



OSCE Human Dimension Implementation Meeting

Restricted space: ongoing concerns about restrictions on fundamental freedoms in Central Asia

21 September 2018

Over two and a half decades since the fall of the Soviet Union, the space for civil society remains seriously limited in this region with governments imposing far-reaching restrictions on free speech, association and assembly.

The government in **Turkmenistan** continues to tightly control the dissemination of information, suppress dissent and view any independent civil society activity as a threat. **Uzbekistan's** current President has taken some important steps to break with the repressive practice of his predecessor, but has yet to initiate systematic human rights reform and take meaningful steps to allow a functioning and free civil society to develop. In **Kyrgyzstan**, the situation for civil society space has improved slightly under the new President, it is still too early to assess whether these improvements are part of a sustainable trend. The situation in **Kazakhstan** and **Tajikistan** has deteriorated significantly in the last year, with those in power exploiting concerns about national stability and security to justify measures that curtail fundamental freedoms and civil society activities. Over the last year or so, the economic downturn, elections and high-profile international events taking place in the region appear to have made the Central Asian governments increasingly wary of criticism and to have contributed to growing intolerance of those who scrutinize and draw attention to human rights violations and the shortcomings of state policies, in particular on social media and other online platforms.

This briefing paper by International Partnership for Human Rights based on information provided by Association for Human Rights in Central Asia (AHRCA, based in France), Restoration of Justice (based in Uzbekistan), Turkmen Initiative for Human Rights (TIHR, based in exile), Legal Prosperity Foundation (based in Kyrgyzstan) and Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR) provides an overview of the current challenges facing civil society in Central Asia, and urges members of the international community to raise concerns about the curtailment of basic freedoms with the governments of Central Asian countries and encourage them to protect civil society space. More detailed information on these trends in Central Asia as



well as individual cases can be found at: <http://iphronline.org/danger-standing-justice-rights-central-asia-new-ngo-report-documents-alarming-trends.html>

Kazakhstan

Over the last year the space for freedom of expression and independent civil society engagement noticeably reduced in Kazakhstan. The few remaining independent media outlets faced pressure and journalists, social media users, civil society activists and other government critics were persecuted, detained and imprisoned on criminal charges of inciting discord, spreading false information, defamation and other alleged offenses in retaliation for their exercise of freedom of expression and other fundamental freedoms.

Freedom of association has lately been negatively impacted by the tense situation caused by the banning of the peaceful opposition movement Democratic Choice of Kazakhstan (DVK – from the Russian abbreviation) in March 2018 after it was ruled an extremist organization. Following this ruling, distributing and producing material about the DVK on mass media, telecommunication, social networks, apps and video hosting sites, became a criminal offence. From mid-March, the authorities began to actively seek out activists, bloggers and others who were thought to sympathize with DVK using information about subscribers to DVK's popular Telegram-channel. Several people received administrative warnings about their alleged affiliation with DVK.

On 18 September 2018 a delegation of MEPs from the European Parliament Foreign Affairs Committee attempted to meet with several civil society representatives and relatives of political prisoners in Almaty. **Police detained Galia Ospanova and other members of civil society** as they attempted to meet with the delegation. Galia Ospanova is the mother of Aset Nurzhaubai, who is currently on trial for alleged affiliation with DVK.

The Kazakhstani authorities also targeted alleged DVK supporters outside the country. The well-known blogger **Marat Tungishbaev**, who had been living in exile in Kyrgyzstan and Ukraine for several years, was arrested on 10 May 2018 in Bishkek by the Kyrgyzstani security services (GKNB), and subsequently handed to the Kazakhstani authorities on 26 June. He is accused of spreading illegal information on DVK on Telegram and online social networks. Tungishbaev is currently incarcerated in a pre-trial detention facility in Kazakhstan, with significant threats to his health, as he is reported to be denied necessary medical treatment.

The authorities continue to interfere with the right to **freedom of assembly** by persecuting and penalising civil society representatives for taking part in gatherings or discussing plans for such events on social media, and by declaring peaceful workers' strikes unlawful.

Freedom of expression is limited and there is little room for expressing alternative views in the media. Most of the country's independent critical media outlets have been closed down over the last few years. The few remaining media outlets, as well as independent journalists and bloggers have been subjected to ongoing pressure, arrests and criminal prosecution. Government officials and other public figures continue to use lawsuits as a means of retaliation against those reporting critically about their policies and actions. For example:

- The Ratel.kz news site was blocked in March 2018. In April, its office was searched and computers confiscated by police. The homes of several journalists and editors were also searched by the authorities, including Ratel.kz editor-in-chief Marat Asipov. Marat Asipov and one of the journalists were released after a short interrogation. The police actions were reportedly triggered by a request from businessman and former Minister Zeinulla Kakimzhanov, who filed a lawsuit claiming that the media outlet had knowingly spread false information damaging his reputation. The lawsuit was related to a series of news articles on alleged corrupted business schemes. On 4 April 2017, Medeu District Court had fined the two media outlets a total of 50 200 000 KZT (around 146 000 USD) in favour of the Kakimzhanov family. Although the fine was paid, on 28 May this year, Medeu District Court in Almaty ordered the closure of website Ratel.kz. The registration of the media outlet was cancelled, the name was banned and Ratel.kz was forbidden from using Facebook as a platform for disseminating news.

The authorities also continue to impose restrictions on the **freedom of expression** through the misuse of Article 174 of the Criminal Code, which punishes incitement to discord. The Article, with its over-broad definition of offences, is routinely used to target critics. For example, Shymkent-based blogger Ardak Ashim was forcibly incarcerated in a psychiatric facility for more than one month after being detained on 15 March 2018 on charges of “inciting social discord”. Police officers questioned her on alleged connections with the banned DVK movement, and, not finding any evidence of this they sent her for forcible psychiatric treatment. Ardak Ashim had previously expressed her support for the DVK movement on social media, but before they were declared an extremist organization. Several such cases in Kazakhstan have been initiated on similar grounds. For example, two men were accused of supporting the DVK movement because they were wearing blue shirts, (the party colour) and a woman because she had two blue balloons in her house.

The authorities actively tightened restrictions on **freedom of expression on the internet**.

Widely criticized draft legislation is under consideration that would introduce new restrictions on **freedom of religion**. The draft bill, which was passed at initial parliamentary hearings in May 2018, aims to increase controls of “radical” religious associations. The draft law provides a vague definition of the religious trends the authorities are concerned about as “a set of religious views, ideas, and doctrines that threaten the protected human rights and freedoms aimed at weakening and (or) destroying moral foundations, spiritual and cultural values.” If adopted, the draft law will reinforce trends of harassment and intolerance towards Muslims and certain religious minorities.

Recommendations to the authorities of Kazakhstan:

- 1. Revise the draft law on religion including input of expert assessments, including from the OSCE and the UN;*
- 2. Cease the unjustified persecution of citizens for peacefully exercising their freedom to associate;*
- 3. Cease the practice of state surveillance, harassment and arbitrary detention of citizens who meet with or turn to international organizations or foreign political representatives, journalists or human rights defenders who visit Kazakhstan;*
- 4. Remove or revise Article 174 from the Criminal Code ("Incitement to social, national, tribal, racial, class or religious strife") giving clear definitions of what constitutes hate speech;*

5. Change the rules of holding peaceful assemblies from the current, where permission has to be sought, to one where citizens only notify the authorities prior to holding assemblies.

Kyrgyzstan:

Recently President Sooronbai Jeenbekov stated his intention to continue to improve **cooperation with civil society** and his open attitude towards “constructive ideas and criticism”. On 19 July 2018, he held a meeting with civil society and promised to include civil society representatives in expert working groups looking at reforms.

Despite these welcome statements some concerns remain. One of these is related to legislation on **NGOs involved in election monitoring**. In the run-up to the presidential elections in 2017, restrictions were imposed on local election monitoring NGOs. Legislation limits the number of local election monitors, and restricts their rights to move around freely at polling stations, and deprives NGO monitors of the right to appeal against decisions of election commissions. In view of the upcoming parliamentary elections in 2020, it is of utmost importance that amendments are made to legislation to guarantee that civil society will be able to monitor the elections.

Another cause of concern is legislation on “incitement to hatred” which remains vaguely defined and has been arbitrarily applied by the authorities to curtail fundamental freedoms.

In March 2018 the **Bir Duino-Kyrgyzstan Movement** found out that its alternative report to the UN Committee on the Rights of Migrant Workers published in 2015 had been added to the list of banned materials by court order in January 2017, making it a criminal offence to publish, distribute, or copy the publication. The publication was banned on the grounds that it allegedly incites ethnic or racial conflict, although experts who examined the report concluded that it contains no information to this effect. On 5 July 2018, Bishkek City Court refused Bir Duino Kyrgyzstan’s request to appeal against the January 2017 decision, on the grounds that the deadline for lodging an appeal had passed.

Human rights activist **Azimzhan Askarov**, sentenced to life imprisonment in Kyrgyzstan, remains behind bars, despite the UN Human Rights Committee concluding in 2016 that he was arbitrarily detained and ill-treated, and calling for his immediate and unconditional release.

Freedom of expression decreased significantly in Kyrgyzstan in 2017 due to onerous fines imposed on media outlets critical of the former President Almazbek Atambaev, and the closure of an opposition television company.

Despite some positive steps in the first half of 2018, including the dropping of libel lawsuits against journalists by both former President Atambayev and President Jeenbekov, current legislation needs amending to ensure that such cases will not be repeated in the future.

Assistant UN Secretary-General for Human Rights Andrew Gilmour, who visited Kyrgyzstan in May 2018, welcomed the retractions in some defamation cases against journalists. He noted that the recent civil suits against news agencies had had the effect of gagging some of them. During the 19 July meeting with civil society, President Jeenbekov gave an undertaking not to sue journalists.

In a related case, in April 2018, the Supreme Court overturned the decisions of lower courts, which had refused to allow Dina Maslova, one of the co-founders of news website **Zanoza.kg**, and human rights defender Cholpon Dzhakupova to pay court-awarded compensation in favour of former President Atambayev in installments. The Supreme Court returned the cases for further consideration. However, the original court ruling imposing fines of millions of soms on the defendants in favour of the former President **remains in force**. Dzhakupova and founder of the Zanoza.kg website Naryn Ayyyp appealed to the UN Human Rights Committee about violations of international fair trial standards in the preceding court hearings.

The Prosecutor General initiated a criminal case against three Supreme Court judges and several officials from the Supreme Court and Bishkek investigation detention facility, for illegally detaining the blind poet **Temirlan Ormukov** in March 2018 for 12 days. The criminal case was instigated against Ormukov under Article 329 of the Criminal Code, which criminalizes "Knowingly making a false report on the commission of a crime", on the basis of a complaint by a member of Parliament, whom the poet had accused of corruption.

On 27 June 2018, the Kyrgyzstani authorities complied with an extradition request for Kazakhstani blogger and civil activist **Murat Tungishbayev**, handing him to Kazakhstani officials. Human Rights organizations protested the failure by Kyrgyzstani authorities to fulfil their international obligations not to return anyone to a country where he or she is at real risk of torture.

Recommendations to the authorities of Kyrgyzstan:

- *Implement the decision by the UN Human Rights Committee and immediately release Azimzhan Askarov;*
- *Amend legislation that requires the Prosecutor General to lodge complaints to protect the honour and dignity of the President;*
- *Amend legislation which currently limits the role of NGOs in election monitoring.*

Tajikistan

The space for civil society continues to contract in Tajikistan due to wide-ranging restrictions on fundamental freedoms. Independent media, journalists and others who criticise government policies face growing pressure, and the authorities unduly limit the use of online resources. Journalists also face difficulties in accessing information of public interest due to the refusal of public authorities to make it available. NGOs are subjected to intrusive inspections by state bodies and human rights groups and those working on the protection of vulnerable groups such as sexual and other minorities have been under special scrutiny. There are ongoing concerns

about reported cases of intimidation, detentions and interrogations of members of the political opposition and their relatives. Problematic legislation, as well as arbitrary law enforcement measures undermined the right to freedom of peaceful assembly.

Following a visit to Tajikistan in May 2018, United Nations Assistant Secretary-General for Human Rights Andrew Gilmour called on the Government of Tajikistan to take steps to ensure that human rights defenders, journalists, lawyers and others can carry out their work without hindrance, unnecessary administrative checks and fear of prosecution.

In July 2018, imprisoned journalist **Khayrullo Mirsaidov** was sentenced by a court in Khujand to 12 years in prison. He was arrested in December 2017 after he made allegations of corruption against local officials. After an international outcry, he was released from detention on 22 August 2018. He spent in total eight months behind bars. However, his convictions for embezzlement, forgery and false testimony remain in force, and he was ordered to pay 80 000 Tajik Somoni (around 8 000 USD) in fines and contribute 20 per cent of his salary to the state for the next two years.

On 17 May 2018, the UN Working Group on Arbitrary Detention concluded that **Mahmadali Hayit**, deputy chairman of the banned Islamic Renaissance Party of Tajikistan (IRPT), is being held in arbitrary detention in Tajikistan. Hayit was given a life sentence in 2016 after being charged along with a dozen other IRPT members with various crimes, including attempting to overthrow the state.

On 16 July 2018, the UN Human Rights Committee issued an opinion, finding the arrest and detention of businessman and opposition politician **Zayd Saidov** to be in violation of the International Covenant on Civil and Political Rights, and calling on the Tajikistani government to immediately release him. In early 2013, Saidov had organized a committee of businesspeople, political scientists, and former public servants to discuss the creation of a new political opposition party entitled New Tajikistan Party, leading to his arrest on 19 May 2013 on charges of “bigamy or polygamy” (Article 170), “illegal deprivation of an individual’s freedom” (Article 131), rape (Article 138), fraud (Article 247), and bribery (Article 319) and he was subsequently sentenced to 29 years in prison.

Lawyers working on politically sensitive cases are at risk of intimidation, harassment and criminal prosecution. Lawyers **Buzurgmehr Yorov** and **Nuriddin Mahkamov**, who represented members of the opposition IRPT in court, were convicted in closed trials which did not meet international standards of fairness. They were found guilty of inciting hostility, extremism and of other charges in October 2016 and remain behind bars.

In relation to **access to the internet**, on 13 June 2018, Tajikistan’s Parliament approved an amendment of Article 179 of the Criminal Code which relates to “public calls for the commission of terrorist crimes and (or) the public justification of terrorist activities”. In accordance with the new amendment, the Article was supplemented by a new definition “via the Internet”, meaning that criminal responsibility and long terms of imprisonment as punishment for public calls for terrorism could potentially threaten online users.

In recent years, arbitrary blocking of websites including news sites such as Asia-Plus, or Facebook has become a regular occurrence in Tajikistan. The government’s Communications Service has denied responsibility for this, suggesting that internet providers are to blame.

However, internet providers have reported receiving informal orders from this agency to block sites.

The climate in which **civil society organizations** operate remains restrictive and human rights NGOs, especially those working on the protection of vulnerable groups such as sexual and other minorities are subject to pressure. The Ministry of Justice, the Tax Committee and other state bodies carry out inspections of the activities of NGOs. These inspections are often time-consuming for the NGOs concerned. In some cases, inspected NGOs were required to address alleged violations of requirements of national law to avoid penalties.

Civil society representatives are concerned that draft legislation, which is under consideration by the government, may introduce additional restrictions on NGO activities. This draft legislation included a new Law on Non-Commercial Organizations and a new Civil Code, which is expected to introduce amendments relating to registration procedures for NGOs.

At the beginning of 2018, NGOs were invited to comment on new draft regulations regarding the procedure for notifying the Ministry of Justice about foreign grants but they are not routinely consulted on legislation affecting them.

Recommendations to the authorities of Tajikistan:

- *Immediately and unconditionally release from detention all those who are detained only for exercising their right to freedom of expression;*
- *Ensure unrestricted access to online information resources, including national and international news sites, social networks and CSO websites.*
- *Ensure that journalists, writers, lawyers and individuals can work freely without fear of retribution for expressing critical opinions or covering topics that the government deems sensitive.*
- *Ensure that a safe, respectful, non-arbitrary environment for civil society is realized in practice, and that legal and policy measures which limit the right to association and provide for potential state interference in NGO activity are rescinded.*

Turkmenistan

The parliamentary elections of 25 March 2018 highlighted yet again the lack of freedom of expression in Turkmenistan, as the three existing political parties are all pro-presidential and the parliament is fully comprised of pro-presidential deputies.

All national media outlets in Turkmenistan are controlled by the state and under pressure to focus on positive developments and government achievements, while refraining from covering the current economic crisis and other serious problems in the country. The new Law on TV and Radio Broadcasting adopted earlier this year requires that broadcasts should create “a positive image of Turkmenistan”. The state also continues to interfere with the editorial policies of media outlets and the President personally appoints and dismisses chief editors, although national law does not grant him such powers.

Websites containing information critical of the authorities, such as that of TIHR continue to be blocked.

The authorities continue their arbitrary campaign against satellite dishes, which residents use to watch and listen to foreign TV and radio channels as an alternative to national, state-controlled channels. This campaign has been under way for years, with privately owned satellite dishes being forcibly removed under the pretext that they spoil the city view. TIHR has documented such cases on a number of occasions in the past year.

According to the 2014 Law on Public Associations, public **associations** have to undergo state registration in order to operate legally in the country, while the registration requirements are excessive especially for nationwide associations. Independent human rights organizations are not granted registration and are unable to operate openly in the country. Involvement in the activities of unregistered associations is subject to administrative sanctions. Legislation grants the authorities broad powers to monitor and oversee the activities and finances of associations without adequate safeguards against abuse.

Civil society activists, journalists working for the Prague-based Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL) and other foreign outlets, as well as others critical of government policies continue to be persecuted.

In October 2017, unknown perpetrators threw stones and bricks at the windows of the apartment of **Khalida Izbastinova**, the 76-year-old mother of TIHR director **Farid Tuhbatullin**. This appears to be part of a pattern of attempts to put pressure on Tuhbatullin because of his human rights work in exile and TIHR's uncensored coverage of developments in Turkmenistan.

National security service officials visited **Galina Vertyakova**, known for her social media posts critical of government policies, at her Ashgabat home on 22 October 2017. They accused her of disseminating "false" information about the situation in the country and threatened her, saying she could easily be killed.

Animal rights activist **Galina Kucherenko** has been subjected to surveillance, intimidation and arbitrary detention in retaliation for her use of social media to protest against the brutal killing of stray animals in Ashgabat. In December 2017 a group of plainclothed law enforcement officers forced their way into her apartment and arbitrarily detained her and her daughter. Kucherenko's daughter Valeria was released after several hours but Galina Kucherenko was sentenced to 15 days' administrative detention by court based on an alleged complaint about her pets from neighbours.

Nataliya Shabunts, an Ashgabat-based civil society activist who cooperates with TIHR and who was targeted for posting articles critical of the authorities, is subjected to surveillance and has experienced arbitrary restrictions on her internet access.

In late May 2018, journalist **Saparmed Nepeskuliev** was finally released from prison after serving a three-year prison sentence handed to him in 2015 when he was charged with unlawfully possessing a medical drug banned in Turkmenistan. His sentence is widely believed to have been in retaliation for his reporting. The UN Working Group on Arbitrary Detention deemed Nepeskuliev's detention to be arbitrary.

RFE/RL correspondent **Soltan Achilova** and her family have repeatedly been subjected to intimidation, surveillance, harassment, threats and attacks over the past year in retaliation for her journalistic work.

According to Turkmenistan Independent Lawyers Association in August 2018 the number of those included on “black lists” of individuals **barred from leaving the country** reached 30 874 persons. Citizens are included on these lists pursuant to decisions of the NSM, the Interior Ministry, the Prosecutor-General’s Office and the State Migration Office. In addition to those included on “black lists”, men who have not completed military service are also forbidden to leave the country as well as young women who are suspected of travelling abroad to engage in prostitution or men who are suspected of travelling to join a terrorist or non-traditional religious group or organization.

Turkmenistan’s authorities **forcibly mobilize** residents to attend and participate in various official gatherings and celebrations. This practice runs contrary to the right to freedom of assembly, a basic element of which is voluntary participation in assemblies. Thousands of people were forcibly mobilized in connection with the Asian Indoor and Martial Art Games held in Ashgabat in September 2017. The authorities invested billions of USD into these games with the aim of improving the country’s international image and took great care to ensure that foreign visitors did not gain undesirable impressions of the situation in the country, including by preventing unsupervised contacts with local residents.

Dozens of individuals imprisoned following closed, politically-motivated trials remain **disappeared** within Turkmenistan’s prison system. Their relatives have been denied contact with them and have not received any information about their whereabouts or fate for up to a decade or more. Among those disappeared are individuals convicted after the alleged 2002 coup attempt, as well as other former government officials imprisoned after falling out of favour with the regime. The Prove they are Alive! Campaign stated in September 2018 that the number of disappearances now stands at 121. The Campaign highlighted that a growing number of such people held *incommunicado* have died in Turkmenistan’s prisons, with 23 confirmed cases of such deaths. According to TIHR, at the beginning of February 2018, another disappeared person died in prison: the former head of the investigative department of the National Security Committee, Begmurat Otuzov, who was given a 25-year sentence in 2002.

Recommendations to the authorities of Turkmenistan:

- *Put an end to the practice of forcibly dismantling satellite dishes and protect the right to unimpeded access to foreign sources of information, including taking prompt measures to ensure unobstructed internet access;*
- *Ensure that independent NGOs that so wish may obtain legal status in a fair and transparent process and carry out their peaceful activities without undue interference by authorities.*
- *Stop persecuting independent journalists, civil society activists and other critical voices, including those who live in exile and their family members who live in Turkmenistan.*
- *Put an end to the practice of prolonged incommunicado detention; provide information about the fate and whereabouts of all those who have disappeared in prison and grant them access to their lawyers and family members; and promptly release all held on politically motivated grounds.*

Uzbekistan

Recently, the Uzbekistani authorities took some positive steps with respect to human rights protection. Importantly, they showed greater openness to international reporting and human rights monitoring, allowing visits by representatives of Amnesty International, Human Rights Watch, Norwegian Helsinki Committee, Reporters Sans Frontiers, and others. In November 2017 a BBC team was allowed limited access to the country for the first time in 12 years.

However, the past pattern of tight state controls on NGO registration, funding and activities continues, and, coupled with ongoing restrictions on freedom of expression, prevents independent media outlets and human rights NGOs from operating effectively and safely in Uzbekistan.

Human rights activists and journalists who were released over the last year included: **Azam Farmonov**, **Solidzhon Abdurakhmanov**, **Agzam Turgunov**, **Ganikhon Mamatkhonov**, **Dilmorod Saidov**, **Isroil Kholdarov**, **Mekriniso Khamadova**, **Zulkumor Khamadova**, **Gaybullo Dhalilov**, **Chuan Matmakulov**, **Zafarjon Rakhimov**, **Yuldash Rasulov**, **Fakhriddin Tillaev**; **Gairat Mikliboiev**, **Yusuf Ruzimuradov** and **Dilorom Abdukodirova** (witness to Andijan tragedy). However, according to human rights monitors, at least five people are currently behind bars to punish them for peacefully exercising their right to freedom of expression. These are independent journalist **Aziz Yusufov**, academic **Andrei Kubatin**, producer **Mirsobir Khamidkoriev**; author **Akrom Malikov** and political scientist **Rustam Abdumanopov**.

Although Uzbekistan has seen some moves towards increased **press freedom** the authorities maintain tight control over the media and independent voices. In 2018, a press center was set up to allow the public to receive timely and reliable information from the authorities, but unfortunately pressing human rights concerns have not been covered by the press centre.

In September 2017, independent journalist **Bobomurod Abdullayev** was detained by officers of the National Security Services (SNB), held in *incommunicado* detention for two days, and then in pre-trial detention without access to a defence lawyer until mid-December 2017. During his detention, he was subjected to torture and ill-treatment at the hands of SNB officers in order to get him to incriminate others and to confess to conspiring to seize power in Uzbekistan through his writings under the pseudonym Usman Khaknazarov. In May 2018, during a trial attended by international observers, Tashkent city court ruled to acquit Abdullayev's co-defendants Hayotkhon Nasreddinov, Shavkat Olloyorov and Ravshan Salayev, but found Bobomurod Abdullayev guilty of public calls for the seizure of power on behalf of an organized group and handed him a 13 month suspended sentence with the requirement to pay 20 per cent of his earnings to the state. His writings, in the opinion of many observers, do not qualify as public calls for seizure of power on behalf of an organized group or in its interests nor do they represent a danger to the public. After the trial ended three officials were brought to justice in relation to the allegations of torture of Bobomurod Abdullayev and found guilty of committing crimes in their official capacity. However, the trial was closed to public scrutiny and the names of all of those found guilty are not known to the public.

In a direct threat to **freedom of expression on the internet**, reports have emerged since 24 August 2018 that several people have been arbitrarily detained and interrogated after they

posted comments on their Facebook accounts or 'liked' and shared posts of other social media users on issues relating to cultural and religious issues. AHRCA confirmed the names of nine people who have been held in police custody on administrative charges and three more who were questioned for some four hours before being released. All 12 were reportedly pressured to provide information to law enforcement officials about those who support and comment on their posts. Several of those detained signed statements undertaking not to participate in any further "suspicious activities" - but without receiving an explanation from the law enforcement and security officials as to what qualifies as suspicious. In addition, "suspicious" is not a legally defined term and does not refer to any internationally recognised crime; hence the demand is effectively an arbitrary restriction of the right to freedom of expression. According to our information, the authorities tracked Facebook users by their IP addresses and then dispatched police officers from the regional anti-terrorism units of the Ministry of Internal Affairs to detain them, search their homes and confiscate computer and technical equipment, in most cases without presenting arrest or search warrants. In the cases we are aware of, interrogations at police stations lasted for four hours or more without any legal representatives present and relatives of those detained were not informed of their whereabouts. The charges were often excessive in terms of the alleged offence - for example, someone trying to organize a small-scale protest (picket) was charged with calling for mass unrest. According to media reports, some of the bloggers were released from custody on 11 September.

On 5 September 2018 a press release by the Ministry of Justice outlined new legislation regulating and restricting access to internet sites which are considered to distribute "banned information", and announced the establishment of a register of banned sites. Sites which publish information calling for violent overthrow of the constitutional system; which propagate violence, terrorism and religious extremism, which provide confidential information on state secrets or laws; which incite national, ethnic or religious hatred or harm the honour or dignity of citizens will be banned.

In relation to **freedom of association**, a Presidential decree from April 2018 instructs the Ministry of Justice to develop a registration system by January 2019 for NGOs to: inform the authorities about planned events; submit annual activity reports and apply for state approval for the receipt of foreign funding. There are concerns that the new registration system could allow for continued state interference in NGO activity. At present, issues of lack of clarity and burdensome bureaucratic requirements of the registration process for NGOs remain problematic. On a positive note, the decree provides that civil society should be consulted on draft legislative changes affecting NGOs.

Although some activists have been allowed to travel abroad in recent months, **restrictions on movement** remain in place for some human rights defenders. For example, human rights defender Agzam Turgunov was refused permission to leave Uzbekistan in August 2018 when trying to attend the Human Dimension Implementation Meeting (HDIM) organized by the OSCE in Warsaw. The grounds for the refusal have not been clarified at the time of writing, although Agzam Turgunov was eventually given permission to travel on 18 September 2018, unfortunately too late to attend HDIM. Former government official and UN employee Erkin Musaev who was released in August 2017 after 11 years of wrongful imprisonment was also refused permission to travel abroad.

Recommendations to the authorities of Uzbekistan:

- *Immediately and unconditionally cease using inappropriate criminal and administrative charges in relation to those who are detained only for exercising their right to freedom of expression;*
- *Bring national legislation governing online as well as printed and broadcast media fully into compliance with Uzbekistan's international human rights obligations and ensure full respect for the right to freedom of expression and media freedom in law and in practice;*
- *Remove legal and policy measures that limit the right to association and provide for potential state interference in NGO activity;*
- *Issue a standing invitation to the UN Special Rapporteur on the rights to peaceful assembly and of association to visit Uzbekistan.*