Central Asia:

Censorship and Control of

the Internet and Other New Media

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Summary

This briefing paper explores problems of censorship and control of the internet and other new media in Central Asia. It focuses on the situation in Kazakhstan, Turkmenistan and Uzbekistan, where the authorities closely monitor and restrict the use of the internet and other communications technologies, filter and block access to undesirable online content, and intimidate and put pressure on websites and internet users who publish or share information that is critical of official policies.

The authorities of the three Central Asian countries have sought to justify their repressive approach to the internet and other new media with the fight against "extremism", "destructive" forces and other vaguely defined threats to national "security" and "stability". However in reality this fight is used as a pretext for implementing measures to stifle free speech and help preserve the governments' grip on power. Broad and vague restrictions on access to and use of the internet and other communications technologies are in serious violation of international human rights law, which only allows for limitations on the right to freedom of expression in exceptional circumstances and in compliance with certain strict requirements.

Recently several initiatives have been made at the **regional level** in the former Soviet Union to regulate the use of the internet as part of the struggle against "extremism" and other purported threats to national security. Among others, an ambiguously worded draft "code of conduct" on "information security" has been drafted, and efforts are under way to create a joint mechanism to control social networks. These initiatives give rise to concern about enhanced regional cooperation undermining freedom of expression in the internet.

In spite of its proclaimed commitment to promoting IT, the government of **Kazakhstan** has created different mechanisms to monitor and filter online material. Access is regularly blocked to web sites that contain information that shows those in power in a bad light. As of October 2011, more than 100 web sites had been blocked for allegedly containing "extremist" propaganda, among them the popular blog community Live Journal. The online video portal stan.kz, which has provided independent coverage of the oil worker strike that is currently under way in the country, has been sued by authorities for allegedly violating health and safety regulations. Its journalists have reported intimidation and two of them were brutally attacked last month. The online news outlet guljan.org, which reports on corruption and other misconduct involving official figures, has been subject to invasive cyber attacks and one of its reporters was recently convicted on criminal defamation charges.

Turkmenistan is one of the world's most hostile countries for internet users, with its monopoly state-run provider offering only a highly censored version of the internet. All online activities in internet cafes are recorded, while rates for private internet connections remain excessively high. New repressive measures have followed the July 2011 explosions at an ammunition depot, whose destructive impact the authorities wanted to hide. Security services have tried to track down internet and cell phone users suspected of reporting on the accident to the outside world; the website of Austria-based Turkmen Initiative for Human Rights was hacked after it published a set of stories about the explosions; and a Radio Free Europe/Radio

Liberty correspondent who blogged about the events was imprisoned on trumped-up charges (even if later amnestied). A campaign has also been re-launched to dismantle private satellite dishes, one of the few remaining means for obtaining independent information in the country.

Aside from Turkmenistan, **Uzbekistan** is the most repressive country for internet users in the former Soviet Union. It is characterized by a pervasive regime of online control and censorship: material that does not please authorities is systematically filtered and blocked. Email and cell phone correspondence by "suspicious" individuals is subject to surveillance, and participants in online discussions on politically charged issues risk facing harassment, as did a number of arbuz.com forum users, who were arrested in early 2011. The recent launch of a new social networking site by the state telecom monopoly has raised concerns about growing control in this area of the internet. Internet users who openly speak up on social problems are highly vulnerable to intimidation and harassment. Recent victims include two women human rights defenders who published online articles about shortcomings in waste management, the care of old people, as well as the implementation of a reform to promote non-cash transactions.

1. Introduction

We live in an era where internet users can instantly access, create and share information among a huge virtual community, across national borders, and across language barriers. As current web applications and services such as social networking sites, video sharing sites, discussion forums and blogs enable users to act both as recipients and creators of information, the internet has become a key tool for exercising the right to freedom of expression, and indirectly also other rights such as freedom of association and assembly. This is particularly important for residents of countries where traditional media is seriously restricted, as evidenced by developments during the Arab Spring. Participants in the revolutions and civil uprisings that have taken place in Arab countries since December 2010 have actively used social networking sites such as Facebook and Twitter to organize, coordinate and inform about their actions and to communicate with the outside world.[1]

At the same time as the internet has developed so as to provide increasing opportunities to obtain and exchange independent information, scrutinize the conduct of authorities and mobilize support for change, authoritarian governments have grown increasingly fearful of its potential power. This has prompted them to step up efforts to restrict internet access and use in ways that are not compatible with international human rights standards. This briefing paper examines the situation in the three Central Asian countries of Kazakhstan, Turkmenistan and Uzbekistan, where the authorities use different means to restrict the use of the internet and other new communications technologies and to prevent that these media are employed to challenge and hold authorities accountable for their actions. Turkmenistan and Uzbekistan are among the most repressive countries for internet users in the world, while the situation in Kazakhstan appears to be worsening.

In the wake of the Arab Spring, among others the EU has recognized that the internet and other new technologies play a significant role in promoting democratic change.[2] The EU has also set out to promote "unhindered" access to the internet and the use of electronic communications

technologies as part of its foreign policies,[3] while expressing "firm opposition" to "unjustified restrictions" on new media anywhere in the world.[4] In the light of this, we appeal to the EU, as well as to other international actors to help put pressure on the governments of Kazakhstan, Turkmenistan and Uzbekistan to end excessive censorship and control of the internet and other communications technologies and to take concrete steps toward improving respect for freedom of expression in new media.

The briefing paper starts with a brief overview of relevant international human rights standards on freedom of expression, and thereafter reviews regional and national trends in Kazakhstan, Turkmenistan and Uzbekistan. On the basis of this review, the paper makes a number of recommendations to the authorities of the three countries, as well as to the international community.

2. Overview of relevant international human rights standards

International standards on the right to freedom of expression apply to the internet, as they do to all means of communication. Consequently internet access and use cannot be restricted other than in exceptional circumstances and in compliance with the strict requirements set out by international standards protecting the right to freedom of expression.

According to international human rights experts, the right to internet access can be considered inherent to the right to freedom of expression. In addition, developments are under way at the international level to acknowledge internet access as a fundamental right of its own. Some countries, such as Finland and Estonia, have already recognized access to the internet a fundamental right of their citizens.[5]

Below follows a summary of international standards and recommendations relating to freedom of expression and the internet and other new media, which have been developed in the framework of the United Nations and the Organization for Security and Co-operation in Europe (OSCE). These standards and recommendations are legally and/or morally binding for Kazakhstan, Turkmenistan and Uzbekistan.

2.1. UN standards

Freedom of expression is protected by articles 19 of the Universal Declaration of Human Rights, as well as of the International Covenant on Civil and Political Rights (ICCPR), to which Kazakhstan, Turkmenistan and Uzbekistan all are parties. While the ICCPR allows for certain restrictions on the right to freedom of expression, any restrictions must be of an exceptional nature and consistent with the requirements set out in article 19 of the treaty. According to this article, permissible restrictions must be provided by law; pursue the purpose of protecting the rights or reputations of others, national security or public order, or public health or morals; and be necessary and proportionate to achieving the purported aim.[6]

The UN Human Rights Committee, which supervises implementation of the ICCPR, has made clear that the permissible grounds for restrictions on freedom of expression must be strictly

interpreted, pointing out that restrictions "may not put in jeopardy the right itself."[7] According to the Committee, any restrictions on the operation of websites and internet-based dissemination systems must be content-specific in order to be acceptable; generic bans are not compatible with the requirements of ICCPR article 19.[8] The Committee has also underscored that it is inconsistent with this article to prohibit a website or information dissemination system from publishing material "solely on the basis that it may be critical of the government or the political social system espoused by the government."[9]

In a report presented earlier this year, the UN Special Rapporteur on the right to freedom of expression stressed that there should be as little restriction as possible to the flow of information via the internet and that the full guarantee of the right to freedom of expression in the internet must be the norm.[10] He noted that it is clearly incompatible with states' obligations under international human rights law to restrict, control, manipulate and censor internet content without any legal basis, or on the basis of broad and ambiguous laws; without justifying the purpose of such actions; and/or in a manner that is unnecessary or disproportionate to achieving the intended aim.[11] He likewise stressed that the objective of protecting national security cannot be used to justify restrictions on freedom of expression in the internet unless it can be demonstrated that a) the online content such restrictions target is intended to incite imminent violence; b) this content is likely to incite such violence; and c) there is a direct and immediate connection between the targeted content and the likelihood or occurrence of such violence.[12]

The special representatives on freedom of expression and media of the UN, the OSCE, the Organization of American States (OAS) and the African Commission on Human and Peoples' Rights (ACHPR) issued a joint declaration on freedom of expression and the internet in June 2011.[13] The special representatives highlighted, among others, that online content filtering systems imposed by the government or commercial service providers "are a form of prior censorship and are not justifiable as a restriction on freedom of expression".[14] Moreover, the special representatives stated that internet service providers should not be required to monitor user-generated content and should not be held liable for content produced and disseminated by users, as long as they do not specifically intervene in such content or refuse to obey a court order to remove it, if they have the capacity to do so.[15] The special representatives also pointed out that approaches to regulation developed for other means of communication cannot simply be transferred to the internet, but that states should develop alternative approaches adapted to the unique characteristics of the internet.[16]

In a resolution adopted in 2009, the UN Human Rights Council (a subsidiary body of the General Assembly) specifically recognized the importance of the internet in the exercise, promotion and protection of the right to freedom of opinion and expression. It also called on all states to "facilitate equal participation in, access to and use of" the internet.[17] In their joint resolution from June 2011, the special representatives of the UN, OSCE, OAS and ACHPR stated that giving effect to the right to freedom of expression "imposes an obligation on states to promote universal access to the internet".[18] According to the representatives, states should as a minimum facilitate internet access and use by regulating pricing regimes, service requirements and licensing agreements; establishing public internet access points; and promoting awareness about how to use the internet and the benefits it can bring.[19]

2.2. OSCE standards

The OSCE participating States have committed themselves on repeated occasions to upholding freedom of expression and ensuring free flow of information.[20] In a 2004 OSCE Permanent Council Decision, the participating States pledged to "take action to ensure that the internet remains an open and public forum for freedom of opinion and expression" and to "foster access to the internet both in homes and in schools."[21]

A 2011 study commissioned by the office of the OSCE Representative on Freedom of Media analyzes the current situation with respect to freedom of expression on the internet in the OSCE region.[22] On the basis of this analysis, the study makes a number of conclusions and recommendations to the OSCE states for how to ensure compliance with relevant OSCE standards.

A major conclusion of the study is that access to the internet is not only a basic prerequisite of the right to freedom of expression and the right to impart and receive information regardless of frontiers. It should also be recognized as a fundamental right on its own, as is already the case in some OSCE countries.[23]

The study, further, recommends that the OSCE states should refrain from mandatory blocking of online content or websites, pointing out that blocking measures can only be justified if they are consistent with international standards, implemented pursuant to a court order and proven to be absolutely necessary. Blocking criteria should always be made public and provide for legal redress. The deployment of state-level upstream filtering systems, as well as government-mandated filtering systems should be avoided.[24] The study also calls on the OSCE states to treat online information and traffic equally regardless of its content, author, origin or destination.[25] Another recommendation is that the OSCE states should avoid "vague legal terminology" in speech-based restrictions that apply to the internet and, in particular, clearly define terms such as "extremism", "terrorist propaganda" and "racist content".[26]

3. Review of regional and national trends

3.1. Developments at the regional level

In the recent period several joint initiatives have been made at the regional level in the former Soviet for regulating the use of the internet. While these initiatives have been justified with reference to the threat of "extremism" and "terrorism", they appear to reflect growing fear on the part of the authorities of these countries of the use of the internet as a means for scrutinizing the conduct of those in power and mobilizing opposition.

The Shanghai Cooperation Organization (SCO), an organization founded in 2001 by China, Russia, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan to counteract "terrorism", "separatism" and "extremism", has recently paid increasing attention to perceived online security threats. At a SCO summit held in June 2011, a draft "code of conduct for ensuring international information security" was adopted.[27] In a joint letter from September 2011, the

UN ambassadors of China, Russia, Tajikistan and Uzbekistan proposed that the same rules be endorsed by the UN General Assembly in the form of a resolution.[28]

The stated purpose of the draft code of conduct is to enhance cooperation among states in addressing "the common threats and challenges in the information space". By adopting it, states would undertake, among others, to cooperate in "curbing the dissemination of information that incites terrorism, secessionism or extremism or that undermines other countries' political, economic and social stability, as well as their spiritual and cultural environment."[29]

"Online threats" are also being dealt with in the framework of the Collective Security Treaty Organization (CSTO), a military cooperation body consisting of Russia, Armenia, Belarus, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan. According to media reports, efforts are under way in this organization to create a mechanism to control social networks for the purpose of preventing "extremist" actions in the form of as mass riots, such as those seen in Tunisia and Egypt earlier this year.[30]

In connection with a meeting in Minsk in September 2011, the general prosecutors from Russia, Belarus and Kazakhstan publicly defended the need to control the use of social networks, as well as the internet more generally. Kazakhstani General Prosecutor Ashad Daulbaev was quoted as saying that this is "a question of the future" and that states "should jointly counteract this evil", obviously referring to "extremism" in the internet. According to him, there are "hundreds of sites that instigate extremism and terrorism" only in the Russian-language part of the internet.[31]

The OSCE Representative on Freedom of the Media, Dunja Mijatović, has expressed concern that initiatives such as the SCO and CSTO ones described above "endanger freedom of expression" and "risk erecting barriers" to the free flow of information and ideas.[32] As pointed out by her, the national laws in Kazakhstan, Uzbekistan and other countries behind these initiatives use broad and vague definitions of terms such as "extremism" and "terrorism,"[33] thus allowing for arbitrary implementation restricting freedom of expression and other fundamental rights.

Any proposals for regional cooperation based on similarly vague and ambiguous definitions can only reinforce concerns that the fight against "extremism" and other purported threats to national security will increasingly be used as a pretext for stifling free speech on the internet. As noted in the previous section, international experts have emphasized that restrictions relating to internet use are only permissible if they meet the strict requirements set out by international law provisions protecting freedom of expression (in particular article 19 of the ICCPR).

3.2. Developments in Kazakhstan

Population: 16.6 million[34]
Average monthly salary according to official statistics: 92.000 Tenge (about 450 EUR)[35]
Internet users per 100 inhabitants: 34[36]
Cell phone subscriptions per 100 inhabitants: 123[37]
Cost of private ADSL/wireless internet connection: starting from 2000 Tenge (about 10 EUR)/month (256 Kbit/s, up to 1 GB/month)[38]

While seeking to position itself as a major IT power in the region, the government of Kazakhstan uses different means to control the use of the internet and to suppress undesirable online content.[39] With the fight against "extremism" and "terrorism" as a pretext, the authorities are trying to prevent the dissemination of online information that shows those in power in a bad light.

Legislation in place restricts freedom of expression in the internet. A law enacted in 2009[40] equated all internet resources (websites, chat rooms, discussion forums, personal blogs etc.) with mass media outlets and made them and their owners liable for the same offenses. Dozens of mass media related offenses are punishable by fines, as well as suspension and closure of media outlets.[41] As the new law made it possible to hold website owners or hosts legally responsible for content posted by others, many websites engaged moderators to censor possibly problematic content after the law was passed.[42] In a case that preceded the adoption of the new law, the website posit.su was suspended by court in 2008 because of comments posted by users, which were considered to contain "incorrect language" and to promote hatred on national and religious grounds.[43]

Freedom of expression in the internet, as well as in other media, is also restricted by the fact that defamation remains criminalized, with special protection afforded to public officials. At the same time, civil defamation provisions do not distinguish between statements of facts and statements of opinions, and defamation suits often take aim at media and journalists who publish information that is critical of authorities.[44]

The Kazakhstani authorities have established systems to monitor and filter internet traffic, which are implemented with assistance of the dominant telecommunications provider Kazakh Telecom. Most incoming and outgoing internet traffic passes through the network of Kazakh Telecom, and this provider is believed to filter traffic it channels further.[45] Access to internet sites containing information, analyses and comments critical of the authorities of Kazakhstan is regularly blocked, either temporarily or on an ongoing basis. Such sites include, among others, eurasia.org.ru, respublika-kaz.info, kplus-tv.net and krasnoetv.kz.[46]

In March 2010, the head of Kazakhstan's State Communications Agency informed members of parliament that a new "center for computer incidents" had been set up to review and compile blacklists of "destructive" websites.[47] While the official referred to concerns about "political and religious extremism," no details have been made public about how the work of this center is carried out, to whom it is accountable or on what grounds websites are singled out for review. Civil society activists have expressed concern that the center may be tasked to censor websites

that do not please the authorities.[48] An already previously existing presidential Security Council regularly compiles lists of websites that should be blocked.[49] According to a representative of this body, a total of 125 websites containing elements of "extremism" had been blocked by court as of October 2011. He also said that measures are under way to block another 168 sites on similar grounds.[50] Among the sites that have been blocked on accusation of "extremism" is the popular blog and social media platform Live Journal:

> *Further to a ruling of the Saryarkinskij District Court in Astana, access to Live Journal and a number of other websites was suspended for three months as of mid-August 2011. The decision was made on the basis of a request from the city's prosecutor, who claimed that the sites in question had spread information containing "terrorist" and "extremist" propaganda. No evidence to support these claims was presented. Moreover, the management of Live Journal said that it had not received any previous request to remove information allegedly containing such content from its site. The Kazakhstani freedom of expression NGO Adil Soz pointed out that blocking access to the entire site was not a proportionate measure, even if individual blogs hosted by it would have featured illegal content. The organization compared this measure to arresting a whole family for a crime committed by one of its members. [51]*

> *Live Journal, which has some 34 million users worldwide[52] and is one of the most popular social media sites in the former Soviet Union, was previously blocked in Kazakhstan from late 2008 to late 2010. At that time, it was believed that the reason was a blog on the site by Rakhat Aliev, the president's former son-in-law who became a fierce critic of the regime after he fell out of favor with the president in 2007. Following a decision by Live Journal to freeze Aliev's account in November 2010, access to the resource was restored.*

In another step that has given rise to concern about growing restriction of freedom of expression in the internet, the Ministry of Communication and Information issued a decree in September 2010 requiring companies that use the Kazakhstan internet domain (kz) to route their traffic through servers physically located in Kazakhstan.[53] Many kz sites have been operating on servers located abroad because of more competitive prices and better services. The decree appeared aimed at enhancing control of kz sites, while also boosting Kazakhstani service providers. Following criticism inter alia by Google[54], a clarification was issued in June 2011 to say that the new rules only apply to kz domain names that are registered for the first time, not to those that already are registered and want to renew their registrations (which they are obliged to do on an annual basis in order to continue to operate).[55]

Like other media, online media reporting in a critical manner about developments in Kazakhstan have been subjected to intimidation and harassment. Among those that have come under pressure is the online video portal stan.tv, which has closely covered the recent wave of protests among oil workers in the country. The video portal also prepares materials for the opposition satellite TV channel K+.

> *After carrying out unscheduled checks in stan.tv's main office in Almaty in August-September 2011, local authorities brought several legal suits against the video portal and its partner organization Namistan, an information agency from which it sublets its office. The two organizations were, among others, accused of using computer equipment that*

emits radiation over established norms, allowing office temperatures to rise above the acceptable level and using an office entrance that is shared with the residents of private apartments located in the same building. In two separate rulings in late September, an Almaty court suspended the activities of the two organizations until the alleged violations have been dealt with. These decisions were upheld on appeal in October.[56]

Stan.kz teams have on several occasions faced obstruction by law enforcement authorities when covering the ongoing oil worker strikes in the Mangistau region in western Kazakhstan.[57] For example, on 12 June 2011, two stan.tv staff members were detained for several hours by police in the city of Zhanaozen.[58]

Moreover, on 26 October 2011, stan.tv correspondent Orken Bisenov and cameraman Asan Amilov were brutally attacked in the city of Aktau, where they were working on a story about the strikes. As the two men were getting ready to leave by taxi from outside an apartment that they rented during their stay in the city, four unknown assailants jumped out of car parked nearby and fired rubber bullets at them and hit them with a baseball bat. The assailants also took a notebook and filmed materials from them. Prior to the attack, the two journalists had noticed being held under surveillance for several days. As a result of the attack, Bisenov sustained injuries among others to his back, and Amilov to his head. Both men continue to receive treatment for their injuries. A criminal investigation was opened into the attack, and on 9 November, police announced that two suspected perpetrators had been identified and criminally charged. An international arrest warrant has been issued against them.[59]

At a press conference held on 20 September 2011, journalists Shernijaz Shagataj and Azamat Esbergen from stan.tv's Almaty office reported receiving intimidating phone calls According to them, unknown individuals had requested that they provide detailed information about the activities of stan.tv and its employees and threatened them when they refused to do so.

Another recent target of pressure is an independent online news portal, which has reported about corruption and other allegations of abuse involving official figures:

> *After quitting her job as chief-editor of the opposition newspaper Svoboda slova ("Freedom of expression") in May this year, Gulzhan Ergalieva created the online news outlet guljan.org. The site quickly became popular. However, on 15 July 2011, the site disappeared from the internet after being subject to a so-called DDoS attack.[60] This kind of an attack causes a website to crash by overloading its server with fake requests for information sent by computers that are compromised by viruses or other malware.[61] After being restored, the site was subject to another hacker's attack in late September.[62]*
>
> *Moreover, on 7 November 2011, a local court in Almaty convicted Valery Surganov, a reporter working for the website, of defamation under article 129 of the Criminal Code.[63] Surganov was sentenced to 18 months of "restriction of freedom", during which he will have to observe a 9 p.m. daily curfew and will not be able to leave Almaty without prior permission by police. He was also ordered to pay 100.000 tenge (about 500 EUR) in damages and to publish a retraction on guljan.org. The charges against him were opened on the basis of a complaint from Sanhzhar Aliev, the deputy head of the department for the fight against economic crimes in the Pavlodar region.[64] The complaint concerned an*

article published on guljan.org in July 2011, which reported allegations that Aliev was guilty of rape and had used his influence to avoid prosecution.[65]

At the time of writing, a civil defamation suit against guljan.org and its chief editor Ergalieva were also pending in an Almaty court. The spouse of the head of the country's agency for the fight against economic crimes, Saltanat Ahanova, sued the website because of articles alleging that she possesses elite property and large bank assets abroad. Ahanova has requested that the website pay about 13 million EUR in moral damages and disclose the source of information it used.[66]

3.3. Developments in Turkmenistan

Population: 5 million[67]
Average monthly salary according to official information: 820 manat (about 210 EUR)[68]
Internet users per 100 inhabitants: 2.2[69]
Cell phone subscriptions per 100 inhabitants: 63[70]
Average cost of a one-hour visit to a cybercafé: about 0.8 EUR[71]
Cost of private unlimited ADSL internet connection: starting from 215 USD (around 155 EUR)/month (64 kB/sec)[72]

Depicted "an enemy of the internet" by Reporters without Borders[73], Turkmenistan is one of the world's most hostile countries with respect to internet use. The authorities of the country employ a variety of means to prevent its citizens from using the internet freely to obtain information, interact with other users and communicate with the outside world.

While current President Berdimuhamedov has taken some steps to open up Turkmenistan to the World Wide Web, internet use remains heavily regulated in the country. The internet is still available only to a small fraction of the population and the only existing internet provider, state-run Turkmen Telecom offers a highly censored version of the internet.[74] Foreign websites that publish independent and critical information about developments in Turkmenistan are blocked in the country. Among these websites are sites related to the exile Turkmen opposition, news sites covering Turkmenistan such as gundogar.org and ferghana.ru, as well as the website of Austria-based Turkmen Initiative for Human Rights (TIHR), chrono-tm.org. Youtube is also unavailable, and Livejournal, Facebook and Twitter are often blocked. Email correspondence is monitored and censored, and phone conversations of "black-listed" individuals are tapped.

Internet cafes are held under close surveillance by the authorities. Visitors to these cafes are required to show their passports, and all their activities on the internet are recorded.[75] Rates for private internet connections remain prohibitive[76] and those who sign up for such services with Turkmen Telecom have to accept a number of conditions, e.g. a prohibition on accessing web sites that disseminate "untruthful and defamatory information." If they are found to violate this rule, their service may be shut down.[77]

The Russian cell phone operator MTS was forced to leave the country in December 2010 as the Turkmen authorities declined to renew its license. This decision meant that Altyn Asyr ("Golden Age"), a state-owned provider belonging to Turkmen Telecom, gained monopoly in the cell phone market, thus enabling the government to further step up control of the use of cell

phones. Due to the expulsion of MTS, some 2.4 million subscribers (about 80% of all cell phone users in the country) were left without service[78]. The sudden influx of a large number of migrating MTS subscribers strained the limited capacities of Altyn Asyr. As a result, the sale of SIM cards was temporarily suspended and law enforcement troops were brought in to "maintain order" in the lines that formed outside the company's offices.[79]

Apparently dissatisfied with how Altyn Asyr handled the situation, President Berdimuhamedov stated that he would seek foreign investment for the development of the cell phone sector. In April 2011, it was announced that Chinese Huawei Technologies and Finnish-German Nokia Siemens Networks had signed contracts with the country's Ministry of Communications to upgrade the state-owned mobile network and introduce new services.[80] Concerns have been expressed that these companies may agree to assist the Turkmen government in monitoring cell phone and internet use in exchange for lucrative deals.[81]

The explosions on 7 July 2011 at an ammunition depot in the Turkmen city of Abadan (a suburb of the capital Ashgabat) had a mixed impact on internet use. These events brought about an upsurge in citizens' reporting over the internet in the short term, while triggering new repressive measures in the longer-term.

The Turkmen authorities tried to cover up the Abadan events and did not allow any information about them to be published in official media until three days later. In the information vacuum that emerged, an unprecedented wave of citizens' journalism was observed, with citizens using cell phone and internet connections to report on the explosions to the outside world.[82] On the basis of reports from contacts inside of the country, TIHR published a sequence of stories on its website, featuring witness accounts, photos and videos that showed that the explosions had resulted in widespread destruction and damage, mass evacuations and the death of possibly as many as hundreds of people. The Turkmen service of Radio Free Europe's/Radio Liberty (RFE/RL) and EurasiaNet.org also reported on the Abadan events on the basis of information from sources on the ground, and photos were circulated on the social chat site teswirler.com.[83]

The Turkmen authorities responded by insisting that the impact of the explosions was limited and by denouncing information that disputed the official version of the events, calling it "false", "slanderous" and "provocative."[84] The security services also sought to track down individuals who had provided information to sources outside of the country and reportedly arrested dozens of young people who were discovered to have photos and videos from the place of the accident on their cell phones. TIHR has, however, not been able to find out any details about these cases.

Less than two weeks after the Abadan events TIHR was the target of a cyber-attack:

- *On 18 July 2011, TIHR's website, Chronicles of Turkmenistan, was attacked and disabled by hackers. The hackers also made publicly accessible information about website users, including individuals inside Turkmenistan who could be in danger for having read and commented on material posted on a dissident website. The website could not be restored, but was later re-launched in a new format, with archive materials gradually being added.*

The cyber attack was carried out through a proxy server located in Germany. While the hacker's identity is unknown, there is reason to believe that Turkmen security services may have been behind the attack given the fact that it came at a time when TIHR had just published a series of reports challenging the official account of the Abadan events. Many foreign media outlets had made use of TIHR's reports in their coverage of these events. The Turkmen authorities have long viewed TIHR's website with discontent as it is a major source of independent information on developments in Turkmenistan. Access to it is blocked inside of Turkmenistan. The website was previously subject to an attack by hackers in October 2010, as a result of which much of its content was disabled for several days.[85]

In connection with the Abadan events, TIHR head Farid Tukhbatullin's mother, who resides in the Turkmen city of Dashoguz, also received intimidating visits by representatives of local authorities and noticed signs of being held under surveillance.[86]

In another case, a correspondent for the Turkmen Service of RFE/RL who had blogged about the Abadan events was threatened and later put behind bars:

➢ *In the immediate aftermath of the Abadan explosions, Dovletmyrat Yazkuliyev was summoned by security services in his home town Annau and accused of "slandering" and distributing "provocative" information in blogs he wrote for RFE/RL about the explosions. He was also warned that he may face criminal charges if he continues to publish information of this kind.[87]*

On 27 September 2011, Yazkuliyev was arrested on charges of allegedly encouraging a relative's suicide attempt. Following a brief "investigation", he was convicted on these charges on 5 October and sentenced to five years in prison. The trial was held behind closed doors and without the participation of a lawyer.[88] Yazkuliyev's relatives said that they had been forced to write statements falsely accusing him of urging his sister-in-law to attempt to commit suicide. Later they tried to retract their statements, but were not able to do so.[89]

Following an international outcry, including a letter sent by four senior US senators to the Turkmen ambassador in Washington D.C., Yazkuliyev was freed under a presidential amnesty in late October 2011.[90]

There are also other indications that the developments that followed the Abadan events have increased the fears of the Turkmen authorities of the possible use of cell phones and the internet to produce and distribute information challenging the official line. In connection with the celebration of 20 years of Turkmenistan's independence in October 2011, participants in different festive events were required to hand over their cell phones before entering the venues of these events. In this way, it was ensured that participants (many of whom were made to attend by their employers) would not be able to challenge the bright and happy image of the festivities created by official media.[91] Individuals suspected of contributing information to media and organizations abroad remain vulnerable to intimidation, as evidenced by this recent case:

> *In the night of 11 November 2011, unknown individuals threw cobble stones at the window of the apartment of Annamamed Myatiev, a journalist living in the city of Dashoguz.[92] As a result, the window of the bedroom broke, as did mirrors in this room. Luckily Myatiev, who currently lives alone, was in another room at the time and escaped unharmed. Police was called to the place and opened an investigation.*
>
> *Earlier, on 26 October 2011, when Myatiev was walking in the street, a young man wearing sunglasses run up to him from behind and hit him in the face (thus injuring his lip) before running away. Myatiev did not report this incident to police, but now believes it may have meant as a warning.*
>
> *Myatiev was fired from the state-run newspaper Neitralny Turkmenistan in 2009 and is now apparently suspected of cooperating with foreign media. There are also several other reasons why Myatiev appears "suspicious" in the eyes of the security services. Among others, he and his wife were members of the Dashoguz Ecological Club, which was closed down by court in 2003, and supported the families of the club's co-founders, Farid Tukhbatullin and Andrey Zatoka, when these were serving politically motivated prison sentences in Turkmenistan. Both of the two human rights defenders were later forced to leave the country and now live abroad.[93] In recent years Myatiev and his wife have also often traveled abroad to visit family.*

The quality of mobile connections has reportedly deteriorated in Turkmenistan following the Abadan events. This further reinforced a trend that was observed already after the expulsion of Russian operator MTS (see above).

While official media initially did not report anything about the Abadan events, and foreign-based internet sites that provided coverage about them are not accessible in Turkmenistan, many residents received information about the blasts and their impact through satellite TV channels. Such channels are among the few remaining means for obtaining information that is independent of official propaganda inside of the country. In what appeared to be an attempt to choke off also this source of information, the president issued an order in August 2011 to dismantle private satellite dishes because they allegedly "spoil the appearance" of residential buildings. [94] A similar campaign was initiated in 2008, but gradually subsided that time.

3.4. Developments in Uzbekistan

Population: 28.2 million[95]
Average monthly salary according to official statistics: 550 000 sum (about 150 EUR according to the "black" exchange rate widely in use) [96]
Internet users per 100 inhabitants: 20[97]
Cell phone subscriptions per 100 inhabitants: 76[98]
Average cost of a one-hour visit to a cybercafé: about 0.25 EUR[99]
Cost of private unlimited ADSL internet connection: starting from 35 000 sum (about 10 EUR according to the unofficial exchange rate)/month (128 kB/sec)[100]

Aside from Turkmenistan, Uzbekistan is the most repressive country for internet users in the former Soviet Union. Due to its pervasive regime of online control and censorship, Uzbekistan

has been named one of the world's ten "enemies of the internet" by Reporters without Borders.[101] The revolutions and protests that have taken place in Arab countries this year appear to have frightened the Uzbek government with respect to the possible power of the internet and prompted it to further step up monitoring and control of internet use.

While internet use has increased in Uzbekistan in recent years, it is still mainly concentrated to larger cities, and most users are young people. Many citizens cannot afford home computers or private internet services. An increasing number of users are accessing the internet through their cell phones.

Under the country's restrictive media legislation, websites are defined as media outlets and must be registered with the authorities in the same way as other media outlets. Registration may be rejected if the purpose and objectives of a media outlet is considered to contradict existing legislation, and the activities of media outlets may be suspended or terminated for various violations of the law. The owners, editors and staff of websites may be held liable for the "objectivity" of published materials.[102] Internet operators and service providers must be licensed by the Communications and Information Agency of Uzbekistan and risk having their licenses revoked if they fail to enforce various regulations on prohibited internet content. Internet providers are required to route international traffic through the infrastructure of the state-owned Uzbek Telecom, which facilitates control.[103]

The Uzbek authorities closely monitor and censor internet content. Online material on controversial issues, such as corruption, human rights violations and Islam is filtered, and websites that feature information critical of the authorities are fully or partially blocked. Blocking measures are implemented by internet service providers at the request of security services.[104] Websites that are blocked include those of independent journalists, opposition groups, local and international human rights NGOs, as well as foreign news portals and media such as uznews.net, ferghana.ru, eurasianet.org, Radio Free Europe/Radio Liberty, BBC, Voice of America and Deutsche Welle. In connection with an "internet festival" that was held in August 2011 to support the development of the uz national domain, dozens of additional websites were blocked for several days, including leading Russian, Central Asian and international media outlets and news agencies.[105]

Social networking sites such as Facebook, Twitter, Live Journal and others are also occasionally made inaccessible in Uzbekistan. After the outbreak of unrests in the Arab world in late 2010, social network sections where Uzbek users posted and commented on news from Egypt, Tunisia, Bahrain and Libya became unavailable.[106]

In what appeared to be an attempt by the Uzbek government to establish tighter control of social networking, a new social network called Muloqot ("dialogue") was launched in cooperation with the state telecom monopoly as of September 2011.[107] By offering similar services as other social networks, the authorities are trying to attract young people to use Muloqot instead of global ones such as Facebook, which has grown rapidly in popularity in recent months and now has over 90.000 users in the country.[108] In order to sign up for Muloqot, it is necessary to provide an Uzbek cell phone number. As getting a cell phone connection requires providing passport information[109], this requirement facilitates keeping

track of users. According to the user conditions, it is prohibited to use the site for "illegal" actions that violate "law and order" and "morals". Muloqot reserves the right to delete information posted on the site, block access to an account or delete an account without prior notification.[110] Civil society activists have expressed fear that the initiative to create Muloqot may be a prelude to banning Facebook.[111]

Emails and chat systems are also under surveillance in Uzbekistan.[112] On the basis of such monitoring, several users of the online discussion forum arbuz.com were arrested in January 2011 because of comments they had made in forum sections devoted to the situation in Uzbekistan, religious issues, and the ethnic violence that took place in southern Kyrgyzstan in the summer of 2010. Following the arrests, these sections were removed from the site by its administrators.[113]

Telephone communication is likewise under surveillance and calls made by "suspicious" individuals, such as independent journalists, human rights defenders and politically active citizens are regularly tapped. Cell phone companies are suspected of assisting in internet censorship.[114]

Internet cafes are monitored by security services and the owners of such places are warned not to allow customers to visit internet sites containing political, religious or other material that is considered inappropriate by the authorities. In May this year, local authorities in Tashkent introduced a new regulation that banned school children from visiting internet cafes between 8.30 and 19.00. Children who break this rule may be detained by police, and parents, teachers and internet café owners may also be held liable.[115] It was argued that the ban was needed because children skip classes to play games online, which impairs their school performance. It appeared, however, that the regulation was another attempt to tighten control of internet use among the country's younger generation.

President Karimov used the occasion of Media Workers' Day on 27 June 2011 to draw attention to the purported dangers of internet use. With reference to events "near and abroad", he warned of the presence of "destructive forces" in the internet that are trying to "mislead" young people because of "selfish interests".[116] The chairman of the Committee for Information and Communication Technologies in the country's parliament later filled in by saying that "the internet is overflowing with provocative information", which is "directed against" the Uzbek state, government and president and "casts aspersions" on national "achievements". He called for a "coordinated fight" against these forces.[117] These remarks gave rise to concern that a new crackdown may be in the coming against Uzbek political opposition movements and human rights groups that use the internet to disseminate information.

In a further step that appeared aimed at muzzling online debate on inconvenient issues, a new governmental oversight body was set up in August 2011. This "committee of experts" was charged with tracking down material distributed on the internet, satellite channels and other media resources that does not "correspond to the requirements of the law", has a "destructive and negative" impact on the "social conscience of citizens" or undermines "national cultural traditions and heritage". The committee will have powers to identify and propose measures to address the "violations" it identifies, as well as to elaborate new media legislation.[118] The

broadly worded mandate of this body makes it possible for it to single out any internet material that does not please the authorities for control and sanction.

The excessive restrictions on internet use imposed by the Uzbek authorities have resulted in widespread self-censorship among internet providers and users who fear repercussions. In order to get around government controls, some internet users are using proxy servers or virtual private networks to access online material on politically charged issues.[119]

Those who dare to use the internet to openly criticize authorities are highly vulnerable to intimidation and harassment:

> *Saida Kurbanova, head of a local office of the Human Rights Society of Uzbekistan in the Djizak region, as well as head of the opposition Birdamlik ("Solidarity") movement in this region, reported being summoned to the Pakhtakor district police station on 15 August 2011.[120] The reason was an article published by her at www.birdamlik.info about problems related to the use of state-mandated bank plastic cards. Under a reform initiated a few years back, the Uzbek authorities have heavily promoted non-cash transactions as a means of dealing with the chronic short supply of paper money in the country.[121] According to Kurbanova, she was "dragged up the stairs" by police officers, verbally abused and held for several hours before being allowed to leave.[122] Kubanova has also previously faced intimidation and harassment because of her human rights work.[123]*

> *In September 2011, human rights defender Gulbahor Turaeva, who lives in the Andijan region, was intimidated and physically attacked after publishing online articles critical of local authorities. An article of hers published at the Russian news site Rex[124] on 5 September addressed problems of trash disposal in Andijan. Another article based on information from her, which appeared on the online news portal Ferghana[125] on 7 September, highlighted the plight of elderly people in need of assistance. According to Turaeva, following the publications of these articles, local counter-terrorism officials contacted her, demanded that she "refute" her statements and warned her to stop publishing articles in the internet.[126]*

> *Moreover, in an incident that Turaeva suspects was staged by local officials, she was attacked by two unknown women outside of her home on 9 September 2011. The two women approached Turaeva when she was on her way to a nearby park with her children, beat her, and threatened her, specifically referring to her writings about waste disposal. As Turaeva's husband came out to help, and rushed to a neighbor to call the police, the two women tried to take away Turaeva's little daughter. Only the intervention of neighbors prevented them from doing so.[127]*

> *Turaeva has a history of persecution related to her human rights engagement. In April 2007, she was sentenced to six years in prison on politically motivated charges of anti-constitutional activities, slander, and disseminating materials threatening public order. On appeal her sentence was commuted into a suspended one and she was released on parole.[128]*

4. Recommendations

4.1. Recommendations to the authorities of Kazakhstan, Turkmenistan and Uzbekistan

To all three countries:

- Respect freedom of expression in the internet and other new media and refrain from imposing any restrictions on the use of these media – by law or in practice – that are not consistent with the strict requirements of international human rights law, in particular article 19 of the International Covenant for Civil and Political Rights.

- Do not misuse national security concerns to restrict the use of the internet or other new communications technologies, keeping in mind that restrictions on these grounds only are permissible in exceptional circumstances and if they are shown to be a necessary and proportionate response to a direct and imminent threat of violence[129].

- Refrain from systematic filtering, censoring or blocking of online content, and do not restrict access to online content simply because it contains information that authorities do not like or agree with.

- Ensure that any measure to prevent access to online content deemed illegal is strictly limited to that specific content. The measure must also be fully consistent with international human rights standards, proven to absolutely necessary, and sanctioned through a court decision, which provides justification for the measure and is subject to appeal.

- Put an end to existing schemes for systematic monitoring of email and other online communication, tapping of phone conversations of journalists, human rights defenders or others known to be critical of authorities, as well as surveillance of the activities of visitors to internet cafes.

- As a matter of priority, take effective measures to promote universal access to the internet, ensuring that internet access is widely available, accessible and affordable to the population[130];

- Do not subject internet or other electronic communications service providers to strict licensing regimes or other requirements that are not compatible with international freedom of expression standards, and promote free competition in this area;

- Implement recommendations relating to freedom of expression and the use of the internet and other new media made by the UN Special Rapporteur on Freedom of Expression, the OSCE Representative on the Freedom of the Media, as well as other UN and OSCE human rights bodies.

To the authorities of Kazakhstan:

- Repeal existing legislation relating to freedom of expression and the internet that is not consistent with international human rights law and ensure that regulations that apply to the internet reflect the specific nature of this medium.

- Stop blocking access to Live Journal and other websites on the basis of vague and unspecified accusations of "extremism" and "terrorism".

- Put an end to all forms of harassment by authorities of online media and journalists who report on developments in Kazakhstan in an independent and critical manner; carry out prompt, thorough and impartial investigations into reported cases of intimidation, physical attacks and hacker attacks targeting such media and journalists with a view to bringing those responsible to justice; and ensure that any legal cases against online media and journalists that are brought to court are considered in full accordance with international fair trial standards and uphold freedom of expression guarantees.

To the authorities of Turkmenistan:

- Allow foreign telecommunications companies to operate in the Turkmen market so as to create competition and stimulate an improvement of services.
- Stop intimidating and persecuting individuals who are suspected of using internet and cell phone resources to provide information to foreign websites and media outlets, as well as Turkmen journalists and civil society activists in exile who use the internet as a tool in their work, and their relatives. Thoroughly and promptly investigate reported cases of intimidation and attacks and hold accountable those responsible.
- Put an end to the campaign to dismantle private satellite antennas, which violates international standards protecting the right to receive information regardless of frontiers, as well as the right to privacy.

To the authorities of Uzbekistan:

- Use the ongoing process of reforming national media legislation[131] as an opportunity to consult and work with international experts on ensuring that the regulation of media, including in particular the internet, corresponds to international human rights standards.
- Refrain from any form of harassment or repression of individuals who exercise their right to freedom of expression to discuss and comment on various topical issues on the internet, and ensure that reported cases of intimidation and harassment are investigated in a speedy and thorough manner with a view to holding the perpetrators accountable.
- Ensure that internet users are allowed to use social networking sites of their choice and that their interactions on such sites are not monitored or restricted in ways that violate international human rights law.

4.2. Recommendations to the international community

To the EU and other international organizations:

- Use existing means of leverage to encourage the authorities of Kazakhstan, Turkmenistan and Uzbekistan to take concrete steps to improve the situation with respect to freedom of expression and the use of the internet and other new communications technologies.

- Condition bilateral and multilateral cooperation with the countries in question on the implementation of meaningful reforms in the area of the internet and other new media, in accordance with recommendations made by international human rights bodies.
- Use high-level meetings, public statements, resolutions and other means as an opportunity to raise issues of concern regarding freedom of expression in the internet and to defend victims of online repression in a visible and prominent way.
- Ensure that discussions with the authorities of the three countries on freedom of expression and the use of new media are focused on and aimed at promoting specific benchmarks for progress.
- Support programs and projects to promote internet access and free use of the internet and other new media in Central Asia.

To the international civil society:

- Continue efforts to widely publicize and attract attention to problems regarding freedom of expression and the use of the internet and other new media in Central Asia among international organizations, governments, media, telecommunications companies and the public.
- Consider developing and implementing joint strategies to counter challenges to freedom of the internet in Central Asia, e.g. by organizing a conference devoted to these issues.
- Take advantage of the opportunities offered by the internet and other new communications technologies to provide moral support to new media users in Central Asia whose freedom of expression is curtailed in different ways.

To international telecommunications companies:

- Uphold international standards on freedom of expression when doing business in the Central Asian countries and act with due diligence to avoid infringing protected rights in any way[132].
- Provide full transparency on company policies and terms of service in Central Asian countries, implement ethical codes of conduct, and seek advice from international human rights bodies when relevant.

[1] A report prepared by the Dubai School of Government concluded that social media, through its growth and new ways of using it, "played a critical role in mobilization, empowerment, shaping opinions, and influencing change" in the protests in the Arab word. See Dubai School of Government, "Civil Movements: The Impact of Facebook and Twitter," *Arab Social Media Report Vol. 1, No. 2*, May 2011, at http://www.dsg.ae/portals/0/ASMR2.pdf

[2] Joint Communication by the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission, *A Review of European Neighborhood Policy*, May 2011, p. 5 at http://ec.europa.eu/world/enp/pdf/com_11_303_en.pdf

[3] Ibid., p. 4. The communication concerns the EU's relations to the 16 countries that form part of the so-called European Neighborhood, which does not extend to Central Asia. However, the commitments made can be considered generally indicative of the EU's foreign policies.

[4] Declaration by the High Representative, Catherine Ashton, on behalf of the EU on the occasion of World Press Freedom Day, 3 May 2011, at https://www.consilium.europa.eu/uedocs/cms_Data/docs/pressdata/EN/foraff/121695.pdf

[5] See p. 36 of *Freedom of Expression on the Internet: Study of legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in OSCE participating States*. Study commissioned by the Office of the Representative on Freedom of the Media. Available at http://www.osce.org/fom/80723

[6] See par. 3 of article 19 of the ICCPR, available at http://www2.ohchr.org/english/law/ccpr.htm

[7] Human Rights Committee, General Comment No. 34: Article 19, Freedoms of opinion and expression (advance unedited version), July 2011, par. 21, at http://www2.ohchr.org/english/bodies/hrc/docs/GC34.pdf

[8] Par. 43.

[9] Par. 43.

[10] Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue (A/HRC/17/27), 16 May 2011, at http://www2.ohchr.org/english/bodies/hrcouncil/docs/17session/A.HRC.17.27_en.pdf

[10] See par. 3 of article 19 of the ICCPR, available at http://www2.ohchr.org/english/law/ccpr.htm

[11] Par. 26.

[12] Par. 73.

[13] Joint Declaration on Freedom of Expression and the Internet, 1 June 2011, at http://www.osce.org/fom/78309 (in Russian at http://www.osce.org/ru/fom/78310)

[14] Par. 3b.

[15] Par. 2.

[16] Par. 1 c-d.

[17] Resolution adopted by the Human Rights Council: Freedom of Opinion and Expression (A/HRC/RES/12/16), 12 October 2009, at http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/G09/166/89/PDF/G0916689.pdf?OpenElement (In Russian at http://ap.ohchr.org/documents/sdpage_e.aspx?b=10&se=100&t=11)

[18] Par. 6 a.

[19] Par. 6 i.

[20] A summary of OSCE commitments relating to freedom of expression can be found in the compilation of standards available at http://www.osce.org/odihr/43546 (also available in Russian).

[21] OSCE PC.DEC/633 on Promoting Tolerance and Media Freedom on the Internet, endorsed by the OSCE Ministerial Council in Sofia, 7 December 2004. See http://www.osce.org/mc/23133

[22] *Freedom of Expression on the Internet: Study of legal provisions and practices related to freedom of expression, the free flow of information and media pluralism on the Internet in OSCE participating States*. Study commissioned by the Office of the Representative on Freedom of the Media. Available at http://www.osce.org/fom/80723

[23] Page 32.

[24] Page 33.

[25] Page 32.

[26] Page 33.

[27] Russian Embassy in the UK, "Russia's approaches to cooperation in the sphere of international information security," 28 October 2010, at http://www.rusemb.org.uk/press/297 (in Russian at http://www.rus.rusemb.org.uk/press/168)

[28] Letter dated 12 September 2011 from the Permanent Representatives of China, the Russian Federation, Tajikistan and Uzbekistan to the United Nations addressed to the Secretary-General. Available at http://blog.internetgovernance.org/pdf/UN-infosec-code.pdf (in Russian at http://www.rus.rusemb.org.uk/data/doc/internationalcoderus.pdf)

[29] Ibid.

[30] *Izvestia*, «ОДКБ возьмется за социальные сети», 12.08.2011, http://www.izvestia.ru/news/500269; The Moscow News, "CSTO wants to monitor the internet to prevent a repeat of Arab revolutions," 13 September 2011, at http://themoscownews.com/society/20110913/189040987.html; Radio Free Europe/Radio Liberty, "Russian-Led Security Body To Monitor Social Media In Wake Of Arab Spring," 15 September 2011, at http://www.rferl.org/content/russian_led_security_body_csto_to_monitor_social_media_in_wake_of_arab_spring/24329629.html

[31] Lenta.ru, «Юрий Чайка потребовал контроля над соцсетями», 14.09.2011, http://lenta.ru/news/2011/09/14/chaika/

[32] "Proposals to regulate Internet could threaten freedom of expression, warns OSCE media freedom representative," 28 September 2011, at http://www.osce.org/fom/83112 (in Russian at http://www.osce.org/ru/fom/83135)

[33] "Proposals to regulate Internet could threaten freedom of expression, warns OSCE media freedom representative," 28 September 2011, at http://www.osce.org/fom/83112

[34] Information from 1 September 2011 provided by the Agency of Statistics of Kazakhstan, at http://www.stat.kz/Pages/default.aspx

[35] Information from September 2011 provided by the Agency of Statistics of Kazakhstan, at http://www.stat.kz/Pages/default.aspx It should be noted that unofficial estimates of the average salary in the country are considerably lower.

[36] 2010 statistics from the International Telecommunications Union (ITU), at http://www.itu.int/ITU-D/icteye/Reporting/ShowReportFrame.aspx?ReportName=/WTI/InformationTechnologyPublic&RP_intYear=2008&RP_intLanguageID=1

[37] Ibid.

[38] Prices quoted for services by Kazakh Telecom, at http://www.telecom.kz/

[39] Opennet Initiative, Kazakhstan profile, December 2010, at http://opennet.net/research/profiles/kazakhstan

⁴⁰ Law on the introduction of changes and additions to the legislation about informational-communicative networks, 10 July 2009, at http://www.pavlodar.com/zakon/?dok=04418&all=all

⁴¹ For more information, see briefing paper prepared by Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee for the review of Kazakhstan by the UN Human Rights Committee in July 2011, at http://www.iphronline.org/news.html?60

⁴² Freedom House, *Freedom on the Net 2011: Kazakhstan*, p. 6, at http://www.freedomhouse.org/images/File/FotN/Kazakhstan2011.pdf

⁴³ Adil Soz, *Ситуация со свободой слова в Казахстане в 2008 году: Аналитический доклад*, http://old.adilsoz.kz/index.php?lan=russian&id=769

⁴⁴ For more information, see briefing paper prepared by Kazakhstan International Bureau for Human Rights and Rule of Law, International Partnership for Human Rights and the Netherlands Helsinki Committee for the review of Kazakhstan by the UN Human Rights Committee in July 2011, at http://www.iphronline.org/news.html?60

⁴⁵ Opennet Initiative, Kazakhstan profile, December 2010, at http://opennet.net/research/profiles/kazakhstan

⁴⁶ For a a full list of websites that were blocked (temporarily or on an ongoing basis) in 2010, see Adil Soz, *Statistics on the violations of the rights of media outlets and journalists in Kazakhstan in January-December 2010*, at http://old.adilsoz.kz/?lan=english&id=7&newsid=972

⁴⁷ Center for Journalism in Extreme Situations, *Weekly Bulletin of Events in CIS Countries*, 23 February – 1 March 2010, at http://www.cjes.ru/bulletins/?bid=3744&country=SNG&lang=eng&PHPSESSID=3278f0f7cdfce970184b4058459938e7; Committee to Protect Journalists, "Disdaining Press Freedom, Kazakhstan Undermines OSCE," 14 September 2010, at https://www.cpj.org/reports/2010/09/disdaining-press-freedom-kazakhstan-undermines-osc.php

⁴⁸ Radio Free Europe/Radio Liberty, «В Казахстане создается черный список «деструктивных» веб-сайтов», 1 March 2010, at http://rus.azattyq.org/content/Kuanyshbek_Esekeev/1971451.html?page=2

⁴⁹ Ibid.

⁵⁰ Казахстанская правда, «Саидмурат ТАНИРБЕРГЕНОВ: Важно создавать альтернативу экстремистским источникам информации», 1.10.2011, на http://www.kazpravda.kz/c/1317424085

⁵¹ «Блокировка доступа к LiveJournal нарушает конституционные права граждан, считает фонд «Адил соз»», 23.8.2011, http://www.adilsoz.kz/news/blokirovka-dostupa-k-livejournal-narushaet-konstitucionnye-prava-grazhdan-schitaet-fond-adil-soz/

⁵² Live Journal statistics from 3 November 2011, at http://www.livejournal.com/stats.bml

⁵³ Order of the Ministry of Communications and Information of the Republic of Kazakhstan № 220 dated September 7, 2010, http://nic.kz/rules/

⁵⁴ See "Changes to the Open Internet in Kazakhstan," 7 June 2011, at http://googleblog.blogspot.com/2011/06/changes-to-open-internet-in-kazakhstan.html

⁵⁵ Announcement of the Kazakhstan Network Information Center, 8 June 2011, at ttp://www.nic.kz/docs/announc_14_06_2011.jsp

⁵⁶ Adil Soz, «Решения о приостановке деятельности информационных партнеров «Стан.ТВ» приобрели законную силу», 26.10.2011, http://www.adilsoz.kz/news/resheniya-o-priostanovke-deyatelnosti-informacionnyx-partnerov-stan-tv-priobreli-zakonnuyu-silu/

⁵⁷ For more information about these protests and human rights concerns related to them, see Kazakhstan International Bureau for Human Rights and Rule of Law and International Partnership for Human Rights, *Repression of Labor Protests in Kazakhstan*, October 2011, at http://www.iphronline.org/news.html?70

⁵⁸ Adil Soz, «Полицейские в Жанаозене задержали съемочную группу видеопортала «Stan.kz»», 14.6.2011, http://www.adilsoz.kz/news/policejskie-v-zhanaozene-zaderzhali-semochnuyu-gruppu-videoportala-stan-kz/

⁵⁹ Adil Soz, «Напавшие на журналистов «Стан» объявлены в межгосударственный розыск», 9.11.2011, http://www.adilsoz.kz/news/napavshie-na-zhurnalistov-stan-obyavleny-v-mezhgosudarstvennyj-rozysk/

⁶⁰ Adil Soz, «Сайт Гульжан Ергалиевой закрыт из-за ddos-атак из Казахстана», 21.7.2011, http://www.adilsoz.kz/news/sajt-gulzhan-ergalievoj-podvergsya-texnicheskomu-napadeniyu/

⁶¹ For more information about these kinds of attacks and their use, see "Central Asia: Censorship 3.0 and the Struggle for Online Free Speech," 7 November 2011, at http://www.eurasianet.org/node/64461

⁶² Adil Soz, «Сайт Гульжан Ергалиевой подвергся техническому нападению», 30.9.2011, http://www.adilsoz.kz/news/sajt-gulzhan-ergalievoj-podvergsya-texnicheskomu-napadeniyu/

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