 2011.

7. Mr Uluqbek Azimov, Deputy Director, Independent Human Rights Group, 28 April 2011.

8. Mr Sardar Bagishbekov, Director, Golos Svobody Public Foundation, 10 May 2011.

9. Ms Jeanne Féaux de la Croix, Anthropologist, Zentrum Moderner Orient, 16 May 2011.

10. Mr Ramazon Dyryldaev, Kyrgyz Committee for Human Rights, 4 July 2011.

11. Dr Tim Epkenhans, Prof. of Central Asian Studies, Freiburg University, 15 September 2013.

12. Mr Almaz Esengeldiev, Representative, Freedom House, 19 May 2011.

13. Ms Fiona Frazer, Regional Representative, UN OHCHR, 9 May 2011.

14. Ms Aizat Kokulova, Director, Children's Rights Defenders League, 12 May 2011.

15. Mr Torkun Isakov, Public Fund for Legal Assistance to the Disabled, 5 May 2011.

16. Ms Tolekan Ismailova, Director, Citizens Against Corruption, 20 June 2011.

17. Ms Guljan Kaalieva, Supreme Court, 7 July 2011.

18. Mr Dmitry Kabak, Director, Open Viewpoint Foundation, 6 May 2011.

19. Mr Marat Kazakbaev, Political Scientist, 30 June 2011.

20. Ms Nazira Kozubekova, Graduate Student, 8 August.

21. Ms Nuripa Mukanova, Director, Anti-corruption Business Council, 28 April 2011.

22. Mr Mirsuljan Namazaliev, Central Asia Free Market Institute, 29 June 2011.

23. Ms Elmira Nogoibaeva, Political Scientist, 8 July 2011.

24. Mr Nuriddin Nurakov, Independent Expert, 1 July 2011.

25. Mr Kairat Osmonaliev, Diplomatic Academy, Ministry of Foreign Affairs, 3 May 2011.

26. Ms Elnura Osmonalieva, Director and Filmmaker, 3 June 2011.

27. Mr Joldoshbek Osmonov, International Republican Institute, 4 May 2011.

28. Ms Samara Papieva, Foundation of Tolerance International, 4 July 2011.

29. Mr Zarko Petrovic, Delegation of European Union in Kyrgyzstan, 24 June 2011.

30. Mr. Paul Quinn-Judge, Regional Director, International Crisis Group, 11 May 2011.

31. Ms Mihra Rittmann, Researcher, Human Rights Watch, 21 September.

32. Mr Ravshanbek Sabirov, Member of Parliament, 4 July 2011.

33. Ms Dinara Sadykova, Director, Independent Human Rights Group, 28 April 2011.

34. Ms Asiya Sasykbaeva, Member of Parliament, 5 July 2011.

35. Mr Timur Shaikhutdinov, Co-chairman, Free Generation Alliance, 12 May 2011.

36. Mr Abakhon Sultannazarov, Regional Director, IWPR, 19 April 2011.

37. Mr Nurbek Toktakunov, Director, NGO 'Precedent', 7 July 2011.

38. Ms Kimairis Toogood, Consultant, UN OHCHR, 22 June 2011.

39. Ms Natalya Utesheva, Director, Youth Human Rights Group, 28 June 2011.

40. Dr John Heathershaw, Associate Professor, University of Exeter, 16 December 2011.

Interviews in Dushanbe, Tajikistan

41. Anonymous, International Human Rights Worker, 17 March 2010.

42. Mr Yusuf Ahmedov, Director, "Rushd" NGO, 12 December 2010.

43. Mr Khurshed Atavullo, Editor, *Faraj* Newspaper, 28 July 2011.

44. Ms Nigina Bakhrieva, Director, Nota Bene NGO, 11 December 2010.

45. Ms Oinihol Bobonazarova, Director, "Perspektiva+" NGO, 6 August 2011.

46. Mr Marc Fumagalli, Representative, Director, International Alert, 20 October 2010.

47. Mr Daler Ghufronov, Editor, Elita Magazine, 13 July 2011.

48. Mr Khurshed Hamdam, Journalist, Radio Free Europe, 9 December 2010.

49. Dr Faridun Hodizoda, Historian and Country Expert, 11 December 2010.

50. Mr Allar Joks, Human Rights Consultant, 7 August 2010.

51. Mr Artemy Kalinovsky, Author and Regional Expert, 18 July 2011.

52. Mr Alisher Karimov, Programme Director, UNDP, 10 December 2010.

53. Mr Nurmahmad Khalilov, Director, Human Rights Centre, 28 July 2011.

54. Ms Zarina Khushvaqt, Journalist, BBC, 28 July 2011.

55. Mr Furkat Lutfulloev, Child Protection Officer, UNICEF, 15 March 2010.

56. Mr Parviz Mullojonov, International Alert, 1 August 2011.

57. Ms Adolat Mirzo, Editor, *Millat* Newspaper, 29 July 2011.

58. Mr Rajab Mirzo, Journalist, 30 July 2011.

59. Mr Bakhtiyor Nasrulloev, Director, Citizens Rights NGO, 22 July 2011.

60. Ms Dilafruz Nazarova, Legal Expert, American Bar Association Rule of Law Initiative, 18 March 2010.

61. Mr Shakarbek Niyatbekov, National Programme Officer, Rule of Law, Swiss Development Cooperation Agency, 7 August 2011.

62. Ms Graziella Piga, Gender Officer, OSCE, 19 March 2010.

63. Mr Sohrob Shoev, Human Rights Programme Assistant, OSCE, 22 July 2011.

64. Dr Shahrbanou Tadjbakhsh, Consultant, 12 December 2010.

65. Dr Muzaffar Usmonov, Professor of Media, Tajik State University, 5 August 2011.

66. Mr Qayyum Yusupov, Human Rights Attorney, 20 July 2011.

67. Mr Rahmatillo Zoirov, Head, Social Democratic Party of Tajikistan, 6 August 2011.

Interviews in Khujand, Tajikistan

68. Mr Zafar Ahmadov, Lawyer, Bureau of Human Rights, 21 October 2010.

69. Mr Azakkhon Alimov, Lawyer, Human Rights Centre, 20 October 2010.

70. Ms Mohiniso Khurisova, Activist, 21 October 2010.

71. Ms Nigina Muminova, Lawyer, NGO Amparo, 21 October 2010.

72. Ms Nazokat Yakubova, Field Office Programme Assistant, 22 October 2010.

73. Ms Faiziniso Vohidova, Human Rights Lawyer, 20 October 2010.

Interviews in Warsaw, Poland

74. Mr Sohrob Ismoilov, Director, Expert Working Group (NGO in Uzbekistan), Warsaw, Poland, 30 September 2011.

75. Ms Nargis Zokirova, Director, Bureau of Human Rights and Rule of Law (NGO in Tajikistan), Warsaw, Poland, 25 September 2014.

REFERENCES

Abazov, Rafis. 2003. "The Political Culture of Central Asia: A Case of Kyrgyzstan." In Ella Akerman, ed., *Political Culture Case Studies*. London: Conflict Studies Research Centre, 43-56.

Abdullo, Rashid. 2002. "Tajikistan and the Antiterrorist Campaign in Afghanistan." *Central Asia and the Caucasus* 5 (17). http://goo.gl/ZM0vXc (15 June 2013).

Adinabay, Esfandiar. 2014. "Torture Video." Antitorture NGO Coalition. http://goo.gl/SGvUwo (2 July 2014).

Agee, Philip. 1990. "Liberte, Egalite, Torture." *The Nation*, 21 May, 712-715.

Aikins, Matthieu. 2014. "Afghanistan: The Making of a Narco State." *Rolling Stone*, 4 December. http://goo.gl/eUHJNv (29 December 2014).

Aini, Sadriddin. 2003. *Torikh-e Enqelabe-e Fekri dar Bokhara* ["A History of Intellectual Revolution in Bukhara"]. Tehran: Soroush Press.

Akayev, Askar. 1994. "Kyrgyzstan: Central Asia's Democratic Alternative." *Demokrati-zatsiya* 2 (1): 9-25. http://goo.gl/DbSVyF (1 May 2014).

Akbarzadeh, Shahram. 2001. "Political Islam in Kyrgyzstan and Turkmenistan." *Central Asian Survey* 20 (4): 451-465.

Akbarzadeh, Shahram. 2006. "Geopolitics vs. Democracy in Tajikistan." *Demokratizat-siya*, 563-78. https://goo.gl/6AO58k (15 March 2017).

Akcali, Pinar. 1998. "Islam as a 'Common Bond' in Central Asia: Islamic Renaissance Party and the Afghan Mujahidin." *Central Asian Survey* 17 (2): 267-284.

Akiner, Shirin. 1996. "Islam, the State and Ethnicity in Central Asia in Historical Perspective." *Religion, State and Society* 24 (2/3): 91-132.

Akiner, Shirin. 2002. "Prospects for Civil Society in Tajikistan." In Amyn Sajoo, ed., *Civil Society in the Muslim World: Contemporary Perspectives*. London: I. B. Tauris Publishers, 149-193.

Akiner, Shirin. 2006. "Conflict and Post-conflict Tajikistan." In Neclâ Tschirgi and

Francesco Mancini, eds., *Impacts of Security and Development Policies in Achieving Sustainable Peace*. New York: International Peace Academy, unpublished manuscript.

Akiner, Shirin. 2010. "Conflict and Postconflict in Tajikistan." In Neclâ Tschirgi, Michael S. Lund and Francesco Mancini, eds., *Security and Development: Searching for Critical Connections*. Boulder: Lynne Rienner Publishers, 339-386.

Akiner, Shirin and Catherine Barnes. 2001. "Tajikistan Civil War: Causes and Dynamics." *Accord* 10: 16-21.

Almond, Gabriel A. and Sidney Verba. 1965. *The Civic Culture: Political Attitudes and Democracy in Five Nations, an Analytic Study*. Boston: Little, Brown and Company.

Almond, Gabriel A. and Sidney Verba. 1980. *The Civic Culture Revisited*. Boston: Little, Brown and Company.

Al Suwailem, Samir Saleh. 2012. "Memories of Amir Khattab: The Experience of the Arab Ansar in Chechnya, Afghanistan and Tajikistan." https://goo.gl/1B7nry 21 December 2013).

Amalrik, Andrei A. 1970. *Will the Soviet Union Survive Until 1984?* New York: Harper and Row.

Amnesty International (Amnesty). 2012. "Shattered Lives: Torture and Other Ill-treatment by Law Enforcement Officials in Tajikistan," 12 July, http://goo.gl/RgVVzC (13 August 2012).

Amnesty. 2013. "Return to Torture: Extraditions, Forcible Returns and Removals to Central Asia." July. http://goo.gl/rieu1r (4 July 2013).

Amnesty. 2014. "*No Safe Haven for Torturers*—The Rocky Road to the Convention against Torture." 19 November. https://goo.gl/0si1PN(28 January 2017).

Amnesty and Tajikistan Antitorture Coalition. 2013. "Tajikistan: Torture and Other Ill-treatment of People Deprived of Their Liberty and Deaths in Custody." http://goo.gl/NFxKH8 (20 July 2013).

Amnesty and Tajikistan Antitorture Coalition. 2014. "Tajikistan: Joint follow-up submission to the Concluding Observations of the United Nations Committee against Torture," https://goo.gl/WT7IiE (1 October 2014).

APT. 2014. "Preventing Torture in the OSCE Region Through Implementation of the UN Convention Against Torture." Working Paper. http://goo.gl/fousXg (1 May 2014).

APT. 2016. "*Yes, Torture Prevention Works*: Insights from a Global Research Study on

30 Years of Torture Prevention." http://t.co/blVwLAJQ5Q (11 September 2016).

APT and IIDH. 2010. "Optional Protocol to the UN Convention Against Torture: An Implementation Manual." http://goo.gl/8wpz9c (15 May 2013).

Applebaum, Anna. 2005. "The Torture Myth." *Washington Post*, 12 January. http://goo.gl/XP9lMh (1 May 2012).

Aron, Leon. 2011. "Everything You Think You Know About the Collapse of the Soviet Union Is Wrong." *Foreign Policy* July. http://goo.gl/dXUbSm (1 May 2014).

Asia Foundation. 2012. "Afghanistan 2012: A Survey of the Afghan People," ed. Nancy Hopkins. Kabul: Aina Media.

Asia Plus. 2014. "Christine Beerli: If ICRC Has Free Access to Tajik Prisons, It Will Be to Tajikistan's Benefit," 4 June. http://goo.gl/BfHXvO (6 June 2014).

Association of the Bar of the City of New York (ABCNY) and Center for Human Rights and Global Justice (CHRGJ). 2004. "Torture by Proxy: International and Domestic Law Applicable to 'Extraordinary Renditions'." http://goo.gl/GUGKyx (21 July 2013).

Atkin, Muriel. 1992. "Tajikistan's Relations with Iran and Afghanistan." National Council for Soviet and East European Research. http://goo.gl/glR56B (5 May 2011).

Atkin, Muriel. 1994. "Religious, National, and Other Identities in Central Asia." In Jo-Ann Gross, ed., *Muslims in Central Asia: Expressions of Identity and Change*. Durham: Duke University Press, 46-72.

Atkin, Muriel. 1997. "Thwarted Democratization in Tajikistan." In Karen Dawisha and Bruce Parrott, eds., *Conflict, Cleavage, and Change in Central Asia and Caucasus*. Cambridge: Cambridge University Press, 277-311.

Atkin, Muriel. 2005. "Tajikistan: Status of Islam Since 1917." *Encyclopedia Iranica*. http://goo.gl/r7SOxR (29 May 2012).

Atkin, Muriel. 2010. "Central Asia and the Caucasus from the First World War." In Francis Ronbinson, ed., *The Cambridge History of Islam, Volume 5: The Islamic World in the Age of Western Dominance*. Cambridge: Cambridge University Press, 517-541.

Atkin, Muriel. 2013. "Iran, Russia, and Tajikistan's Civil War." In Stephanie Cronin, ed., *Iranian-Russian Encounters: Empires and Revolutions Since 1800*. London: Routledge, 361-376.

The Atlantic. 2007. "*Verschärfte Vernehmung*," 29 May. http://goo.gl/z9LuAG (2 May 2014).

Axyonova, Vera. 2013. "When Security Threatens Human Rights: Reviewing the Case of Central Asia." *Security and Human Rights* 24: 159-168.

BBC. 2010a. "Ботоқозиев дар боздоштгоҳ ба сар мебарад [Botoqoziev is Being Held in Detention]," 15 March.

BBC. 2010b. "Салимзода: 'Ботоқозиев боздошт нашудааст' [Salimzoda: 'Botoqoziev Has Not Been Arrested']," 13 April. http://goo.gl/pAbK0R (5 January 2011).

BBC. 2012a. "Муқбил: 'Афғонистон худ аз маводди мухаддир ранҷ мебарад' [Muqbil: 'Afghanistan, itself, is suffering from illicit drugs']," 31 May. http://goo.gl/ZUbrEB (3 June 2012).

BBC. 2012b. "Мендез: Тоҷикистон бояд прутукули манъи шиканҷаро имзо кунад [Mendez: Tajikistan Must Sign the Optional Protocol to Torture]," 18 May. http://goo.gl/dNVi53 (19 May 2012).

BBC. 2012c. "Мавориди густардаи шиканҷа 'барои ситондани ришва' дар Тоҷик истон [Numerous Instances of Torture for 'Obtaining Bribes' in Tajikistan]," 12 June. http://goo.gl/yXfCqV (12 June 2012).

BBC. 2013a. "Central Asia Concerns Over US Pullout from Afghanistan," 5 October. http://goo.gl/87lbWu (5 November 2013).

BBC. 2013b. "Додгоҳ пулисро барои эъмоли шиканҷа маҳкум ба ҳабс кард [Court Sentences Policeman to Prison on Use of Torture]," 29 August. http://goo.gl/M1rCJg (29 June 2014).

BBC. 2013c. "Марди муттаҳам ба нашри видиюи шиканҷа аз боздошт 'фирор кард' [Man Accused of Posting Torture Video Flees Detention]," 26 July. http://goo.gl/Gff2Q3 (31 July 2013).

BBC. 2014. "Сиганюк: 'Мавзӯъи бозгашти марзбонони рус ба марзи Тоҷикистон ҳамчунон матраҳ аст' [Siganyouk: 'The Issue of Return of Russian Borderguards to Tajikistan's Border Is Still Relevant']," 21 May. http://goo.gl/rGHkHJ (1 June 2014).

Basel Institute on Governance. 2014. "The Basel Institute on Governance publishes the 2013 Edition of the Basel AML Index." http://goo.gl/Au2IIS (22 August 2014).

Bashir, Farasha. 2014. "Has the Efforts of the United States to Undermine and Regress the Torture Norm Caused the Norm to Face a Crisis of Legitimacy in the International System?" Academia.edu. https://goo.gl/bP6cCR (1 May 2014).

Beck, Nathaniel et al. 2006. "Space Is More than Geography: Using Spatial Econometrics in the Study of Political Economy." *International Studies Quarterly* 50: 27-44.

Becker, Jo and Scott Shane. 2012. "A Measure of Change: Secret 'Kill List' Proves a Test of Obama's Principles and Will." *New York Times*, 29 May. http://goo.gl/FLhKCn (29 May 2012).

Beissinger, Mark R. 2009. "Nationalism and the Collapse of the Soviet Union." *Contemporary European History* 18 (3): 331-347.

Bennigsen, Alexandre. 1971. "Islamic or Local Consciousness Among Soviet Nationa-lities?" In Edward Allworth, ed., *Soviet Nationality Problems*. New York: Columbia University Press, 168-182.

Berger, Peter and Anton Zijderveld. 2009. *In Praise of Doubt: How to Have Convictions Without Becoming A Fanatic*. New York: Harper One.

Bergne, Paul. 2007. *The Birth of Tajikistan: National Identity and the Origins of the Republic*. London: I. B. Tauris.

Berman, Sheri. 2001. "Ideas, Norms, and Culture in Political Analysis." *Comparative Politics* (January): 231-250.

Bewley-Taylor, David. 2014. "Drug Trafficking and Organized Crime in Afghanistan." *The RUSI Journal* 158 (6): 6-17.

Binder, Werner et al. 2011. "What's at Stake in Torture?" In Ronald L. Grimes et al., eds., *Ritual, Media and Conflict*. Oxford: Oxford University Press, 223-253.

Blakeley, Ruth. 2007. "Why Torture?" *Review of International Studies* 33: 373-394.

Bleuer, Christian. 2012a. "Muslim Soldiers in Non-Muslim Militaries at War in Muslim Lands: The Soviet, American and Indian Experience." *Journal of Muslim Minority Affairs* (iFirst article): 1-15.

Bleuer, Christian. 2012b. "Perceptions of the Afghanistan Threat in Tajikistan." Scholar Research Brief, IREX, September.

Bleuer, Christian and Reza Kazemi. 2014. "Between Cooperation and Insulation: Afghanistan's Relations With the Central Asian Republics," Afghanistan Analysts Network, 74 pp. https://goo.gl/PVsCE4 (30 June 2014).

Bosworth, C. E. 2014. "Bukhara ii. From the Arab Invasions to the Mongols." *Encyclopedia Iranica*. http://goo.gl/FM6zGH (22 July 2014).

Botoeva, Gulzat. 2012. "Kyrgyz Migrant Workers: Does National Pride Mean Violence Against Women?" *Open Democracy*, 21 September. http://goo.gl/KoAHj8 (19 June 2013).

Bowcott, Own and Ian Cobain. 2013. "Guantánamo Bay Detainees Claim Poland Allowed

CIA Torture." *The Guardian*, 3 December. http://goo.gl/L5sKqX (3 May 2014).

Buckley, Neil. 2013. "Khodorkovsky Pledges to Refrain from Putin Challenge." *Financial Times*, 23 December.

Brakel, Lofe Frank. 2004. "Islam and Local Traditions: Syncretic Ideas and Practices." *Indonesia and the Malay World* 32 (92): 5-20.

Brom, Libor. 1988. "Dialectical Identity and Destiny: A General Introduction to Alexander Zinoviev's Theory of the Soviet Man." *Rocky Mountain Review of Language and Literature* 42 (1/2): 15-27.

Brower, Daniel. 1996. "Kyrgyz Nomads and Russian Pioneers: Colonization and Ethnic Conflict in the Turkestan Revolt of 1916." *Jahrbücher für Geschichte Osteuropas, Neue Folge* 44 (1): 41-53.

Brown, Archie. 2005. "Conclusions." In Stephen Whitefield, ed., *Political Culture and Post-Communism*. London: Palgrave Macmillan, 180-202.

Brzezinski, Zbigniew. 1997. *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*. New York: Basic Books.

Buddenberg, Doris and Thomas Ruttig. 2016. "On the Cultural History of Opium—and How Poppy Came to Afghanistan." Afghanistan Analyst Network, 11 January. https://goo.gl/cv4l1P (13 January 2016).

Bunce, Valerie and Sharon Wolchik. 2010. "A Regional Tradition: The Diffusion of Democratic Change under Communism and Postcommunism." In Valerie Bunce, Michael McFaul and Kathryn Stoner-Weiss, eds., *Democracy and Authoritarianism in the Postcommunist World*. Cambridge: Cambridge University Press, 30-58.

Caiser, Tom. 1999. "The Shattered Horizon: How Ideology Mattered to Soviet Politics." *Studies in East European Thought* 51 (1): 35-59.

Cameron, Ian. 1984. *Mountains of Gods: The Himalaya and the Mountains of Central Asia*. New York: Facts on File Publications.

Caranti, Luigi. 2012. "Human Rights and Democracy." In Thomas Cushman, ed., *Handbook of Human Rights*. London: Routledge, 85-99.

Carey, Henry F. 2012. *Reaping What You Sow: A Comparative Examination of Torture Reform in the United States, France, Argentina, and Israel*. Santa Barbara: Praeger.

Chayes, Abram and Antonia Handler Chayes. 2006. "On Compliance." In Beth A. Simmons and Richard H. Steinberg, eds., *International Law and International Relations*. Cambridge: Cambridge University Press, 65-91.

Chernova, Iveta. 2012. "The Drafting History of Article 2 of the Convention Against Torture." *Essex Human Rights Review* 9 (1): 1-14.

Cheterian, Vicken. 2008, "*Coloured Revolutions*: Democratization? State-building? Permanent Revolution?" 30 April, Kings College, draft.

Chokobaeva, Aminat. 2013. "Urkun: A Soviet Legacy." In *Bulletin* (of the Australian National University's Center for Arab and Islamic Studies) 20 (1): 7.

Chomsky, Noam. 2011. *How the World Works: Noam Chomsky Interviewed by David Barsamian*, Arthur Naiman, ed. London: Penguin Books.

Chorshanbiyev, Payrav. 2012. "New Law Introduces the Definition of 'Torture' into Tajikistan's Penal Code." *Asia Plus*, 29 March. http://goo.gl/MkGl20 (21 May 2012).

Chvyr, Ludmilla. 1993. "Central Asian Tajiks: Self-identification and Ethnic Identity." In Vitaly Naumkin, ed., *State, Religion and Society in Central Asia: A Post-Soviet Critique*. Reading: Ithaca Press, 245-261.

Clark, Brenton. 2014. "Iran and Civil War in Tajikistan." *OAKA* 9 (18): 81-127. http://goo.gl/rBj8mx (15 December 2014).

Clarke, Alan. 2009. "Rendition to Torture: A Critical Legal History." *Rutgers Law Review* 62 (1): 1-74.

Coalition of NGOs of Tajikistan. 2013. "NGO Report on the Republic of Tajikistan's Implementation of the International Covenant on Civil and Political Rights," 55 pp. http://goo.gl/ONtte3 (20 July 2013).

Cole, David. 2012. "No Accountability for Torture." *NYR Blog*, 7 May. http://goo.gl/9Bfjtq (7 March 2015).

Cole, David. 2015. "Torture: No One Said No." *NYR Blog*, 6 March. http://goo.gl/11aQcv (7 March 2015).

Cole, David. 2013. "Torture's Global Taint." *The Nation*, 25 February, 4-8.

Coleman, Katharina P. and Michael W. Doyle. 2004. "Introduction: Expanding Norms, Lagging Compliance." In Edward C. Luck and Michael W. Doyle, eds., *International Law and Organization: Closing the Compliance Gap*. Oxford: Rowman and Littlefield Publishers, 1-18.

Collins, Kathleen. 2004. "The Logic of Clan Politics: Evidence from the Central Asian Trajectories." *World Politics* 56 (January): 224-261.

Commercio, Michelle. 2013. "Retraditionalization in Post-Soviet Kyrgyzstan and Tajikistan: Rejected by Elites, Embraced by Young Women." Paper presented at

the ASN World Convention, New York, Columbia University, 18-20 April.

Constable, Pamela. 2015. "Heroin Addiction Spreads With Alarming Speed Across Afghanistan." *Washington Post*, 8 January. http://goo.gl/UA9j8x (1 May 2015).

Conrad, Courtenay R. and Jacqueline H. R. DeMeritt. 2013. "Unintended Consequences: The Effect of Advocacy to End Torture on Empowerment Rights Violations." In James Pfiffner and Tracy Lightcap, eds., *Examining Torture: Empirical Studies of State Repression*. New York: Palgrave-MacMillan. http://goo.gl/fLHGBM (3 June 2014).

Cooley, Alexander. 2005. "Base Politics." *Foreign Affairs* 84 (6): 79-92.

Cooley, John K. 2002. *Unholy Wars: Afghanistan, America and International Terrorism*. London: Pluto Press.

Cordovez, Diego and Selig S. Harrison. 1995. *Out of Afghanistan: The Inside Story of the Soviet Withdrawal*. New York: Oxford University Press.

Cornell, Svente E. 2005. "Stemming the Contagion: Regional Efforts to Curb Afghan Heroin's Impact." *Georgetown Journal of International Affairs* (Winter/Spring): 23-31.

CPJ. 2012. "In Kyrgyzstan, Injustice and Torture in Askarov Case," 12 June. http://goo.gl/h2SPP8 (19 June 2012).

Danner, Mark. 2009. "The Red Cross Torture Report: What It Means." *New York Review of Books* 56 (7), 30 April. http://goo.gl/LBTgqk (26 October 2014).

Davies, Norman. 2011. *Vanishing Kingdoms: The Rise and Fall of States and Nations*. New York: Penguin Books.

De Danieli, Filippo. 2011. "Counter-narcotics Policies in Tajikistan and Their Impact on State Building." *Central Asian Survey* 30 (1): 129-145.

De Gaay Fortman, Bas. 2011. "Political Economy of Human Rights: The Quest for Relevance and Realization." e-ir.info. http://goo.gl/nKCxft (30 June 2013).

De Tocqueville, Alexis. 2003. *Democracy in America*, New York: Penguin Classics.

Devereaux, Ryan. 2012. "Solitary Confinement on Trial: Senators Hear From Experts on Prison Reform." *The Guardian*, 19 June. http://goo.gl/yGDP8E (19 June 2012).

Diamond, Larry. 1994. "Political Culture and Democracy." In Larry Diamond, ed., *Political Culture and Democracy in Developing Countries*. Boulder: Lynne Rienner Publishers, 1-29.

Djerejian, Gregory. 2007. "The American Way: Induced Hypothermia, Sleep Deprivation and Water-boarding." *The Belgravia Dispatch: International Policy and Diplomacy*, 22 May. http://goo.gl/Dk0bBG (30 May 2012).

Dowley, Kathleen M. 2006. "Nation-Building in East Central Europe: Civic or Ethnic Majorities?" In Norman A. Graham and Folke Lindahl, eds., *The Political Economy of Transition in Eurasia: Democratization and Economic Liberalization in a Global Economy*. East Lansing: Michigan State University Press.

Downs, George W. et al. 1998, "Is the Good News About Compliance Good News About Cooperation." *International Organization* 50 (3): 379-406.

Downs, George W. and Andrea Trento. 2004. "Conceptual Issues Surrounding the Compliance Gap." In *International Law and Organization: Closing the Compliance Gap*, ed. Edward C. Luck and Michael W. Doyle. Oxford: Rowman and Littlefield Publishers, 19-40.

Dryzek, John and Lesile Holmes. 2002. *Post-Communist Democratization: Political Discourses across Thirteen Countries*. Cambridge: Cambridge University Press.

Dunn, Michael Collins. 1997. "Great Games and Small: Afghanistan, Tajikistan and the New Geopolitics of Southwest Asia." *Middle East Policy* 5 (2): 142-149.

Dzhuraev, Emil. 2013. "The Problem of Not Knowing Afghanistan: Reflections from Kyrgyzstan." *Afghanistan Regional Forum* 4. https://goo.gl/UbawRO (1 May 2013).

Dzyubenko, Olga. 2012. "Ethnic Feuding Risks Violence in Kyrgyzstan: UN." *Reuters*, 10 July. https://goo.gl/7MwDBY (21 June 2013).

East-West Institute. 2013. "Afghan Narcotrafficking: A Joint Threat Assessment." http://goo.gl/4KjdZI (20 August 2014).

EU Center of North Carolina. 2011. "Focus on Afghanistan." *EU Briefings*, July. http://goo.gl/lBYYe7 (11 June 2013).

European Court for Human Rights (ECHR). 2014. "Case of Husayn (Abu Zubaydah) v. Poland (Application No. 7511/13)—Judgement, Final" 2 February. http://goo.gl/3nP8D9 (1 October 2014).

Economist. 1998. "A Survey of Human-rights Law: The Power of Shame," 3 December. http://goo.gl/ja4H9M (29 July 2013).

Economist. 2002. "Imperial Overstretch? More a Question of Psychology Than Economics," 27 July. http://goo.gl/g7Eean (1 June 2013).

Economist. 2005. "East, West and the Gap Between: Assessing Whether the Poorest Post-communist Countries Can Ever Catch Up," 24 November.

http://goo.gl/JzLbnO (9 August 2012).

Economist. 2010. "The Costly-Signaling Theory of Torture," 4 February. http://goo.gl/9iqsHw (19 July 2013).

Economist. 2011. "More Black Tea Than Jasmine: Watching the Middle East and North Africa, Central Asia's Rulers See No Pressing Reason to Fret," 3 March. http://goo.gl/N6Q6GP (30 April 2011).

Economist. 2012. "Drugs in Tajikistan–Addicted: Heroine Stabilizes a Poor Country." 21 April. http://goo.gl/33C4KM (1 May 2012).

EIU (Economist Intelligence Unit). 2011. "Country Report: Kyrgyz Republic." August, London, 26 pp.

Elsberg, Daniel. 2013. "Snowden Made the Right Call When He Fled the U.S." *Washington Post*, 7 July. http://goo.gl/yRl8JJ (8 July 2013).

Englehart, Neil A. 2009. "State Capacity, State Failure and Human Rights." *Journal of Peace Research* 6 (2): 163-80.

Engvall, Johan and Kairat Osmonaliev. 2006. "Uncertain Future for Kyrgyzstan's Drug Control Agency." *CACI Analyst*, 28 June. http://goo.gl/ftEkSL (20 April 2011).

Epkenhans, Tim. 2011. "Defining Normative Islam: Some Remarks on Contemporary Islamic Thought in Tajikistan—Hoji Akbar Turajonzoda's *Sharia and Society*." *Central Asian Survey* 30 (1): 81-96.

Epkenhans, Tim. 2016. *The Origins of the Civil War in Tajikistan: Nationalism, Islamism, and Violent Conflist in Post-Soviet Space.* Lanham: Rowman and Littlefield, 399 pp.

Erkebaev, Askar. 2012. "Kyrgyzstan's Judges in the Dock." *Transitions Online*, 17 August. http://goo.gl/q87mBc (2 September 2012).

EurasiaNet. 2011. "Tajikistan: Human Rights in Spotlight After Detainee Deaths," 16 June. http://goo.gl/YF5OVJ (6 June 2012).

EurasiaNet. 2012. "Tajikistan: Divorce Spurs Female Labor Migration," 22 May. http://goo.gl/3f5k5B (31 May 2012).

Evans, Malcolm D. and Claudine Haenni-Dale. 2004. "Preventing Torture? Development of the Optional Protocol to the UN Convention Against Torture." *Human Rights Law Review* (4) 1: 19-55.

Falk, Richard. 2008. *Predatory Globalization: A Critique*. Cambridge: Polity Press.

Falkenburg, Luke. 2013. "Trafficking Terror Through Tajikistan." *Military Review* (July/August): 7-15.

Faraj. 2014. "*Дил мехоҳад, ки гӯям: Айб аст!* [*I'd Really Like to Say It, But It's Not Proper!*]," 26 June. http://goo.gl/78Z9kF (26 June 2014).

Fayz, Khayrullo. 2009. "Tajikistan Begins Central Asia's Biggest Mosque." BBC, 23 October. http://goo.gl/iA8UWx (11 August 2014).

Femia, Joseph. 1998. "Political Culture." In William Outhwaite and Tom Bottomore, eds., *The Blackwell Dictionary of Twentieth-Century Social Thought*. New York: Blackwell Reference, 476-480.

Ferrando, Olivier. 2008. "Manipulating the Census: Ethnic Minorities in the Nationalizing States of Central Asia." *Nationalities Papers* 36 (3): 489-520.

Finnemore, Martha. 1999. "Rules of War and Wars of Rules: International Red Cross and the Restraint of State Violence." In John Boli and Georg M. Thomas, eds., *Constructing World Culture: International Non-Governmental Organizations Since 1875*. Stanford: Stanford University Press, 146-165.

Finnemore, Martha and Kathryn Sikkink. 1998. "International Norm Dynamics and Political Change." *International Organization* 52 (Autumn): 887-917.

Foroughi, Payam. 1998. "Hope and Despair: An Assessment of Returnee Households in Khatlon Province of Tajikistan." Report commissioned by the UNHCR, 87 pp.

Foroughi, Payam. 1999. "1998 Socio-Economic Survey of Households, Farms and Bazaars in Tajikistan," SCF and USAid, Dushanbe, Tajikistan, 104 pp. https://goo.gl/Nd3fdq (15 June 2014)

Foroughi, Payam. 2002. "Tajikistan: Nationalism, ethnicity, conflict, and socio-economic disparities–sources and solutions," *Journal of Muslim Minority Affairs* 22 (1): 39-61.

Foroughi, Payam. 2009. "Secular-Religious Nationalism and the Post-Communist State: Dissecting Intentions behind Tajikistan's 2009 Religion Law." Paper presented at the Association for the Study of Nationalities World Convention, Columbia University, New York, 23-25 April.

Foroughi, Payam. 2011a. "Liberal Norms Acquisition and the Post-Communist State: Comparative Insights from Tajikistan and Kyrgyzstan vis-à-vis Compliance to the UN Convention against Torture and its Optional Protocol—Preliminary Findings." Paper presented at the ISA Annual Convention, Montreal, Canada, 16-19 March.

Foroughi, Payam. 2011b. "Tajikistan." In Sylvana Habdank-Kolaczkowska and Christopher Walker, eds., *Nations in Transit 2011: Democratization from Central*

Europe to Eurasia. New York: Rowan and Littlefield Publishers, 537-56.

Foroughi, Payam. 2012a. "Politics and Human Rights in Tajikistan: Squandered Opportunities, Uncertain Future." *OSCE Yearbook 2011*, Institute for Peace Research and Security Policy at the University of Hamburg, Baden-Baden: Nomos, 107-122.

Foroughi, Payam. 2012b. "Tajikistan." In Christopher Walker and Sylvana Habdank-Kolaczkowska, eds., *Nations in Transit 2012: Fragile Frontier–Democracy's Growing Vulnerability in Central and Eastern Europe and the Former Soviet Union*. Freedom House. New York: Rowan and Littlefield, 531-550.

Foroughi, Payam. 2012c. "Torture and Transition: Determinants of International Human Rights Norm Compliance for Tajikistan and Kyrgyzstan." Paper presented at the Association for the Study of Nationalities World Convention, New York: Columbia University, 19-21 April.

Foroughi, Payam and Kristian Alexander. 2012. "Organization for Security and Cooperation in Europe." In Frank Shanty, ed., *Counterterrorism: From the Cold War to the War on Terror*, *Volume One: Combating Modern Terrorism (1968-2011)*. Santa Barbara: Praeger, 497-500.

Foroughi, Payam and Alexander Sodiqov. 2012. "Central Asia: Emerging Threats." In Frank Shanty, ed., *Counterterrorism: From the Cold War to the War on Terror*, *Volume One: Combating Modern Terrorism (1968-2011)*. Santa Barbara: Praeger, 367-372.

Forsberg, Erika. 2009. "Neighbors at Risk. A Quantitative Study of Civil War Contagion." Department of Peace and Conflict Research, Uppsala University, 41 pp. https://goo.gl/lOUGc9 (2 November 2013).

Forsythe, David P. 2006. *Human Rights in International Relations*. Cambridge: Cambridge University Press.

Fox, Jonathan. 2004. "Is Ethnoreligious Conflict a Contagious Disease?" *Studies in Conflict and Terrorism* 27: 89-106.

Freedman, Robert O. 1997. "Radical Islam and the Struggle for Influence in Central Asia." In Bruce Maddy-Weitzman and Efraim Inbar, eds., *Religious Radicalism in the Greater Middle East*. London: Frank Cass, 216-238.

Freedom House. 2014. "Tajikistan." In Sylvana Habdank-Kolaczkowska, ed., *Nations in Transit 2014: Eurasia's Rupture with Democracy*. New York: Rowan and Littlefield Publishers, 589-610. http://goo.gl/rnVGDH (2 August 2014).

Frye, Richard N. 2014. "Bukhara i: In Pre-Islamic times." *Encyclopedia Iranica*. http://goo.gl/J7Y0KY (22 July 2014).

Froese, Paul. 2005. "*I Am An Atheist and A Muslim*: Islam, Communism and Ideological Competition." *Journal of Church and State* 47 (Summer): 473-501.

Fromkin, David. 1989. *A Peace to End All Peace: The Fall of the Ottoman Empire and the Creation of the Modern Middle East*. New York: Henry Holt and Company.

Fukuyama, Francis. 1989. "The End of History?" *The National Interest* 16 (summer): 3-18.

Fukuyama, Francis. 1992. *The End of History and the Last Man*. New York: Avon Books.

Fukuyama, Francis. 2001. "Social Capital." In Lawrence E. Harrison and Samuel P. Huntington, eds., *Culture Matters: How Values Shape Human Progress*. New York: Basic Books, 98-111.

Fukuyama, Francis. 2005. "*Stateness* First." *Journal of Democracy* 16 (1): 84-88.

Fuller, Graham E. 1990. "The Emergence of Central Asia." *Foreign Policy* 78 (Spring): 49-67.

Fuller, Graham E. 1992. *Central Asia: The New Geopolitics*. Santa Monica: RAND.

Gallup. 2013a. "Former Soviet Countries See More Harm from Breakup," 19 December. http://goo.gl/EL2p7G (26 December 2013).

Gallup. 2013b. "Top 5 Pro-Russia Countries." 12 April. http://goo.gl/B1Sihq (1 May 2014).

Gardaz, Michel. 1999. "In Search of Islam in Kyrgyzstan." *Religion* 29 (3): 275-286.

Garthoff, Raymond. 1997. "Western Efforts to Shape Post-Soviet Behavior: Contemporary Developments in Historical Perspective." In Karen Dawisha, ed., *The International Dimension of Post-Communist Transitions in Russia and the New States of Eurasia*. Armonk: M. E. Sharpe, 13-32.

Gavrilis, George. 2009. "The Tajik Solution: A Model for Fixing Afghanistan." *Foreign Affairs*, 22 November. http://goo.gl/pq0NXW (2 July 2012).

Geertz, Clifford. 1973. *The Interpretation of Cultures*. New York: Basic Books, Inc.

Giligan, Michael J. and Nathaniel H. Hesbitt. 2009. "Do Norms Reduce Torture?" *The Journal of Legal Studies* 38 (2): 445-470.

Gitz, Bradley R. and Dirk C. Van Raemdonck. 1997. "The Triumph of Liberalism and the *New Europe*." *Global Society* 11 (2): 233-245.

Gleason, Gregory. 1987. "National Sentiment and Migration in Soviet Central Asia." *Nationalities Papers* XV (2): 228-44.

Gleason, Gregory. 2001. "Why Russia is in Tajikistan." *Comparative Strategy* 20: 77-89.

Goble, Paul A. 1989. "The Rise of Ethnic Politics." *Nationalities Papers* XVII (1): 56-61.

Golden, Peter B. 2011. *Central Asia in World History*. Oxford: Oxford University Press.

Goldman, Adam and Payton Craighill. 2014. "New Poll Finds Majority of Americans Think Torture Was Justified After 9/11 Attacks." *Washington Post*, 16 December. http://goo.gl/TxXiKa (31 December 2014).

Goodhart, Michael. 2012. "Democracy as Human Rights." In Thomas Cushman, ed., *Handbook of Human Rights*. London: Routledge, 68-76.

Göransson, Markus B. 2013. "In the Service of the State: The Place of Tajikistani Soldiers in the Soviet Intervention in Afghanistan and Afterwards." Public Lecture, 17 September, University of Central Asia, Bishkek.

Göransson, Markus B. 2014. "Leaving Afghanistan Leaves Tajikistan Wary." *Open Democracy*, 20 February. http://goo.gl/hMqQ7J (20 January 2015).

Göransson, Markus. 2016. "Fighting for Recognition: Soviet-Afghan War veterans in Tajikistan." *Open Democracy*, 28 March. https://goo.gl/I4n8f8 (3 April 2016).

Gorbachev, Mikhail. 2010. "Perestroika Lost." *New York Times*, 14 March.

Gorvin, Ian. 1998. "Human Rights Situation in Tajikistan (1992-1993)." In Mohammad-Reza Djalili, Federic Grare and Shirin Akiner, eds., *Tajikistan: The Trials of Independence*. London: Curzon, 229-236.

GoT (Government of Tajikistan) 2009. "Address of the President of the Republic of Tajikistan Emomali Rahmon to *Majlisi Oli* [Parliament] of Tajikistan," 15 April.

GoT. 2010. "Annual Address of the President of the Republic of Tajikistan, H.E. Emomali Rahmon to the *Majlisi Oli* of the Republic of Tajikistan," 24 April. http://goo.gl/PWCT1S (14 June 2012).

GoT. 2011a. "Address by the President of the Republic of Tajikistan His Excellency Emomali Rahmon to *Majlisi Oli* on Key Directions of Internal and Foreign Policy of the Republic of Tajikistan," 20 April. http://goo.gl/8DjQqD (14 June 2012).

GoT. 2011b. "Statement by Mr. Hamrokhon Zarifi, Minister for Foreign Affairs of the Republic of Tajikistan, at the 856th Meeting of the OSCE Permanent Council, 31 March. http://goo.gl/TCOi8N (2 August 2013).

GoT. 2012. "The Annual Message of the President of the Republic of Tajikistan H.E. Mr. Emomali Rahmon to the *Majlisi Oli* of the Republic of Tajikistan." 20 April. http://goo.gl/4KlqYi (15 May 2012).

GoT. 2014. "Паёми телевизионӣ ба муносибати иди саиди Фитр (Televized Address [of President Emomali Rahmon] on Occasion of the Blessed *Fitr* Holiday)," 26 July. http://goo.gl/PTk7ZB (1 August 2014).

Grant, Jonathan. 1994. "Decolonization by Default: Independence in Soviet Central Asia." C*entral Asian Survey* 13 (1): 51-58.

Graubner, Cornelius. 2012. "Central Asia: A Look at Sources of Violence and Instability." EurasiaNet, 7 August. http://goo.gl/pBuIU (1 May 2013).

Greenberg, Karen J. 2014. "The Road from Abu Ghraib," *Asia Times Online*. http://goo.gl/TBpLq9 (28 April 2014).

Greenslade, Roy. 2011. "BBC Reporter Tortured in Tajikistan." *Guardian*, 19 August. http://goo.gl/M53sLw (5 November 2012).

Gregorian, Vartan. 2003. *Islam: A Mosaic, Not a Monolith*. Washington, D.C.: Brookings Institution Press.

Grodsky, Brian. 2007. "Looking for Solidarność in Central Asia: The Role of Human Rights Organizations in Political Change." *Slavic Review* 66 (3): 442-462.

Gronke, Paul et al. 2010. "U.S. Public Opinion on Torture, 2001-2009." *PS* July: 437-444.

Guardian. 2010. "US Embassy Cables: 'Cronyism and Corruption' Hinder Reform in Tajikistan," 12 December. http://goo.gl/02960O (2 January 2012).

Gunn, T. Jeremy. 2003. "Shaping an Islamic Identity: Religion, Islamism, and the State in Central Asia." *Sociology of Religion* 64 (3): 389-410.

Halewood, Peter. 2012. "Sameness/Difference, International Human Rights Law, and the Political Meaning of Torture." *Berkeley La Raza Law Journal* 22 (1): 257-68.

Harpviken, Kristian Berg. 2010. "Caught in the Middle? Regional Perspectives on Afghanistan." In Kristian B. Harpviken, ed., *Troubled Regions and Failing States: The Clustering and Contagion of Armed Conflict*. Howard House: Emerald Group Publishing, 277-305.

Hathaway, Oona A. 2004. "The Promise and Limits of the International Law of Torture." In *Torture: A Collection*, ed. Sanford Levinson. Oxford: Oxford University Press, 199-212.

Hathaway, Oona A. 2007. "Why Do Countries Commit to Human Rights Treaties? *Journal of Conflict Resolution* 51 (4): 588-621.

Hegghammer, Thomas. 2010. *Jihad in Saudi Arabia: Violence and Pan-Islamism Since*

1979, Cambridge: Cambridge University Press.

Helsinki Foundation for Human Rights (Poland) et al. 2014. "Antitorture and Other Human Rights Groups Vulnerable in Kazakhstan, Kyrgyzstan and Tajikistan." http://goo.gl/wW1nvG (21 July 2014).

Hermann, William. 2011. "Valley Buddhist Temple Massacre Has Had Lasting Impact." *The Arizona Republic*, 14 August. http://goo.gl/3A9pQP (28 July 2013).

Hiro, Dilip. 1999. "The Cost of an Afghan Victory." *The Nation*, 15 February: 17-20.

Hiro, Dilip. 2011. *Inside Central Asia: A Political and Cultural History of Uzbekistan, Turkmenistan, Kazakhstan, Kyrgyzstan, Tajikistan, Turkey, and Iran*. New York: Overlook Press.

Hitchens, Christopher. 2008. "Terror Tactics: Believe Me, It's Torture." *Vanity Fair*, August. http://goo.gl/gCEmvd (31 May 2012).

Hockstader, Lee. 1994. "Bloody Central Asian Border War Stirs Afghan Memories in Russia." *Washington Post*, 24 October. http://goo.gl/PP02sZ (17 June 2014).

Hoffman, Paul L. and Linda Willett Brackins. 1985. "The Elimination of Torture: International and Domestic Developments." *International Lawyer* 19: 1351-1364.

Hollyer, James R. and B. Peter Rosendorff. 2011. "Why Do Authoritarian Regimes Sign the Convention Against Torture? Signaling, Domestic Politics and Non-Compliance." *SSRN*. http://goo.gl/bRc8hF (31 May 2012).

Hooghe, Marc. 2010. "Political Culture." In John T. Ishiyama and Marijke Breuning, eds., *21st Century Political Science: A Reference Handbook*. Los Angeles: Sage, 201-208.

Horák, Slavomir. 2010. "In Search of the History of Tajikistan: What Are Tajik and Uzbek Historians Arguing About?" *Russian Politics and Law* 48 (5): 65-77.

Horton, Scott. 2009. "UN Rapporteur: Initiate Criminal Proceedings against Bush and Rumsfeld Now." *Harper's Magazine*, 9 March. http://goo.gl/ho8mlm (30 May 2012).

Hottelet, Richard C. 1996. "Afghanistan's War–Forgotten But Still Producing Side Effects." *Christian Science Monitor* 88 (40): 19, 24 January.

Howes, Dustin Ells. 2012. "Torture Is Not a Game: On the Limitations and Dangers of Rational Choice Methods." *Political Research Quarterly* 65 (1): 20-27.

HRW (Human Rights Watch). 1993. "Human Rights Watch World Report 1993–The Former Soviet Union," 1 January. http://goo.gl/eJ58H4 (26 June 2014).

HRW. 2010a. "Kyrgyzstan: Torture, Detentions Escalate Tensions." 14 July. https://goo.gl/aKP241 (15 Jun 2013).

HRW. 2010b. "Tajikistan: Don't Return Asylum Seeker to Kyrgyzstan," 25 March. http://goo.gl/XxUtyv (27 March 2010).

HRW. 2012. "Central Asia: Country Summaries." November. https://goo.gl/AKEqzv (28 June 2014).

HRW. 2013. *World Report 2013—Events of 2012*. https://goo.gl/ejkrFg (1 April 2013).

HRW. 2015. *World Report 2015—Events of 2014*. http://goo.gl/HLWRXw (1 May 2015).

Hunt, Lynn. 2007. *Inventing Human Rights: A History*. New York: W. W. Norton, 272 pp.

Huskey, Eugene. 2003. "National Identity From Scratch: Defining Kyrgyzstan's Role in World Affairs." *Journal of Communist Studies and Transition Politics* 19 (3): 111-138.

ICG. 2002. "The OSCE in Central Asia: A New Strategy." *Asia Report* No. 38, Osh/ Brussels, 11 September.

ICG. 2003. "Tajikistan: A Roadmap for Development." *Asia Report* No. 51, Osh/ Brussels, 24 April.

ICG. 2006. "Kyrgyzstan's Prison System Nightmare." *Asia Report* No. 118, Osh/Brussels, 16 August.

ICG. 2008. "Kyrgyzstan: The Challenge of Judicial Reform." *Asia Report* No. 150, Osh/Brussels, 10 April.

ICRC. 2007. "ICRC Report on Treatment of Fourteen 'high value detainees' in CIA Custody," 14 February, WAS 07/76. http://goo.gl/eKdL3b (2 August 2013).

IFOR and CPTI. 2013. "Submission to the 108th Session of the Human Rights Committee on Tajikistan: Military Service, Conscientious Objection and Related Issues)." http://goo.gl/iFj4hr (20 July 2013).

Ignatieff, Michael. 2002. "Is the Human Rights Era Ending?" *New York Times*, 5 February. http://goo.gl/FMJfdS (12 February 2014).

IMAP/OSF. 2013. "Ethics Abandoned: Medical Professionalism and Detainee Abuse in the *War on Terror*." http://goo.gl/oJdS2H (15 December 2013).

Inglehart, Ronald. 1997. *Modernization and Postmodernization: Cultural, Economic and Political Change in 43 Societies*. Princeton: Princeton University Press.

IPHR (International Partnership for Human Rights). 2016. "Key Trends for the Protection of Civil Society in Kyrgyzstan." https://goo.gl/pi6VSs (10 September 2016).

IRI et al. 2012. "Kyrgyzstan National Opinion Poll: February 4-February 27, 2012," In collaboration with Baltic Surveys Ltd./The Gallup Organization and Agency SIAR-Bishkek. http://goo.gl/7t6ShC (7 July 2013).

ISHR (International Service for Human Rights). 2011. "Special Rapporteur on Torture Calls for Global Ban on Porlonged Solitary Confinement." https://goo.gl/U7y7LI (13 June 2014).

Ishay, Micheline. 2011. "Kathryn Sikkink's "The Justice Cascade: How Human Rights Prosecutions Are Changing World Politics." *Washington Post*, 21 October. http://goo.gl/C8teC3 (30 June 2012).

Johnson, Rob. 2007. *Oil, Islam and Conflict: Central Asia Since 1945*. London: Reaktion.

Jonson, Lena. 2006. *Tajikistan in the New Central Asia: Geopolitics, Great Power Rivalry and Radical Islam*. London: I. B. Tauris.

Kalinovsky, Artemy M. 2011. "Soviet Central Asia and the Afghan War." Scholar Research Brief. IREX. http://goo.gl/XrJJcO (25 August 2014).

Kandiyoti, Deniz. 2007. "The Politics of Gender and the Soviet Paradox: Neither Colonized, Nor Modern?" *Central Asian Survey* 26 (4): 601-623.

Karagiannis, Emmanuel. 2010. *Political Islam in Central Asia: The Challenge of Hizb ut-Tahrir*. London: Routledge.

Kasymova, Aigoul. 2013. "Ombudsman Reelected in Tajikistan." *CACI Analyst*, 6 February. http://goo.gl/A0AxHq (25 April 2014).

Kathman, Jacob. 2010. "Civil War Contagion and Neighboring Interventions." *International Studies Quarterly* 54, 989-1012.

Khalid, Adeeb. 2007. *Islam After Communism: Religion and Politics in Central Asia*. Berkeley: University of California Press.

Khudonazar, Anahita. 2004. "The Other." *eScholarship*, 1 November. http://goo.gl/hxIRUx (18 July 2014).

Khushvaqt, Zarina. 2012a. "Маҳбуси собиқ: 'Аз зиндонҳо касе солим бадар намеравад' [Ex-Inmate: 'No One Gets Out Healthy From (Tajikistan's) Prisons']," 13 October. http://goo.gl/3B6IKd (2 May 2013).

Khushvaqt, Zarina. 2012b. "Додхоҳии пайвандон аз мавориди "лату кӯби" зиндониён [Relatives Seeking Justice for Incidences of "Beating" of Prisoners]," 7

November. http://goo.gl/znEd8J (5 May 2013).

King, Charles. 2005. "Culture, Context, Violence: Eurasia in Comparative Perspective." In Stephen Whitefield, ed., *Political Culture and Post-Communism*. London: Palgrave Macmillan, 68-80.

Kirchik, James. 2010. "What Is Really Threatening Rahmon's Regime?" RFE, 22 November. http://goo.gl/bXMRzF (30 May 2012).

Kirchik, James. 2011. "The Arab Spring, Kyrgyzstan, and Reaping What We Sow." RFE, 8 June. https://goo.gl/skKvS (15 January 2014).

Knaus, Gerald and Marcus Cox. 2005. "The 'Helsinki Moment' in Southeastern Europe." *Journal of Democracy* 16 (1): 39-53.

KNews. 2015. "Жогорку Кенеш отправил в отставку омбудсмена Бакыта Аманбаева [Parliament Dismisses Ombudsman Bakyt Amanbaeva]." http://goo.gl/C6Ef0z (10 June 2015).

Kodaman, Bayram. 2012. "Causes of the Urkun: The Genocide of 1916." *Journal of Social Sciences* 26 (August): 21-26.

Koelble, Thomas. 2003. "Ten Years After: Robert Putnam and Making Democracy Work in the Post-Colony or Why Mainstream Political Science Cannot Understand Either Democracy or Culture." *Politikon* 30 (2): 203-218.

Kohn, Hans. 1971. "Soviet Communism and Nationalism: Three Stages of a Historical Development." In Edward Allworth et al., eds., *Soviet Nationality Problems*. New York: Columbia University Press, 43-62.

Koops, Joachim A. 2014. "United Nations Mission of Observers in Tajikistan (UNMOT)." In Joashim A. Koops et al., eds., *The Oxford Handbook of U.N. Peacekeeping Operations*, 1-7.

Kopstein, Jeffrey S. and David A. Reilly. 2000. "Geographic Diffusion and the Transformation of the Postcommunist World." *World Politics* 53 (1): 1-37.

Koshkin, Pavel and Alexey Malashenko. 2013. "If the U.S. and Russia Can't Figure out Afghanistan, China Will." *Russia Direct*, 10 December. http://goo.gl/eXUfxG (20 March 2014).

Krasner, Stephen. 2006. "Structural Causes and Regime Consequences: Regimes as Intervening Variables." In *International Law and International Relations*, ed. Beth A. Simmons and Richard H. Steinberg. Cambridge: Cambridge University, 3-17.

Kucera, Joshua. 2014. "The Narcostate." *Politico Magazine* March/April. http://goo.gl/HNEzei (29 December 2014).

Kucera, Joshua. 2015. "No Longer Under Sanctions, Uzbekistan Gets 300 Armored Vehicles from U.S." EurasiaNet, 22 January. https://goo.gl/zfLZN5 (1 May 2015).

Kupatadze, Alexander. 2008. "Organized Crime Before and After the Tulip Revolution: The Changing Dynamics of Upperworld-Underworld Networks." *Central Asian Survey* 27 (3-4): 279-299.

Kurlantzick, Joshua. 2010. "The Downfall of Human Rights." *Newsweek*. http://goo.gl/o5NigY (1 October 2013).

Kunitz, Joshua. 1935. *Dawn Over Samarkand: The Birth of Central Asia*. New York: International Publishers.

Kuzmits, Bernd. 2013. *Borders and Orders in Central Asia: Transactions and Attitudes between Afghanistan, Tajikistan and Uzbekistan*. Baden Baden: Nomos.

Laitin, David D. 1995. "The Civic Culture at 30." *American Political Science Review* 89 (1): 168-173.

Laitin, David D. and Aaron Wildavsky. 1988. "Political Culture and Political Preferences." *The American Political Science Review* 82 (2): 589-597.

Landman, Todd. 2003. *Issues and Methods in Comparative Politics: An Introduction*. London: Routledge.

Landman, Todd. 2004. "Measuring Human Rights: Principle, Practice and Policy." *Human Rights Quarterly* 26 (4): 906-931.

Lane, Ruth. 1992. "Political Culture: Residual Category or General Theory?" *Comparative Political Studies* 25 (3): 362-393

Langbein, John H. 2004. "The Legal History of Torture." In *Torture: A Collection*, ed. Sanford Levinson. Oxford: Oxford University Press, 93-103.

Laruelle, Marlene. 2007. "Religious Revival, Nationalism and the 'Invention of Tradition': Political Tengrism in Central Asia and Tatarstan." *Central Asian Survey* 26 (2): 203-216.

Leopold, Jayson. 2014. "The Senate Report on CIA Interrogation Is About to Reignite Debate Over the Killing of Osama Bin Laden." *Vice News*. https://goo.gl/FJglFv (10 November 2014).

Lewis, David. 2010a. "High Times on the Silk Road: The Central Asian Paradox." *World Policy Journal* (Spring): 39-49.

Lewis, David. 2010b. "Kyrgyzstan." In *The Colour Revolutions in the Former Soviet Republics*, ed. Donnacha O. Beachain and Abel Polese. New York: Routledge,

45-61.

Lewis, David. 2012. "Who's Socializing Whom? Regional Organizations and Contested Norms in Central Asia." *Europe-Asia Studies* 64 (7): 1219-1237.

Levinson, Sanford. 2004. "Contemplating Torture: An Introduction." In *Torture: A Collection*, ed. Sanford Levinson. Oxford: Oxford University Press, 23-46.

Levy, Jack. 1982. "The Contagion of Great Power War Behavior, 1495-1975." *American Journal of Political Science* 26 (3): 562-584.

Liebig, Gabriele. 1993. "Tajikistan Civil War Shows Folly of Geopolitics." *Executive Intelligence Review* 20 (39): 52-6, 8 October. http://goo.gl/7ZEOM4 (1 May 2014).

Lippman, Matthew. 1979. "The Protection of Universal Human Rights and the Problem of Torture." *Universal Human Rights* 1 (4): 25-55.

Lippman, Matthew. 1994. "The Development and Drafting of the United Nations Convention Against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment." *Boston College International Comparative and Comparative Law Review* 17 (2): 275-335.

Lipset, Seymour Martin. 1959. "Some Social Requisites of Democracy: Economic Development and Political Legitimacy." *American Political Science Review* 53 (1): 65-105.

Lipset, Seymour Martin. 1990. "The Centrality of Political Science." *Journal of Democracy* 1 (4): 80-83.

Liu, Morgan Y. 2005. "Post-Soviet Paternalism and Personhood: Why Culture Matters to Democratization in Central Asia" In Birgit N. Schlyter, ed., *Prospects for Democracy in Central Asia*, Istanbul: Swedish Research Institute, 225-238.

Liu, Morgan Y. 2011. "Central Asia in the Post-Cold War." *Reviews in Advance* (15 June): 115-131.

Maass, Peter. 2003. "The World: Torture, Tough or Lite; If a Terror Suspect Won't Talk, Should He Be Made To?" *New York Times*, 9 March. http://goo.gl/BqD5V5 (8 April 2013).

MacLean, Fitzroy. 1964. *Eastern Approaches*. New York: The Reading Program.

Malashenko, Alexey. 2012. "Tajikistan: Civil War's Long Echo." *Briefing* 14 (3), Carnegie Moscow Center. http://goo.gl/y0cpCv (15 November 2013).

Malashenko, Alexey. 2013. *The Fight for Influence: Russia in Central Asia*. Washington, D.C.: Carnegie Endowment for International Peace.

Mamadani, Mahmood. 2005. *Good Muslim, Bad Muslim: America, the Cold War, and the Roots of Terror*. New York: Three Leaves Press.

Mamadshoev, Marat. 2000. "Tajik Drugs in Kazakh Capital: A Victory for the Special Services or for Diplomatic Intrigue?" EurasiaNet, 14 June. http://goo.gl/Rcfsi7 (26 August 2014).

Manasian, David. 1998. "A Survey of Human-rights Law: The Conscience of Mankind." *Economist*, 3 December. http://goo.gl/EqpnuR (1 July 2013).

Marat, Erica. 2006. "Impact of Drug Trade and Organized Crime on State Functioning in Kyrgyzstan and Tajikistan." *The China and Eurasia Forum Quarterly*, February: 93-111.

Marat, Erica. 2012. "Kyrgyzstan." In ed. Christopher Walker and Sylvana Habdank-Kolaczkowska, eds., *Nations in Transit 2012: Fragile Frontier – Democracy's Growing Vulnerability in Central and Eastern Europe and the Former Soviet Union*. Freedom House, New York: Rowan and Littlefield Publishers, 531-550.

Marat, Erica. 2014. "Kyrgyzstan." In ed. Sylvana Habdank-Kolaczkowska, ed., *Nations in Transit 2014: Eurasia's Rupture With Democracy*. Freedom House, 314-334. https://goo.gl/482hep (3 May 2014).

Markedonov, Sergey. 2013. "Russia's Central Asian Interests Pragmatic, Not Resurgence of Empire." *Global Times*. http://goo.gl/9iIHyH (1 November 2013).

Merriam-Webster. 2006. *Webster's New Explorer Large Print Dictionary*. Springfield: Federal Street Press.

Matveeva, Anna. 2009. "The Perils of Emerging Statehood: Civil War and Reconstruction in Tajikistan: An Analytical Narrative on State-making." Working Paper No. 46, Crisis States Research Center, 61 pp. https://goo.gl/VQ2qnE (4 July 2013).

Maves, Jessica and Alex Braithwaite. 2012. "Autocratic Institutions and Civil Conflict Contagion." Paper presented at the 2011 Peace Science Society International Annual Meeting, Los Angeles.

McCoy, Alfred W. 2012. "Impunity at Home, Rendition Abroad." *TomDispatch.com,* 14 August. http://goo.gl/Hg1niG (1 June 2013).

McCoy, Alfred W. 2015. "The Geopolitics of American Political Decline." *TomDispatch.com,* 7 June. http://t.co/acnXh9vyWK (9 June 2015).

McCoy, Alfred W. 2016. "How a Pink Flower Defeated the World's Sole Superpower: America's Opium War in Afghanistan." *TomDispatch.com,* 21 February. http://goo.gl/u6d7H9 (21 February 2016).

McDonough, Amy. 2013. "Human Rights and the Failings of U.S. Public Policy in Eurasia." *Policy Brief*, Open Society Institute, 12 pp.

Meadows, David James. 2013. "The Effects of Political Culture on Divergent Patterns of Post-Soviet Political-Economic Transformation: A Comparison of Latvia and Belarus." Paper presented at the Association for the Study of Nationalities 18th Annual Convention, 18-20 April, New York, Columbia University.

Mendez, Juan. 2015. "I Was Tortured. I Know How Important It Is to Hold the CIA Accountable." *Politico Magazine*, 23 June. http://goo.gl/xC4LnK (24 June 2015).

Mirzobekova, Ramziya. 2010. "Следствие или инквизиция? Исфаринская история Исмонбоя Бобоева [Investigation or inquisition? The Story of Ismonboi Boboyev of Isfara]." *CentralAsia.ru*, 26 December. http://goo.gl/voB9FC (4 April 2011).

Misra, Amalendu. 2004. *Hot Spots in Global Politics: Afghanistan*. Cambridge: Polity.

Mohapatra, Nalin Kumar. 2007. "Political and Security Challenges in Central Asia: The Drug Trafficking Dimension." *International Studies* 44 (2): 157-174.

Mohapatra, Sanket et al. 2011. "Outlook for Remittance Flows 2012-14: Remittance Flows to Developing Countries Exceeds $350 billion in 2011." *Migration and Development Brief* 17, 1 December.

Moyn, Samuel. 2013. "Torture and Taboo: On Elaine Scarry." *The Nation*, 25 February. http://goo.gl/Bg4rD3 (5 May 2013).

Müllerson, Rein. 2011. "The Kyrgyz Tragedy: Particular and General." *Chinese Journal of International Law* 10 (2): 407-426.

Najot. 2014. "Мушкилоти мардум ва интихоби дубораи З. Ализода ба симмати қаблӣ [People's Problems and Re-approval of Z. Alizoda to Previous Post]," 5 June, 11.

Nacos, Briggite L. 2009. "Revisiting the Contagion Hypothesis: Terrorism, News Coverage, and Copycat Attacks." *Perspectives on Terrorism* 3 (3). http://goo.gl/iAZzSH (10 June 2013).

National Center of the Kyrgyz Republic on the Prevention of Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. 2015. "2014 Annual Report."

New York Times. 2005. "Chechen Official Puts Death Toll for 2 Wars at up to 160,000," 16 August. https://goo.gl/KQYl5S (5 July 2012).

Nichol, Jim. 2013. "Tajikistan: Recent Developments and U.S. Interests." Congressional Research Service, 25 September. http://goo.gl/T60Fz6 (30 November 2013).

Norland, Rod. 2013. "Production of Opium by Afghans is Up Again." *New York Times*,

15 April.

Norland, Rod and Azam Ahmed. 2013. "Afghan Opium Cultivation and Production Seen Rising." *New York Times*, 13 November.

Norwegian Helsinki Committee. 2015. "Severe Crackdown on Political Opposition." https://goo.gl/emj2cA (22 December 2015).

Nourzhanov, Kirill. 2005. "Saviours of the Nation or Robber Barons? Warlord Politics in Tajikistan." *Central Asian Survey* 24 (2): 109-130.

Nourzhanov, Kirill and Christian Bleuer. 2013. *Tajikistan: A Political and Social History*. Melbourne: Australian National University E Press.

Nowak, Manfred. 2014. "Beyond the Senate Report: Torture Never 'Works' the Way Torturers Tell You It Does." *The Guardian*, 3 April. http://goo.gl/sxj4Yw (1 May 2014).

Nozimova, Shahnoza and Tim Epkenhans. 2013. "Negotiating Islam in Emerging Public Spheres in Contemporary Tajikistan." *Asiatische Studien Études Asiatiques* LXVII (3): 965-990.

Nuralishoeva, Vasila. 2012. "Tajikistan's Students in Flight: Steady Brain Drain Deprives Country of its Best and Brightest." *IWPR*, 4 May. http://goo.gl/sfPQml (4 May 2012).

Oliker, Olga. 2008. "Soft Power, Hard Power, and Counterinsurgency: The Early Soviet Experience in Central Asia and Its Implications." Working Paper, WR-547-RC, Rand National Defense Research Institute, 30 pp.

OHCHR. 2010. "Communication From Special Procedures: Urgent Appeal," 18 March.

OHCHR. 2012. "End-of-mission Statement by the UN Special Rapporteur on Torture, Juan E. Méndez Preliminary Findings on His Country Visit to the Republic of Tajikistan 10-18 May 2012," 18 May.

OHCHR. 2014. "Torture: "Tajikistan Still Needs to Bridge the Gap Between Policies and Reality"—UN Rights Expert," 12 February. http://goo.gl/pN7UJJ (2 May 2014).

Olcott, Martha Brill. 1981. "The Basmachi or Freemen's Revolt in Turkestan 1918-24." *Soviet Studies* 33 (3): 352-69.

Olcott, Martha Brill. 1992. "Central Asia's Catapult to Independence." *Foreign Affairs* 71 (Summer): 108-30.

Olcott, Martha Brill. 2005. *Central Asia's Second Chance*. Washington, D.C.: Carnegie Endowment for International Peace.

Olcott, Martha Brill. 2012. *Tajikistan's Difficult Development Path*. Washington, D.C.: Carnegie Endowment for International Peace.

Olick, Jeffrey. 2007. "Political Culture." In *International Encyclopedia of the Social Sciences*, Willam A. Darity, Jr. New York: Macmillan, 300-302.

Olimova, Saodat and Muzaffar Olimov. 2001. "The Islamic Revival Party of Tajikistan in the Context of the Tajik Conflict and its Settlement." *Central Asia and the Caucasus* 1 (17). https://goo.gl/2IYsaf (January 2016).

Orwell, George. 1992. *Nineteen Eighty-four*. London: Everyman's Library.

Osnos, Peter. 2009, "The Aftermath of Soviet Hegemony," *The Atlantic Monthly*, November. http://goo.gl/JGHP1L (29 June 2013).

Ozodagon. 2013. "Тошев 7 ва Ризоев 9 соли дигар зиндонӣ шуданд" [Additional Prison Terms of 7 Years for Toshev and 9 for Rizoev]," 18 October. http://goo.gl/s9NE8s (5 February 2014).

Pannier, Bruce. 2006. "Kyrgyzstan: Victims Of 1916 'Urkun' Tragedy Commemorated." RFE, 2 August. http://goo.gl/cnZPsc (13 October 2013).

Paoli, Letizia. 2001. "Drug Trafficking in Russia: A Form of Organized Crime?" *Journal of Drug Issues* 31 (4): 1007-1038.

Paoli, Letizia et al. 2007. "Tajikistan: The Rise of a Narco-state." *Journal of Drug Issues* 37 (4): 951-979.

Paoli, Letizia et al. 2009. *The World Heroin Market: Can Supply Be Cut?* New York: Oxford University Press.

Parry, John T. 2004. "Escalation and Necessity: Defining Torture at Home and Abroad." In Sanford Levinson, ed., *Torture: A Collection*. Oxford: Oxford University Press, 145-160.

Peters, Edward. 1989. *Inquisition*. Berkeley: University of California Press.

Peyrouse, Sebastien. 2013. "The Fight against Drug Trafficking: Mechanisms of Regional Cooperation and Their Limits." In Aglaya Snetkov and Stephen Aris, eds., *The Regional Dimensions to Security: Other Sides of Afghanistan*. New York: Palgrave, 238-255.

Priest, Dana. 2005. "CIA Avoids Scrutiny of Detainee Treatment." *Washington Post*, 3 March. http://goo.gl/REKZG3 (30 May 2012).

Putnam, Robert D. et al. 1983. "Explaining Institutional Success: The Case of Italian Regional Government." *The American Political Science Review* 77 (1): 55-74.

Radnitz, Scott. 2010. "A Horse of a Different Color: Revolution and Regression in Kyrgyzstan." In Valerie Bunce, Michael McFaul and Kathryn Stoner-Weiss, eds., *Democracy and Authoritarianism in the Postcommunist World*. Cambridge: Cambridge University Press, 300-324.

Radnitz, Scott. 2012. "Waiting for Spring." *Foreign Policy*, 17 February. http://goo.gl/pf3jpo (1 May 2013).

Radnitz, Scott and Marlene Laruelle. 2013. "Will Afghanistan Take Central Asia Down With It?" *The National Interest*, 5 August. http://goo.gl/T9WbCH (1 May 2014).

Rakowska-Harmstone, Teresa. 1992. "Chickens Coming Home to Roost: A Perspective on Soviet Ethnic Relations." *Journal of International Affairs* 45 (2): 520-548.

Rakowska-Harmstone, Teresa. 1970. *Russia and Nationalism in Central Asia: The Case of Tadzhikistan*. Baltimore: The Johns Hopkins Press.

Rashid, Ahmed. 1994. *The Resurgence of Central Asia: Islam or Nationalism?* Karachi: Oxford University Press.

Rashid, Ahmed. 2002. "They're Only Sleeping: Why Militant Islamicists in Central Asia Aren't Going to Go Away." *New Yorker*, 14 January. http://goo.gl/7N9bDc (3 July 2012).

Rashid, Ahmed. 2008. *Descent into Chaos: The World's Most Unstable Region and the Threat to Global Security*. New York: Viking Books.

Rashid, Ahmed. 2010. "Tajikistan: The Next Jihadi Stronghold?" *New York Review of Books*, 19 November. http://goo.gl/1tqG1V (5 July 2014).

Rashid, Ahmed. 2014a. "Afghanistan's Failed Transformation." *International New York Times*, 26 September, p. 6.

Rashid, Ahmed. 2014b. "Kyrgyzstan: Democracy Under Pressure." *Financial Times Magazine*, 13 June. http://goo.gl/vyN85i (15 June 2014).

Raustiala, Kal and Anne-Marie Slaughter. 2002. "International Law, International Relations and Compliance." In Walter Carlsnaes, Thomas Risse and Beth A. Simmons, eds., *Handbook of International Relations*. London: Sage Publications, 538-558.

Rejali, Darius. 2007. *Torture and Democracy*. Princeton: Princeton University Press.

Reuveny, Rafael and Naeem Prakash. 1999. "The Afghanistan War and the Breakdown of the Soviet Union." *Review of International Studies* 25: 693-708.

RFE. 2012a. "Э. Раҳмон: "Ҳеҷ кас ҳаққи истифода аз шиканҷаро надорад" [E. Rahmon: "No one has the right to use torture"]," 10 November. http://goo.gl/2GhW1x

(11 November 2012).

RFE. 2012b. "Сарпечии зиндониёни тоҷик аз бозгашт ба Тоҷикистон [Refusal of Tajik Prisoners from Returning to Tajikistan]," 1 June. http://goo.gl/pZZYNY (1 June 2012).

RFE. 2012c. "Ш. Салимзода: 'Шиканҷа ҳаст, аммо кам' [S. Salimzoda: 'Torture Exists, But Only a Little']," 9 November. http://goo.gl/Q2zwro (3 July 2014).

RFE. 2012d. ""Гузориши Авфи Байналмилалро эътироф намекунем" ["We Do Not Agree With Amnesty International's Report"]," 13 July. http://goo.gl/ZnSvXW (14 July 2012).

RFE. 2013a. ""Хоҷа боғ дорӣ? Дорам!" ["Khoja, Do You Have an Orchard? Yes, I Do!"]," 22 April. http://goo.gl/weHAeu (19 June 2013).

RFE. 2013b. "Омбудсмени Қирғизистон барканор шуд [Kyrgyzstan's Ombudsman is Sacked]," 28 June. http://goo.gl/dz4LOU (29 June 2013).

RFE. 2013c. ""Шиканҷа нест!" Посухи И. Шарифов ба гузориши Афви байналими-лалӣ ["There is no torture!" Response of I. Sharipov to Amnesty International's Report]," 23 May. http://goo.gl/vj9X4o (23 May 2013).

RFE. 2014. "The Painful Last Days of Umed Tojiev." 22 January. https://goo.gl/EC9VeM (1 May 2014).

RFE. 2017. "Правозащитники Кыргызстана обеспокоены ситуацией с пытками [Rights Actitivsts in Kyrgyzstan Concerned Over Torture Situation]," 11 March. http://rus.azattyk.org/a/28363646.html (12 March 2017).

RIA Novosty. 2013. "Russia-Led Group to Beef Up Tajik-Afghan Border Security," 28 May. http://goo.gl/z6jS2l (30 May 2013).

Rickleton, Chris. 2012. "Kyrgyzstan: Unpopular Judiciary, Difficult to Reform." *IWPR*, 10 April. http://goo.gl/oN5fHP (6 April 2013).

Risse, Thomas and Kathryn Sikkink. 1999. "The Socialization of International Human Rights Norms into Domestic Practices: Introduction." In Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, eds., *The Power of Human Rights, International Norms and Domestic Change.* Cambridge: Cambridge University Press, 1-38.

Rosen, Liana and Kenneth Katzman. 2014. "Afghanistan: Drug Trafficking and the 2014 Transition." *Congressional Research Service*, 9 May. http://goo.gl/Vi7eUu (8 June 2014).

Rosenberg, Matthew. 2014. "Taliban Run Into Trouble on Battlefield, but Money Flows Just the Same." *New York Times*, 13 June. http://goo.gl/6HTdkX (5 July 2014).

Ross, Andrew A. G. 2007. "The Emotional Legitimation of Norms Concerning Torture." Paper prepared for presentation at the Annual Convention of the International Studies Association, Chicago, 28 February-3 March, 34 pp.

Ross, Marc Howard. 2009. "Culture in Comparative Political Analysis." In Mark Irving Lichbach and Alan S. Zuckerman, eds, *Comparative Politics: Rationality, Culture and Structur*. Cambridge: Cambridge University Press, 134-161.

Ritter, William S. 1985. "The Final Phase in the Liquidation of Anti-Soviet Resistance in Tadzhikistan: Ibrahim Bek and the Basmachi, 1924-31." *Soviet Studies* 37 (4): 484-493.

Roy, Olivier. 1993. "The War in Tajikistan: Causes and Implications." U.S. Institute of Peace, Washington, D.C., 44 pp.

Roy, Olivier. 2000. "The Foreign Policy of Central Asian Islamic Renaissance Party." Council of Foreign Relations. http://goo.gl/IUF9mK (8 June 2013).

RSF (Reporters Without Borders). 2016. "Journalist Held for 16 Years Must be Freed at Once." https://goo.gl/3KdBjj (25 October 2016).

Rubin, Alissa A. and Matthew Rosenberg. 2012. "U.S. Efforts Fail to Curtail Trade in Afghan Opium," *New York Times*, 26 May. http://goo.gl/NzqcIh (12 August 2014).

Rubin, Barnett R. 1994. "Tajikistan: From Soviet Republic to Russian-Uzbek Protecto-rate." In Michael Mandelbaum, ed., *Central Asia and the World*. New York: Council of Foreign Relations Press, 207-224.

Rubin, Barnett R. 1998. "Russian Hegemony and the State Breakdown in the Periphery: Causes and Consequences of the Civil War in Tajikistan," In Barnett R. Rubin and Jack L. Snyder, eds., *Post-Soviet Political Order: Conflict and State Building*. London: Routledge, 128-161.

Rubin, Barnett R. and Jake Sherman. 2008. "Counter-narcotics to Stabilize Afghanistan: The False Promise of Crop Eradication." New York: Center for International Co-operation. http://goo.gl/Z3wDtI (1 May 2012).

Ruziev, Kamil. 2011. "Kyrgyzstan: Victims of Police Abuse Struggle for Justice." *IWPR*, 18 May. https://goo.gl/szw1Pk (15 January 2014).

Samarqandi, Shohzoda. 2014. "Садриддин Айнӣ; рӯшанфикри тоҷик ва мухолифони имрӯзаш [Sadriddin Aini; Tajik Intellectual and His Opponents Today]." BBC, 16 July. http://goo.gl/sdIV2G (16 July 2014).

Sandholtz, Wayne and Kendall Stiles, 2009. *International Norms and Cycles of Change*. New York: Oxford University Press.

Sanger, David E. 1998. "Ideas and Trends: Contagion Effect—A Guide to the Modern Domino Theory." *New York Times*, 2 August. https://goo.gl/L6gSr4 (1 May 2015).

Sanginova, Khafiza. 2011. "*Whose Ombudsman? What Rights?* Tajikistan's National Human Rights Institution and the Virtuality of Activity." MA Thesis, OSCE Academy in Bishkek, 74 pp.

Savage, Charlie. 2014a. "Obama Could Reaffirm a Bush-era Reading of a Treaty on Torture." *New York Times,* 18 October. http://goo.gl/siEyvT (21 October 2014).

Savage, Charlie. 2014b. "U.N. Commission Presses U.S. on Torture." *New York Times,* 13 November. http://goo.gl/WPVzi5 (15 November 2014).

Savage, Luiza C. 2011. "Did Torture Help the U.S. Find Bin Laden?" *Maclean's* 124 (20/21): 35-36.

Savin, Kenneth S. 1993. "The Republic of Tajikistan: Islamic Fundamentalism vs. the New World Order." MS Thesis, Southern Connecticut State University, 77 pp.

Schatz, Edward. 2009. "What Type of Ethnography Does Political Science Need?" In Edward Schatz, ed., *Political Ethnography: What Immersion Contributes to the Study of Politics*. Chicago: The University of Chicago Press, 303-318.

Schell, Jonathan. 2009. "Torture and Truth." *The Nation*, 15 June, 15-18.

Schmitz, Andrea. 2015. "Islam in Tajikistan: Actors, SWP Research Paper. https://goo.gl/MRffzd (3 July 2014).

Schmitz, Hans Peter and Kathryn Sikkink. 2002. "International Human Rights." In Walter Carlsnaes, Thomas Risse and Beth A. Simmons, eds., *Handbook of International Relations*. London: Sage Publications, 517-537.

Sebestyen, Victor. 2011. "The K.G.B.'s Bathhouse Plot." *New York Times*, 21 August. http://goo.gl/VZxXta (28 July 2014).

Shahrani, Nazif. 2010. "Afghanistan from 1919." In Francis Robinson, ed., *The Cambridge History of Islam, Volume 5: The Islamic World in the Age of Western Dominance*. Cambridge: Cambridge University Press, 542-557.

Shishkin, Philip. 2013. *Restless Valley: Revolution, Murder, and Intrigue in the Heart of Central Asia*. New Haven: Yale University Press.

Shleifer, Andrei and Daniel Treisman. 2014. "Normal Countries: The East 25 Years After Communism." *Foreign Affairs* (November/December). http://goo.gl/dEsHuk (8 November 2014.

Sikkink, Kathryn. 2013. "The United States and Torture: Does the Spiral Model Work?"

In Thomas Risse, Stephen C. Ropp and Kathryn Sikkink, eds., *The Persistent Power of Human Rights: From Commitment to Compliance*. Cambridge: Cambridge University Press, 145-163.

Silitski, Vitaly. 2010. "Contagion Deterred Preemptive Authoritarianism in the Former Soviet Union (the Case of Belarus)." In Valerie Bunce, Michael McFaul and Kathryn Stoner-Weiss, eds. *Democracy and Authoritarianism in the Postcommunist World*. Cambridge: Cambridge University Press, 274-299.

Singer, Daniel. 1992. "The Ghosts of Nationalism." *The Nation*, 23 March, 373-376.

Slade, Gavin et al. 2014. "Crime and Excessive Punishment: The Prevalence and Causes of Human Rights Abuse in Georgia's Prisons," Open Society Georgia Foundation, 79 pp. http://goo.gl/QZPgfI (30 December 2014).

Smolar, Piotr. 2013. "Key US Base in Central Asia Faces Closure After Kyrgyz MPs' Vote." *Guardian*, 16 July. http://goo.gl/ame5Dx (12 August 2013).

Snyder, Sarah B. 2011. *Human Rights Activism and the End of the Cold War: A Transnational History of the Helsinki Network*. New York: Cambridge University.

Solomon, Ty. 2006. "Norms and Human Rights in International Relations." *Political Studies Review* 4 (1): 36-47.

Solzhenitsyn, Alexandr. 1980. "Communism: A Legacy of Terror." In Alexandr Solzhenitsyn, ed., *Détente: Prospects for Democracy and Dictatorship*. New Brunswick: Transaction Books, 51-78.

Standish, Reid. 2013a. "Kyrgyzstan is the Latest Victim of the Global Heroin Trade." *Vice.com*, 28 October. http://goo.gl/AY0NlR (20 November 2013).

Stiglitz, Joseph E. 2003. *Globalization and Its Discontents*. New York: W. W. Norton.

Stoner-Weiss, Kathryn and Michael McFaul. 2009. "Domestic and International Influences on the Collapse of the Soviet Union (1991) and Russia's Initial Transition to Democracy (1993)." Freeman Spogli Institute for International Studies, Working Paper No. 108, Stanford University, March.

Stringer, Alex. 2003. "Soviet Development in Central Asia: The Classic Colonial Syndrome?" In Tom Everett-Heath, ed., *Central Asia: Aspects of Transition*. London: Routledge Curzon, 144-166.

Stuart, Gary L. 2010. *Innocent Until Interrogated: The True Story of the Buddhist Temple Massacre and the Tucson Four*. Tucson: The University of Arizona Press.

Sullivan, Andrew. 2004. "The Abolition of Torture." In Sanford Levinson, ed., *Torture: A Collection*. Oxford: Oxford University Press, 317-327.

Sultanov, Asker and Alisher Karimov. 2012. "Kyrgyz Migrant Workers Abroad Need Help." *Central Asia Online*, 8 March. http://goo.gl/eosxGy (31 May 2012).

Taarnby, Michael. 2012. "Islamist Radicalization in Tajikistan: An Assessment of Current Trends." Korshinos and OSCE. http://goo.gl/4Ilrtd (10 August 2013).

Taubman, Philip. 1988. "Soviet Lists Afghan War Toll: 13,310 Dead, 35,478 Wounded." *New York Times*, 26 May. http://goo.gl/lWnL8t (4 July 2014).

Taylor, Lowry. 2006. "The Nexus of Terrorism and Drug Trafficking in the Golden Crescent: Afghanistan," Master's Thesis, U.S. Army War College.

Telegraph. 2011. "Former Afghanistan President Burhanuddin Rabbani Killed in Kabul Blast," 20 September. http://goo.gl/yxNl3v (6 August 2014).

Therborn, Göran. 2009. "Why and How Place Matters." In Robert E. Goodin, ed., *The Oxford Handbook of Political Science*. Oxford: Oxford University, 489-520.

Thomas, Daniel C. 2001. *The Helsinki Effect: International Norms, Human Rights, and the Demise of Communism*. Princeton: Princeton University Press.

Tilly, Charles and Sidney Tarrow. 2007. *Contentious Politics*. Oxford: Oxford University Press.

Time. 1980. "In Moscow: Defiant Defense Brezhnev Blames It All on U.S." 28 January, 115 (4): 22.

Tong, Yanqi. 1995. "Mass Alienation Under State Socialism and After." *Communist and Post-Communist Studies* 28 (2): 215-37.

Tousley, Scott W. 1995. "Afghan Sources of the Tajik Civil War." Master's thesis, U.S. Army Command and General Staff College, Fort Lavenworth, Kansas, 138 pp. http://goo.gl/woX5Ew (12 May 2014).

Trilling, David. 2014. "Kyrgyzstan, Tajikistan Full of Putin Fans, New Poll Says." EurasiaNet, 11 August. http://goo.gl/floDw6 (11 August 2014).

Trofimov, Yaroslav. 2012. "Afghan Drug Trade Sends Tremors." *Wall Street Journal*, 3 August. http://goo.gl/1vbgMH (19 April 2014).

Turner, Edward Raymond. 1919. "The Habit of Torture," *The Nation* 108 (2809): 686-689.

Tursunov, Hamid. 2013. "Kyrgyzstan: Labor Migrants Leave Behind 'Social Orphans'." *IWPR*, 22 January. http://goo.gl/vvgTme (August 2013).

UN Commission on Human Rights. 1986. "Report of the Special Rapporteur [on Tor-

ture], Mr. P. Kooijmans, Appointed Pursuant to Commission on Human Rights Resolution 1985/33, E/CN.4/1986/15, 19 February.

UN Committee Against Torture. 1999. "Conclusions and Recommendations of the Committee Against Torture: Kyrgyzstan. 11/18/1999. A/55/44,paras.70-75. (Concluding Observations/Comments)," 8-19 November. https://goo.gl/s4vIRt (15 May 2013).

UN Committee Against Torture. 2006a. "Consideration of Reports Submitted by States Parties under Article 19 of the Convention: Initial Report of Tajikistan." CAT/C/SR.729, 17 November. http://goo.gl/tsxYKn (5 May 2012).

UN Committee Against Torture. 2011. "Consideration of Reports Submitted by States Parties Under Article 19 of the Convention: Second Periodic Reports of States Parties due in 2008—Tajikistan," 16 March. http://goo.gl/yHaR3D (7 July 2014).

UN Committee Against Torture. 2013. "Concluding Observations on the Second Periodic Report of Tajikistan, Adopted by the Committee at Its Forty-ninth Session (29 Oct.-23 Nov. 2012)," CAT/C/TJK/CO/2, 21 January. http://goo.gl/yHaR3D (8 July 2014).

UN Human Rights Committee. 2011. "Consideration of Reports Submitted by States Parties Under Article 40 of the [ICCPR] Covenant: Second Periodic Report [of] Tajikistan," CCPR/C/TJK/2, 22 September.

UN Human Rights Committee. 2013. "Concluding Observations on the Second [ICCPR] Periodic Report of Tajikistan," CCPR/C/TJK/CO/2, 22 August.

UN Treaty Collection. 2013. "Chapter IV: Human Rights." http://goo.gl/N9MKsr (17 June 2013).

UNHRC. 2010. "Written Statement Submitted by Amnesty International, a Non-governmental Organization in Special Consultative Status." Human Rights Council. A/HRC/15/NGO/57, 6 September.

UNHRC. 2012a. "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez—Addendum: Mission to Kyrgyzstan." Human Rights Council. A/HRC/19/61/Add.2, 21 February. http://goo.gl/h2SNUX (12 May 2012).

UNHRC. 2012b. "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez—Addendum: Mission to Kyrgyzstan: Comments by the State on the Report of the Special Rapporteur." Human Rights Council. A/HRC/19/61/Add.5. 21 February, http://goo.gl/TXfqc2 (12 May 2012).

UNHRC. 2012c. "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment, Juan E. Méndez—Addendum: Observations on Communications Transmitted to Governments and Replies Received," A/HRC/19/61/Add.4, 29 February.

UNHRC. 2012d. "Report of the Working Group on the Universal Periodic Review: Tajikistan—Addendum: Views on Conclusions and/or Recommendations, Voluntary Commitments and Replies Presented by the State Under Review" A/HRC/19/3/Add.1, 27 February.

UNHRC. 2013. "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment of Punishment, Juan E. Méndez, Addendum: Mission to Tajikistan." A/HRC/22/53/Add.1, 28 January. http://goo.gl/Z13qZP (1 May 2013).

UNHRC. 2015. "Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Juan E. Méndez—Addendum: Follow Up Report: Missions to the Republic of Tajikistan and Tunisia." A/HRC/28/68/Add. 2, 27 February. http://goo.gl/3BSHtW (2 March 2015).

UNODC. 2007. "Securing Central Asia's Borders with Afghanistan: Outline Action Plan." Work in Progress.

UNODC. 2011. "Afghanistan Opium Survey 2011," December. http://goo.gl/0pL5u2 (3 June 2012).

UNODC. 2012a. "Colombia Grows Quarter Less Coca Crop, According to UNODC 2012 Survey." https://goo.gl/nFoNcg (1 August 2014).

UNODC. 2012b. "Opiate Flows Through Northern Afghanistan and Central Asia: A Threat Assessment," May 2012. http://goo.gl/dN9Ms (20 November 2013).

U.S. Congress. 1993. "Implementation of the Helsinki Accords: Hearing before the Commission on Security and Cooperation in Europe, One Hundred Third Congress, First Session, The Countries of Central Asia: Problems in the Transition to Independence and the Implications for the United States," 25 March. http://goo.gl/hsvJGk (3 June 2012).

U.S. House of Representatives. 2008. "Diplomatic Assurances and Rendition to Torture: The Perspective of the State Department's Legal Adviser." Hearings before Subcommittee on International Organizations, Human Rights, and Oversight of the Committee on Foreign Affairs, House of Representatives, 10 June, Serial No. 110-192.

USIP (U.S. Institute for Peace). 1995. "Special Report: The War in Tajikistan Three Years On." Washington, D.C., 16 pp.

USDoS (U.S. Department of State). 1988. "U.S. Signs UN Convention Against Torture." *U.S. Department of State Bulletin*, August.

USDoS. 2013. "Kyrgyz Republic 2012 Human Rights Report." http://goo.gl/y4RbNV (30 October 2013).

Usmonov, Jafar. 2013. "The Effects on Tajikistan of Security Developments in Afghanistan Since 2001." *Security and Human Rights* 24 (2): 149-158.

Vinson, Mark. 2013. "Radicalization of Migrant Workers in Russia Could Threaten Stability in Tajikistan." *Eurasia Daily Monitor*, 7 August. http://goo.gl/YfVZEI (5 July 2014).

Vreeland, James Raymond. 2008. "Political Institutions and Human Rights: Why Dictatorships Enter into the United Nations Convention Against Torture." *International Organizations* 62 (1): 65-101.

Walsh, Caroline. 2010. "Compliance and Non-compliance with International Human Rights Standards: Overplaying the Cultural." *Human Rights Review* 11 (1): 45-64.

Walt, Stephen M. 2005. "The Relationship Between Theory and Policy in International Relations." *Annual Review of Political Science* 8 (15 June): 23-48.

Ward, Olivia. 2009. "Central Asia Key to Afghan Mission." *The Star*, 21 February. https://goo.gl/kOmMbU (15 March 2009).

Warikoo, Kubhushan. 1995. "Cockpit of Central Asia: Afghanistan Factor in Tajikistan's Crisis." In *Central Asia: Emerging New Order*, ed. Kubhushan Warikoo. New Dehli: Haranand Publications, 193-225.

Warkotsch, Alexander. 2007. "The OSCE as An Agent of Socialization? International Norm Dynamics and Political Change in Central Asia." *Europe-Asia Studies* 59 (5): 829-846.

Waters, Christopher M. 2009. "Beyond Treaty Signing: Internalizing Human Rights in Central Eurasia." In Amanda E. Wooden and Christoph H. Stefes, eds., *The Politics of Transition in Central Asia and the Caucasus: Enduring Legacies and Emerging Challenges*. London: Routledge, 189-204.

Way, Lucan. 2010. "Resistance to Contagion: Sources of Authoritarian Stability in the Former Soviet Union." In Valerie Bunce, Michael McFaul and Kathryn Stoner-Weiss, eds., *Democracy and Authoritarianism in the Postcommunist World*. Cambridge: Cambridge University Press, 229-252.

Weaver, Mary Anne. 1996. "Blowback." *The Atlantic Monthly* 277 (5): 24-36.

Weber, Max. 1949. *The Methodology of Social Sciences*. Translated by Edward A. Shils and Henry A. Finch. Glencoe: The Free Press.

Wegener, Bernd. 2000. "Political Culture and Post-communist Transition—A Social

Justice Approach: Introduction." *Social Justice Research* 13 (2): 75-82.

Wheeler, Geoffrey. 1977. "Islam and the Soviet Union." *Middle Eastern Studies* 13 (1): 40-49.

Whitefield, Stephen. 2005a, "Culture, Experience and State Identity: A Survey-based Analysis of Russians, 1995-2003." In Stephen Whitefield, ed., *Political Culture and Post-Communism*. London: Palgrave Macmillan, 125-147.

Whitefield, Stephen. 2005b. "Political Culture and Post-Communism." In Stephen Whitefield, ed., *Political Culture and Post-Communism*. London: Palgrave Macmillan, 1-14.

WHO. 2013. "A Global Brief on Hypertension: Silent Killer, Global Public Health Crisis," Geneva. http://goo.gl/dFJp9g (20 July 2013).

Wilson, Andrew. 2005. *Virtual Politics: Faking Democracy in the Post-Communist World*. New Haven: Yale University Press.

Winbush, S. Enders. 2012. "U.S. Engagement in Central Asia." House Committee on Foreign Affairs, Washington, D.C., 24 July. http://goo.gl/PtyPQ1 (24 July 2012).

Wohlrab-Sahr, Monika. 1999. "Conversion to Islam: Between Syncretism and Symbolic Battle." *Social Compass* 46 (3): 351-362.

Wolff, Rev. Joseph. 1845. *Narrative of A Mission to Bukhara in the Years 1843-1845 to Ascertain the Fate of Colonel Stoddart and Captain Conolly*. New York: Harper and Brothers.

Wood, Andrew. 2013. "Russia: Cold Shadows and Present Illusions." Russia and Eurasia Briefing Paper, REP 2012/02, Chatham House.

World Bank. 2014. "Doing Business: Measuring Business Regulations." http://www.doingbusiness.org (17 September 2014).

Worthington, Andy. 2009. "New Revelations about the Torture of Ibn al-Shaykh al-Libi," 18 June. http://goo.gl/9tbRmD (16 May 2012).

Yergin, Daniel and Joseph Stanislaw. 2002. *The Commanding Heights: The Battle for the World Economy*. New York: Simon and Schuster.

Yigit, Sureyya. 2013. "Presidential Elections and Marketisation in Tajikistan and Mongolia." *OrtadoguAnaliz* 5 (50): 79-89. http://goo.gl/y5uQfb (20 October 2013).

Zainiddinov, Hakim. 2013. "The Changing Relationship of the Secularized State to Religion in Tajikistan." *Journal of Church and State* 55 (3): 456-477.

Zegart, Amy. 2012. "Torture Creep: Why Are More Americans Accepting Bush Era Policies Than Even Before?," 25 September. http://goo.gl/hGx9mS (3 May 2013).

Zinoviev, Alexander. 1986. *The Madhouse*. Trans. Michael Kirkwood. London: Paladin Grafton Books.

Zucchino, David. 2013. "Betting Big for a Citadel for the Afghan Elite." *Los Angeles Times*, 11 December. http://goo.gl/Tdd7ae (12 December 2013).