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СОБИТИЯ ОБЩЕСТВО КУЛЬТУРА НАУКА И ТЕХНОЛОГИИ ИСТОРИЯ КОЛУМИСТЫ ВЗГЛЯД ИЗНЕСТРИ ЭКОЛОГИЯ

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“You Can’t See Them, but They’re Always There”

Censorship and Freedom of the Media in Uzbekistan

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“You Can’t See Them, but They’re Always There”

Censorship and Freedom of the Media in Uzbekistan

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Printed in the United States of America

ISBN: 978-1-6231-35836

Cover design by Rafael Jimenez

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MARCH 2018

ISBN: 978-1-6231-35836

“You Can’t See Them, but They’re Always There”

Censorship and Freedom of the Media in Uzbekistan

Map	i
Summary	1
Methodology	6
I. Media Freedom Expands, But Fear, Censorship Remain	7
Relaxing of Some Restrictions	7
Release of Some Wrongfully Imprisoned Journalists, Critics	10
Censorship, Self-Censorship, and Accreditation Barriers	11
Case of Jasurbek Ibragimov and Detention of Activists Irina Zaidman and Maria Legler	14
II. Prosecutions of Journalists, Critics	18
Torture of Bobomurod Abdullaev and Hayot Nasreddinov, Detention of Akrom Malikov	18
Case of Nurullo Otakhanov (Nurullo Muhammad Raufkhon)	23
Prosecutions of Other Critics.....	25
Case of Andrei Kubatin	25
Case of Abbas Nasretdinov	26
Case of Musadjon Babadjanov.....	26
Long-term Imprisonment of Journalist Gayrat Mikhliboev.....	27
III. Recommendations	29
Acknowledgements	32

Map



Summary

Uzbekistan's second president, Shavkat Mirziyoyev, assumed the presidency in September 2016, following the death of Islam Karimov – the Central Asian country's authoritarian ruler for 27 years. Since then, the Uzbek government has sought domestically and internationally to convey a reform-minded agenda, including some steps to improve the country's abysmal human rights record. For example, it has released some political prisoners, including journalists, removed thousands of citizens from the security services' notorious "black list," and publicly banned the forced mobilization of teachers, doctors, and college students to labor in fields during the annual cotton-picking season. In late January, the Uzbek government also announced the resignation and replacement of 73-year old Rustam Inoyatov, whose 22-year tenure as chief of the National Security Service (SNB) was marked by repeated allegations of SNB officials inflicting torture and other forms of ill-treatment on detainees and prisoners.

These modest positive steps have long been issues human rights organizations inside and outside the country, along with various international actors, have advanced in a robust and public fashion for many years. Coupled with currency reforms and a foreign policy pragmatically focused on repairing relations with Uzbekistan's immediate neighbors Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan – have offered hope that Mirziyoyev may break with the ruthless legacy of his predecessor. However, it remains to be seen just how far the reforms will go. In particular, it remains unclear whether the government is prepared to take the necessary steps to put an end to torture, arbitrary detention and criminal prosecutions for political purposes, to create mechanisms of accountability for past abuses, and to enforce an end to forced labor in cotton fields.

A key indicator of whether Uzbekistan's still-authoritarian government's reforms are genuine and will be ultimately successful is in the media sphere and the core right of free speech.

In November 2017, Human Rights Watch interviewed 22 journalists, editors, and media owners from 17 individual domestic and international media outlets or publications operating in Uzbekistan. Of the domestic outlets some are officially registered by the state, while others operate independently without registration. Human Rights Watch also

interviewed political observers, human rights activists, lawyers, and the relatives of journalists working abroad.

Many journalists told Human Rights Watch that freedom of the press had slightly increased under President Mirziyoyev and described a media environment that has entered a period of change. But all pointed to censorship and fear of repression by security services as a major factor in how they conduct their work. Others indicated that the sensitive subjects they were now free to report on were those which the president himself had already commented on publicly.

The first year and a half of Mirziyoyev's presidency has witnessed journalists and several media outlets covering more politically-sensitive subjects, such as forced labor and corruption. With 56 percent of the population under 30 years old and increasing numbers of mobile internet users, both Uzbek and Russian-language media are experiencing a period of growth and change. Although the media sphere remains highly controlled, authorities have for the first time in nearly 13 years begun to unblock certain critical news websites, such as the Voice of America and Radio Free Europe, and state-sponsored 24-hour news channel, Uzbekistan24, appeared in July 2017, even featuring modest criticism of Karimov's economic and social policies on a few occasions.

But the advances in media freedom are limited. Censorship is still alive and well. Authorities continue to restrict the media through the official state bodies that issue registration for media outlets and regulate journalistic activity such as the Uzbek Agency for Printing and Information (UzAPI) and the National Association of Electronic Media (NAESMI). Security services still regularly intimidate managers of media outlets and journalists. And prosecutions of journalists and other government critics who peacefully express critical views continue.

While the government under President Mirziyoyev has released several high-profile journalists from prison, including Solijon Abdurakhmanov, Muhammad Bekjanov, Yusuf Ruzimuradov, and Dilmurod Saidov, they have failed to release others and have brought new politically-motivated charges against the author Nurullo Otakhanov, journalist Bobomurod Abdullaev, blogger Hayot Nasreddinov, and other persons for the peaceful exercise of their freedom of expression.



Dilmurod Saidov, independent journalist, was released in February 2018 after serving 9 years in prison on politically motivated conviction.
© 2016 Ezgulik

The continuing arrests of journalists on vague extremism and other criminal charges and the heavy hand of the country's feared security services, particularly in the absence of any definitive sign from the government that critical voices will indeed be allowed to express themselves, continue to have a chilling effect on the development of a free press in Uzbekistan, standing in the way of dismantling the country's authoritarian political system.

If Uzbek authorities want to make reforms that will bring Uzbekistan in line with human rights norms, and a

pluralistic society based on the rule of law, free speech is a prerequisite. As outlined in more detailed recommendations at the end of this report, the Mirziyoyev administration should immediately end censorship of the media, release imprisoned journalists and perceived government critics, drop ongoing prosecutions against them, and allow effective access to information, including online.

If President Mirziyoyev truly aspires to transition from an era of abuses to one where human rights are respected, he should send a clear signal that peaceful criticism of government policies – whether by journalists, rights activists, or religious believers – has a protected place in Uzbekistan. The authorities should allow journalists and ordinary citizens to investigate and openly discuss claims of human rights abuses



Solijon Abdurakhmanov, independent journalist, was freed in October 2017 following nine years in prison.
© 2017 Steve Swerdlow



Employees at the Tashkent city Presidential Reception Center, one of a network across the country established by President Mirziyoyev. © 2017 Steve Swerdlow

and corruption committed by government authorities past and present. In addition, Uzbek authorities should release all political prisoners immediately and unconditionally, and actively encourage the development of independent civil society.

At a time of political transition in Uzbekistan, the United States (US), the European Union (EU) and other key international actors should pursue principled engagement with Tashkent, pressing for concrete human rights reforms and conditioning investment, development programs, and assistance on meaningful human rights improvements.

The leverage of international actors on Uzbekistan is significant. Uzbek officials have acknowledged the impact public international criticism has had on Tashkent's standing in the world and prospects for foreign direct investment. They are actively pursuing closer economic and political ties with the wider world. In 2017 alone, the United Nations (UN) High Commissioner for Human Rights Zeid Ra'ad al-Hussein, UN Secretary-General António Guterres, and UN Special Rapporteur on Freedom of Religion Ahmed Shaheed all visited Tashkent, with Shaheed's visit the first by a UN special rapporteur since 2002. Uzbekistan has engaged more closely in the US-led C5+1 process, requested a formal upgrade of its

Partnership and Cooperation Agreement (PCA) with the EU, and also signed a memorandum of understanding with the European Bank for Reconstruction and Development (EBRD), which led to the opening of an EBRD country office in Tashkent.

With respect to media freedom, Uzbekistan's international partners, including the US and EU, should use the leverage they have to affect change and explicitly tie their engagement to concrete improvements, starting with the release of journalists and other perceived critics in detention, a removal of undue restrictions on the media sphere, and an effective end to media censorship.

Methodology

Human Rights Watch has conducted research on the human rights situation in Uzbekistan for many years, but this is the first research it has been able to conduct on the ground since 2010.

In November 2017, Human Rights Watch interviewed 22 journalists, editors, and media owners from 17 individual domestic or international media outlets or publications operating in Uzbekistan. Of the domestic outlets some are officially registered by the state, while others operate independently without registration. Human Rights Watch also interviewed political observers, human rights activists, lawyers, and the relatives of journalists working abroad. Human Rights Watch also spoke with journalists who cover Uzbekistan from outside the country, including in the Czech Republic, Germany, Kazakhstan, Kyrgyzstan, the Russian Federation, Sweden, Tajikistan, the United Kingdom, and the United States. Follow-up interviews and desk research were also conducted through March 2018.

Interviews were conducted in English, Russian, and Uzbek by researchers who are fluent in the three languages. All interviews contained a discussion and agreement on informed consent, and interviewees were informed of how the information they shared would be used in Human Rights Watch publications and advocacy.

While some interviewees' real names are used, others' identities have been withheld due to concern for their security or at their own request. These interviewees have been assigned a pseudonym consisting of a randomly chosen first name and a last initial that is the same as the first letter of the first name, e.g., Alisher A. There is no continuity of pseudonyms with other Human Rights Watch reports on Uzbekistan.

I. Media Freedom Expands, But Fear, Censorship Remain

Journalists, editors and owners who work with a variety of media outlets inside and outside the country told Human Rights Watch that media freedom has increased to some degree in the year and half since Mirziyoyev assumed the presidency. Reporters told Human Rights Watch that they feel somewhat freer to cover politically-sensitive topics, while some officials, including the president himself, have been markedly more accessible to journalists than in the Karimov era. But the still authoritarian nature of the political system, a strong legacy of repression, ongoing prosecutions of journalists on extremism charges, and censorship in the media sphere continue to hinder the development of a free press.

In November 2017, for the first time in over a decade, Human Rights Watch had the opportunity to conduct research in Uzbekistan, interviewing the staff and owners of various media outlets. Some work for media outlets which are officially registered in the country. Registered outlets are subject to supervision by various official bodies, including Uzbekistan's Agency for Printing and Information (UzAPI), and continue to face heavy censorship, and have long tended to avoid reporting on sensitive issues. Other journalists Human Rights Watch spoke with work for outlets unregistered by and independent of the state, which often have their headquarters based outside Uzbekistan. Human Rights Watch also spoke with reporters who work for international media outlets such as Radio Free Europe/Radio Liberty, the BBC, Reuters, and others. Out of concern over possible repercussions and retaliation to their publications, the real names of most of the journalists who spoke to Human Rights Watch are withheld.

Relaxing of Some Restrictions

As Uzbekistan opens after a long period of isolation and internet usage steadily increases, the country's media environment is in a period of growth, change, with increased demand and competition.¹ Many new Uzbek-language and Russian-language publications have appeared on the scene in the past years.² At the same time, the more established outlets are expanding and re-vamping their strategies. Some of Uzbekistan's most popular

¹ See Remarks on Reforms in Media Landscape delivered by Voice of America (VOA) Uzbek service broadcaster Navbahor Imamova at George Washington University Central Asia Program, January 24, 2018, available at: <https://www.youtube.com/watch?v=puU5nGTG75Y&feature=youtu.be> (starting at 22:00) (accessed on March 12, 2018).

² Some of these websites include: *kun.uz*, *daryo.uz*, *anhor.uz*, *podrobno.uz*, *asiaterra.info*, *sof.uz*, *korrespondent.uz*, *dia.uz*.

registered news outlets include *gazeta.uz* (Uzbek and Russian), *kun.uz* (Uzbek), *podrobno.uz* (Russian), *daryo.uz* (Uzbek).

Journalists from both registered and independent outlets told Human Rights Watch that they can now write about politically sensitive topics or conduct journalism in a way that until recently would have led to their immediate arrest. One independent reporter at an international outlet who had reported on the Andijan massacre back in 2005 described the stark difference:

Before I was treated like an enemy of the state—a spy for hostile Western powers. Under Mirziyoyev, journalists have begun to come slowly into their own, writing much more critically about the government, economy, society and criminal justice.³

This reporter cited the increased yet still only periodic activities of the country’s International Press Club, which has held press conferences with public figures over the past year, as evidence of a new vibrancy in the journalistic sphere.⁴

Mirziyoyev has exhorted officials to make themselves more accessible and encouraged them to engage with citizens over social media.⁵ An owner of a popular Russian-language website told Human Rights Watch: “In the past year, the situation has definitely become freer. In addition, our website now competes with a larger group of other media outlets who write more critical materials than we did in previous years.”

Kun.uz, an Uzbek language daily online news source that has quickly earned a reputation for more critical reporting, has featured stories of officials forcing public sector workers and students to pick cotton during the cotton harvest. It has also posted and widely distributed videos of governors who have been secretly recorded berating their subordinates, insulting citizens, or engaging in corruption. Such reporting would have been inconceivable during the Karimov era.

³ Human Rights Watch interview with “Sherzod S.,” Tashkent, November 23, 2017.

⁴ “International Press Club, for the First Time in Uzbekistan,” April 18, 2017, <http://www.uzbekistan.de/en/nachrichten/nachrichten/international-press-club-first-time-uzbekistan> (March 12, 2018).

⁵ “Uzbekistan: President Tells MPs to Get Onto Social Media,” July 17, 2017, <https://eurasianet.org/s/uzbekistan-president-tells-mps-to-get-onto-social-media> (March 18, 2018).

Several independent journalists who run their own websites or work for outlets based outside of Uzbekistan similarly told Human Rights Watch that they have experienced slightly less scrutiny from security services than earlier and are able to pursue a wider range of critical topics, such as corruption and counter-terrorism tactics.⁶

An editor told Human Rights Watch about the country’s slightly freer environment for journalists, adding that covering official events as a reporter has become easier: “A number of correspondents were invited to cover a major international conference in Samarkand in November. For the first time since I started going to such places we could bring in our mobile phones and freely take our own photos. Earlier, security protocols were more stringent.”⁷

In January 2018, *Kun.uz* reported that Uzbek state television, which is called Madaniyat i Ma’rufat (Culture and Enlightenment), had appointed previously imprisoned journalist and



Hayrullo Hamidov, began to work again as a journalist in January 2018, having spent 5 years in prison between 2010-2015. © 2018 Fergana News

religious thinker Hayrullo Hamidov, who spent five years in prison on extremism charges, as an editor of the TV station’s programming.⁸ Such an appointment would also have been inconceivable during the rule of authoritarian president Islam Karimov. In February, Uzbek-language media outlet *sof.uz* featured an interview with Navbahor Imamova, the leading broadcaster with Voice of America Uzbek service, which included a critical assessment of the Uzbek government’s efforts in media outreach. Up until very recently, media outlets based in Uzbekistan

⁶ Human Rights Watch interview with “Vadim V.” and “Irina I.,” Tashkent, Fergana, November 4, 2017.

⁷ Human Rights Watch interview with “Nozima N.,” Tashkent, November 12, 2017.

⁸ “Хайрулла Ҳамидов Ўзбекистон телеканалларидан бирида бош муҳаррир бўлиб ишлайди,” *kun.uz*, January 22, 2018, <https://kun.uz/news/2018/01/22/hajrulla-amidov-uzbekiston-telekanallaridan-birida-bos-muarrir-bulib-islajdi> (accessed March 18, 2018); “Uzbekistan: Prominent Religious Figure Freed: Hamidov’s Release Should Extend to Others Politically

would have been unable to feature critical or independent voices, especially those based in the West.⁹

Release of Some Wrongfully Imprisoned Journalists, Critics

Since September 2016 the Mirziyoyev administration has released at least 20 people imprisoned on politically motivated charges. Those freed include nine journalists: Solijon Abdurakhmanov, Muhammad Bekjanov, Botirbek Eshkuziev, Bahrom Ibragimov, Davron Kabilov, Yusuf Ruzimuradov, Dilmurod Saidov, Davron Tojiev, and Ravshanbek Vafoev. Ruzimuradov, 60, imprisoned since 1999 and one of the longest imprisoned journalists in the world, was released on February 22, 2018. Ruzimuradov, known for his work on the opposition newspaper *Erk* (Freedom), was kidnapped from Ukraine and tortured before being sentenced on false charges. He has long suffered from tuberculosis.¹⁰

In March 2017, authorities released Jamshid Karimov, an independent journalist and Islam Karimov's nephew, from forced psychiatric treatment. The number of prisoner releases over the past year and a half stands in stark contrast with the one or two prisoners released each year on average during Karimov's rule. This has signaled hope that the Uzbek government could move toward freeing the country's thousands of prisoners whose jailing resulted from their peaceful exercise of protected fundamental rights or was politically motivated.



Muhammad Bekjanov, independent journalist, was released in February 2017 following 18 years imprisonment. © 2017 Steve Swerdlow

Charged,” Human Rights Watch, February 17, 2015, <https://www.hrw.org/news/2015/02/17/uzbekistan-prominent-religious-figure-freed>.

⁹ “Навбахор Имомова: Аччиқ ҳақиқат президентга аён,” *sof.uz*, February 9, 2017, <http://sof.uz/news/show/14080-navbahor-imomova-achchiq-haqiqat-prezide> (accessed March 18, 2018).

¹⁰ “Uzbekistan Releases Journalist After 19 Years in Prison: Small Positive Step on a Long Road to Respecting Human Rights,” Human Rights Watch news release, March 2, 2018, <https://www.hrw.org/news/2018/03/02/uzbekistan-releases-journalist-after-19-years-prison>.

Censorship, Self-Censorship, and Accreditation Barriers

Despite these improvements and the Mirziyoyev administration's outward expressions of support for a free press, censorship and fear remain pervasive in the media landscape. Intimidation of journalists by security services and the police continues. Much of the tone and subject matter of articles published in Uzbekistan is still subject to censorship.

With few exceptions, journalists told Human Rights Watch they still feared professional repercussions if they exceeded the limits of the state's tolerance for critical expression, limits that were not clear.¹¹ This leads to self-censorship. One media professional told Human Rights Watch, “you never know where that red line is that you cannot cross, so best to stay far away from it.”¹²

Another journalist said:

While there are more critical stories appearing since Mirziyoyev's election, censorship and self-censorship are still major issues. Journalists are afraid. When covering some international issue, for example, we can interview officials and international experts who are here on official visits, but beyond that... we must be careful. No one knows yet where the boundaries are.¹³

An example of the limitations of press freedom in Uzbekistan, whether self-imposed or not, is the interview the popular Russian-language website, *Podrobno.uz*, conducted with Human Rights Watch in November 2017 about its work in Uzbekistan.¹⁴ It was notable that



Yusuf Ruzimuradov in an undated photo. At the time of his release in February 2018 he was the world's longest imprisoned journalist, having served 19 years.
© Muhammad Bekjanov, year unknown

¹¹ Human Rights Watch interviews with “Ivan I.” and “Ruhsona R.,” Fergana, November 11, 2017.

¹² Human Rights Watch interview with “Zulayho Z.,” Tashkent, November 15, 2017.

¹³ Human Rights Watch interview with “Umidjon U.,” Tashkent, November 3, 2017.

¹⁴ “Стив Свєрдлов: Узбекистан открывает новую главу в области прав человека и свободы слова,” *podrobno.uz*, December 5, 2017, http://podrobno.uz/cat/obchestvo/stiv-sverdlov-uzbekistan-otkryvaet-novuyu-glavu-v-oblasti-prav-cheloveka-i-svobody-slova/?utm_source=uznet.press (accessed March 18, 2018).

an officially registered media outlet would provide coverage of the work of an independent human rights group—something that had not appeared in Uzbekistan’s state media for 12 years or more. But the resulting interview was heavily censored, including only positive remarks made by Human Rights Watch on changes underway in the country, such as the release of political prisoners.¹⁵ The story omitted all critical statements on arrests of journalists, torture, forced labor, and continuing restrictions on civil society.¹⁶

Various journalists, editors and media owners told Human Rights Watch that every media outlet in Uzbekistan is assigned at least one SNB officer, usually referred to as a “curator,” who is responsible for monitoring everything the outlet publishes and ensuring the publication’s reports remain within certain parameters. “You may not see or hear from them, but you know they are always there,” said one owner of a registered publication. “Two topics we know to always stay away from: the family [of the current president], and the SNB.”¹⁷

Other journalists from registered publications mentioned that UzAPI, the body which provides registration and accreditation to journalistic outlets, still wields an enormous amount of power over the profession.¹⁸ For many, experiences with censorship and threats of closure in the recent past in the Karimov era are still the touchstone for how they conduct their work.

One Russian-language outlet told Human Rights Watch that just before Karimov’s death the Uzbekistan’s Central Bank at least twice issued threats seeking closure of the outlet after it published a series of stories about the black market for Uzbek currency.¹⁹

The Bank contacted our domain name server demanding it shut down our website unless we immediately removed the material, which we ended up doing to survive and avoid a costly defamation lawsuit.²⁰

¹⁵ Steve Swerdlow (Human Rights Watch) “Censorship Still Alive and Well in Uzbekistan,” dispatch, December 13, 2017, <https://www.hrw.org/news/2017/12/13/censorship-still-alive-and-well-uzbekistan>.

¹⁶ Ibid.

¹⁷ Human Rights Watch interview with “Ozoda O.,” Tashkent, November 14, 2017.

¹⁸ Human Rights Watch interview with “Shukhrat Sh.,” Tashkent, November 9, 2017.

¹⁹ Human Rights Watch interview with “Yusup Y.,” Tashkent, November 13, 2017.

²⁰ Ibid.

In November 2017 alone, police temporarily detained and questioned several journalists who work for independent media about their activities, including reporter Sid Yanishev, who continues to experience a high degree of police surveillance.²¹ Three freelance photographers told Human Rights Watch that they were detained on November 2 when attempting to gather more information about the Tashkent-based relatives of Sayfullo Saipov, the Uzbek national who was arrested by the US authorities after allegedly committing an act of terrorism in New York City.²²



Sid Yanishev, independent journalist for a variety of publications, was briefly detained by Uzbek security services officers in November 2017 and is still subject to regular police surveillance.
© Fergana News, year unknown

We went to neighborhood committee officials in Tashkent simply to find out where the home of Saipov’s relatives was located. As soon as they realized why we had come several police officers grabbed us and shoved us into a vehicle. They started driving us to the police, telling us they were going to teach us a lesson until later they got a call to release us.²³

Several journalists also noted that the media’s access to official press conferences and government officials remains limited.

Although Uzbekistan is the largest country in Central Asia, with a population of more than 32 million, only 41 foreign correspondents, representing mostly state news agencies from 10 countries, had accreditation with the Foreign Ministry as of January 2018, according to the list published on the ministry’s official page.²⁴

²¹ Human Rights Watch interview with Sid Yanishev, Tashkent, November 23, 2017.

²² Human Rights Watch interview with “Timur T.,” Tashkent, November 3, 2017.

²³ Ibid.

²⁴ See Ministry of Foreign Affairs of the Republic of Uzbekistan, <https://mfa.uz/ru/press/161/> (accessed on February 10, 2018).

But possessing such accreditation can mean very little in practice for reporters seeking to cover Uzbek government events. This is because individual government agencies have their own accreditation procedures, and many journalists are unable to obtain all the necessary credentials to gain access to certain government press conferences. Several journalists told Human Rights Watch that many government agencies still refuse to issue accreditation to Western outlets that have featured critical or independent reporting about Uzbekistan in the past.

A reporter for an international outlet accredited in Uzbekistan complained that, despite having accreditation from the Foreign Ministry, he has been unable to attend press conferences organized by law enforcement agencies and has not received invitations to numerous high-profile events because credentials for attendance come from the Interior Ministry.²⁵

Authorities have allowed several reporters from international publications such as the *Wall Street Journal*, the *Financial Times*, the *New York Times*, and the *Diplomat* to come to Uzbekistan for short reporting trips. But they have moved more slowly to relax accreditation procedures or re-establish news services for those outlets who earlier reported from Uzbekistan. For example, in June 2017, the government announced that the BBC's Uzbek service would be allowed to base a correspondent in Tashkent. But as of this writing, over nine months later, accreditation has still not been issued to the BBC.²⁶

The internet in Uzbekistan continues to be highly censored, with access blocked to many critical websites, including independent media such as *Fergana News*, Radio Free Europe's Uzbek service, and other sources of news.

Case of Jasurbek Ibragimov and Detention of Activists Irina Zaidman and Maria Legler

One case that highlights some of the changes and constraints of Uzbekistan's media landscape is the death of 17-year old student Jasurbek Ibragimov in May 2017 after he had

²⁵ Human Rights Watch interview with "Kobiljon K.," Tashkent, November 16, 2017.

²⁶ Human Rights Watch interview with BBC Uzbek service, March 12, 2018.



A June 2017 gathering of citizen activists in Tashkent's Bobur Park to collect signatures and demand an investigation into the murder of medical student Jasur Ibragimov. The gathering was one of the first of its kind since the Andijan massacre of May 13, 2005 when Uzbek government forces shot and killed hundreds of largely unarmed protesters. © 2017 Fergana News

been viciously beaten the previous month. Ibragimov was attending Tashkent's Medical College when he was killed, allegedly by six other students who had been bullying him. The students also allegedly bragged after the beating that they would evade justice because their parents were lawyers who could buy off investigators.²⁷

Ibragimov's mother wrote a public letter to the president asking for justice and the case went viral, causing a public outcry rarely seen in Uzbekistan. Sympathy for the mother's plea and concern over perceived impunity surrounding the killing galvanized Uzbek society, including journalists, and a grassroots campaign was launched to hold his killers accountable. Journalists and civil society activists circulated petitions seeking justice for Ibragimov. Outlets such as *Kun.uz* led the reporting around developments in the investigation and trial.

In June, activists and journalists organized a protest in Tashkent's Bobur park to collect signatures for a petition entitled "To punish those guilty in the death of Jasurbek

²⁷ "Uzbekistan Outcry Over Death of Teenager Jasurbek May Signal Change," BBC News, June 10, 2017, <http://www.bbc.com/news/world-asia-40200578> (accessed March 18, 2018).



Maria Legler is a civic activist, sentenced to 15 days detention for her role in helping to organize a peaceful gathering to find justice after the murder of medical student Jasur Ibragimov. © 2017 Fergana News

Ibragimov.” About 100 people gathered for the peaceful protest—something unheard of in a country where anyone who dared to participate in public demonstrations would expect to be detained.

Several journalists told Human Rights Watch that the unprecedented coverage media outlets gave to the trial and public meetings demonstrated that journalism had moved forward in the Mirziyoyev period. While the grassroots organizing around the murder and the comprehensive media coverage represented a positive step, other actions by authorities demonstrated an adherence to old, hardline tactics for dealing with criticism. In November, authorities arrested two of the key organizers of the June demonstration at Bobur park, Irina Zaidman and Maria Legler. After summoning Zaidman for interrogation and searching her apartment on November 15, a court sentenced her to 15 days administrative detention under Article 201 (violation of the procedure for organizing, holding meetings, rallies, street processions or demonstrations) and Article 202 (creating conditions for holding unauthorized meetings, rallies, street processions and demonstrations) of the Administrative Code of the Republic of Uzbekistan. Legler received 10 days of arrest on November 10 under articles 201 and 202, and 202-1 (declination to

participate in the activities of illegal non-state non-profit organizations, trends, sects) of the Administrative Code of the Republic of Uzbekistan.

The activists' arrests were covered mainly by independent media located outside the country such as *Fergana News*, which is still blocked inside Uzbekistan.²⁸

²⁸ Human Rights Watch interview with Fergana News editor-in-chief Daniil Kislov, Moscow, March 13, 2018.

II. Prosecutions of Journalists, Critics

While there has been a positive and welcomed wave of releases of journalists and critics since Mirziyoyev has come to power, there were also new arrests of journalists, writers and other critics on politically-motivated charges in late 2017 and early 2018. These latest arrests call into question hopes that the Mirziyoyev administration has meaningfully changed government policy or intends to respect and protect free speech.

Torture of Bobomurod Abdullaev and Hayot Nasreddinov, Detention of Akrom Malikov

On September 27, 2017, security services in Tashkent detained independent journalist Bobomurod Abdullaev on charges of “conspiracy to overthrow the constitutional regime” under Article 159(4) of Uzbekistan’s Criminal Code, which carries up to 20 years in prison. A freelance reporter, Abdullaev worked as a correspondent for *Fergana News* and the Institute for War and Peace Reporting (IWPR), among other outlets.²⁹

Abdullaev has been tortured and otherwise ill-treated while in detention.³⁰ Security services have also denied him his right to a legal counsel of his choosing and restricted visits with family members. Abdullaev’s wife, Kuttiqiz Balkhibaeva, told Human Rights Watch about her first meeting with her husband after he had been detained:



Bobomurod Abdullaev was detained on September 27, 2017. He worked as a correspondent for several outlets, including *Fergana News* and the Institute for War and Peace Reporting (IWPR). © Fergana News, year unknown.

²⁹ “Uzbekistan: Investigate Torture of Journalist: 12 Human Rights Groups Call for Journalist’s, Others’ Immediate Release,” Human Rights Watch news release, February 14, 2018, <https://www.hrw.org/news/2018/02/14/uzbekistan-investigate-torture-journalist>.

³⁰ Ibid.

When I met my husband for the first time in October [at the SNB pre-trial detention center Gvardeiskaya], I brought him some warm clothes. The detective, Nodir Turakulov, head of the SNB investigations unit told me that I better not give any interviews to reporters or speak with anyone about the case. When I saw my husband, we were surrounded by five SNB officers and not able to speak freely. He looked at me, paused, and then told me not to speak to the press or hire a lawyer. Then an SNB officer told me that if I spoke with anyone about this, ‘it would be very bad for Bobomurod.’³¹

During meetings with his relatives in January, Abdullaev told them that he had been ill-treated and tortured since the day of his arrest. He said that on the day he was arrested four SNB officers approached him near his home in Tashkent without explaining that they intended to arrest him or showing any identification. As they approached he asked, “What happened?” and began to resist. The men then put a bag over his head, beat him all over his body, and stuffed him into a car. Abdullaev said that nearby residents witnessed the abduction.

³¹ Human Rights Watch interview with Kuttiqiz Balkhibaeva and Gavharjon Madaminova, Tashkent, November 6, 2017.



Kuttiqiz Balkhibaeva, wife of detained journalist Bobomurod Abdullaev, and Gavkharjon Madaminova, Abdullaev's mother meet with human rights defender Surat Ikramov in Tashkent, November 2017. © 2017 Steve Swerdlow

Abdullaev also told his relatives that in the days after his arrest he was kept in a freezing jail cell naked for three days. Later he was forced to remain standing for six days and nights and was not allowed to sleep. He said he was given nothing to eat for five days and was only given food after he collapsed from exhaustion. SNB officers instructed other inmates to beat him with a plastic pipe on his left hand and back. When, after days of beatings, Abdullaev begged for the inmates to switch to beating his right hand instead of the left, they answered: “you need your right hand to sign your confession!” and continued to beat him on the left hand.³²

Abdullaev also told his lawyer that SNB officials instructed inmates to beat him with a computer cord on the back and head. The inmates named the cord “the reminder” (*eslatma* in Uzbek) and would hit him with it whenever he refused to sign certain documents.³³

³² Human Rights Watch interview with Kuttiqiz Balkhibaeva, Tashkent, March 4, 2018.

³³ Ibid.

He said that SNB officers denied him food on several occasions and threatened to destroy him and his family, including by raping his daughter and imprisoning his wife. He said he was repeatedly tied for several hours at a time to a bed in his cell.³⁴

After the family told human rights groups about the torture allegations in January and the media began to report on them, the government suspended two of the key SNB officers implicated in the abuses. The two were told not to leave the city pending an investigation and are currently facing charges related to abuse of authority.³⁵

SNB officials had also intimidated Abdullaev's first attorney and would not let her meet with him, relatives said. In November, Abdullaev hired Sergey Mayorov, a human rights lawyer, who was allowed to meet him on December 14 in the presence of the SNB detective overseeing the case. Eight days later, the SNB detective summoned Mayorov. SNB guards brought in Abdullaev, who said in their presence that he had decided to fire Mayorov and would be represented by a state-appointed lawyer. The SNB official showed Mayorov a statement, allegedly signed by Abdullaev 10 days earlier, firing him. Before being forced to leave, Mayorov asked whether Abdullaev's pre-trial detention had been extended, for how long, and when the investigation would be completed. The SNB officer refused to answer.³⁶

At a subsequent meeting with his wife later the same month, Abdullaev asked her to tell Mayorov that he still wanted him to act as his lawyer at his trial. Mayorov and another lawyer were finally allowed to meet with Abdullaev in early March and to represent him at trial. On March 7, at the first day of trial, the judge in the case granted a motion by Mayorov to have his client undergo a forensic medical examination related to the torture allegations.³⁷

Authorities accuse Abdullaev of writing "extremist" articles and of being part of a conspiracy to overthrow the government, along with Hayot Nasreddinov, a well-known economist and blogger, Akrom Malikov, an academic, and others.³⁸

³⁴ Human Rights Watch interview with Sergei Mayorov, Tashkent, March 7, 2018.

³⁵ Human Rights Watch interviews with human rights defender Surat Ikramov and Kuttiqiz Balkhibaeva, Tashkent, February 8, 2018.

³⁶ Human Rights Watch interview with Surat Ikramov, Tashkent, December 10, 2017.

³⁷ Human Rights Watch interview with Kuttiqiz Balkhibaeva, Tashkent, March 8, 2017.

³⁸ "Uzbekistan: Court Rules to Investigate Journalist Torture Claims," *Eurasianet*, March 7, 2018, <https://eurasianet.org/s/uzbekistan-court-rules-to-investigate-journalist-torture-claims>.



Hayot Nasreddinov. © AsiaTerra, year unknown

Authorities arrested Nasreddinov on or around October 20, 2017. Nasreddinov similarly faces up to 20 years in prison for extremism charges (Article 159(4)). As in Abdullaev’s case, Nasreddinov was being held in a SNB pre-trial detention center in Tashkent. On March 7, at the first day of trial, his lawyer announced that his client had also been tortured in SNB custody.

Malikov, a researcher at Uzbekistan’s Institute of Handicrafts of the Academy of Sciences was detained in July 2016 on extremism charges for allegedly writing articles for the opposition People’s Movement of Uzbekistan under a pseudonym. Having been convicted on the charges he is serving a six-year sentence in Navoi prison and was behind bars at the time both Abdullaev and Nasreddinov were arrested over a year later.³⁹

Over the last 15 years, the UN special rapporteur for torture, the UN Committee against Torture, the UN Human Rights Committee, the US State Department, and the European Court of Human Rights, in a number of its rulings, and a number of national and international human rights groups have concluded that there is widespread torture in Uzbekistan’s prisons and detention sites.⁴⁰



Akrom Malikov. © Fergananeews, year unknown

³⁹ Human Rights Watch interview with “Dildora D.,” January 15, 2018.

⁴⁰ UN Committee against Torture, “Concluding Observations,” http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fUZB%2fCO%2f4&Lang=en (accessed March 12, 2018). In at least seven cases, the European Court of Human Rights has ruled that sending an individual wanted by authorities to Uzbekistan would be a breach of the absolute ban on return to risk of torture, on the basis that

On November 30, President Shavkat Mirziyoyev signed a decree prohibiting the courts from using evidence obtained through torture, and forbidding legal decisions based on any evidence not confirmed during trial.⁴¹ The decree, which was due to come into force in March 2018, states that prosecutors will be required to check whether physical or psychological pressure was exerted on a defendant or their relatives. If enforced, the decree could help prevent torture and other ill-treatment in detention in Uzbekistan.

Case of Nurullo Otakhanov (Nurullo Muhammad Raufkhon)

On September 27, the same day as Abdullaev’s arrest, police also detained well-known Uzbek author Nurullo Otakhanov (aka Nurullo Muhummad Raufkhon) at Tashkent international airport after he arrived from Turkey following two years of exile.⁴²

Otakhanov was charged with extremism for his novel, *Bu Kunlar* (These Days), which criticizes Karimov and explores various critical topics in Uzbek society. Following an outcry about his detention, Otakhanov was placed under house arrest on October 1, but still faces charges.

Otakhanov was among a group of political exiles whom authorities announced in summer 2017 were taken off a government “blacklist,” encouraging them to return to Uzbekistan. Otakhanov told Human Rights Watch that authorities had opened a criminal



Uzbek author Nurullo Otakhanov, currently under house arrest, having returned to Uzbekistan from Turkey in September 2017 only to face arrest at the airport on “extremism charges”. Tashkent.

© 2017 Steve Swerdlow

torture and ill-treatment remains so pervasive in the country; *see also* Human Rights Watch, *No One Left to Witness: Habeas Corpus, Torture, and the Silencing of Lawyers in Uzbekistan*, December 11, 2011, <https://www.hrw.org/video-photos/interactive/2011/12/08/no-one-left-witness-torture-and-silencing-human-rights-defenders>.

⁴¹ “Uzbek President’s Decree Says Evidence Obtained Though Torture Inadmissible,” Radio Free Europe/Radio Liberty, December 1, 2017, <https://www.rferl.org/a/uzbekistan-presidential-decree-evidence-from-torture-inadmissible/28890570.html> (accessed March 18, 2018).

⁴² A full collection of Otakhanov’s writings can be found on his website: <http://nurullohuz.com/>.

case against him in May 2017, but that on August 20 his wife was officially summoned by the local administration in Tashkent and informed her husband was no longer blacklisted and should feel safe to return to the country.⁴³

“It was a celebration,” said Otakhanov. “There were at least three officials there and they were congratulating my wife with this decision in the presence of a large group of people. We were so hopeful that I decided that I should return home immediately.”⁴⁴

Since Otakhanov’s arrest, a commission from the Uzbek Print and Telecommunications Agency has issued two decisions labelling his 650-page novel “extremist.” Sources on the commission told Otakhanov that the extremism finding was taken under direct pressure by the SNB. Otakhanov calls the commission’s findings “ridiculous.”

My book is a political-sociological novel, with elements of fiction, and tells a history of the entire Karimov period. It explores the February 1999 bombings, which the Karimov regime used to justify a major crackdown. I also wrote about the state of the [political] opposition and about the Andijan massacre.

Speaking of free speech in Uzbek society, Otakhanov added that many in Uzbekistan are still very stunted in their willingness to take on discussion of controversial ideas and that the chilling effect of past repression still hangs over many writers and journalists:

While there are some traces of free speech found in the Uzbek social media world, we need a great deal more of it. To create a new society, we need new thinking. The old guard thinks in the old way. It does not want to make way for the new generation.⁴⁵

An earlier work by Otakhanov, *I Am Against Lies!*, published in April 2016, was also banned. Otakhanov, who is still under house arrest, faces the prospect of trial and

⁴³ Human Rights Watch interview with Nurullo Otakhanov, Tashkent, November 5, 2017.

⁴⁴ Ibid.

⁴⁵ Ibid.

imprisonment on extremism charges, but since November has heard nothing from authorities about the status of the investigation.⁴⁶

Prosecutions of Other Critics

There are several recent criminal convictions as well as ongoing prosecutions that also undermine hopes that the new government will meet its obligations to respect and protect freedom of expression.

Case of Andrei Kubatin

In December 2017, a Tashkent military court convicted Uzbek academic Andrei Kubatin of treason (Art. 157 of Uzbekistan’s Criminal Code) and sentenced him to 11 years imprisonment. The treason charges against Kubatin, a senior instructor at Tashkent State Institute for Eastern Studies and an expert on Central Asian, Iranian and Turkic peoples and history, are based on allegations that he sent scanned copies of rare academic manuscripts to a group of foreign scholars in Turkey and elsewhere. Following his conviction, Kubatin, through his wife, appealed publicly to Uzbekistan’s Ombudsman for Human Rights to intervene in the case, and on February 21 a group of 50 well-known academics from the US, Russia, the UK, Turkey, Bulgaria, and Germany wrote an open letter addressed to President Mirziyoyev urging him to personally pardon Mr. Kubatin.⁴⁷ The letter stated that Kubatin had no access to state secrets and was engaging in



Andrei Kubatin, an academic, convicted of treason in December 2017 by a military court in Tashkent and sentenced to 11 years in prison. © 2017 Fergana

⁴⁶ Ibid.

⁴⁷ “Ученые с мировым именем просят Мирзияева взять под собственный контроль дело молодого ученого Кубатина,” Radio Ozodlik, February 26, 2018, <https://rus.ozodlik.org/a/29063224.html>; *see also* public letter by academics to President Mirziyoyev, <https://www.facebook.com/groups/turkicstudiesinukraine/permalink/747711625435503/> (accessed on March 12, 2018).

routine educational exchange by sharing manuscripts with foreign scholarly institutions. The public letter was widely shared and discussed by many Uzbek users on Facebook.

Case of Abbas Nasretdinov

On February 21, 2018, a Namangan city court held a hearing on “insult” and “libel” charges local authorities had brought against 59-year old Abbas Nasretdinov in relation to critical remarks he posted on his Facebook page about former Uzbek president Islam Karimov, his daughters Gulnara and Lola Karimova, and the current prime minister Abdulla Aripov. Nasretdinov told the independent media outlet *AsiaTerra* that he believes the charges are related to critical articles he posted in Uzbek translation on his page, including his comment “Aripov ketsin!” (*Aripov should leave!*), which a former friend reported to the local security services. If convicted, Nasretdinov could be forced to pay a fine of about \$1,260, which is 20 to 60 times the minimum monthly salary. On February 23, the court remanded the case for further investigation but declined to close the case. The manner in which the court deals with this case is likely to have major implications for online expression and the use of social media in Uzbekistan.⁴⁸



Abbas Nasretdinov. © 2018 Ozodlik

Case of Musadjon Babadjanov

Also in February, a Quva district court of the Fergana region opened a trial against human rights defender Musadjon Babadjanov on charges of “religious extremism.” Babadjanov is the Andijan regional representative of the independent human rights group Ezgulik (Compassion). Authorities brought charges against Babadjanov and his relative for

⁴⁸ “В Намангане начался суд по делу о «клевете» и «оскорблении» - в отсутствие как заявителя, так и «потерпевших»,” *Asiaterra.info*, February 22, 2018, <http://asiaterra.info/news/v-namangane-nachalsya-sud-po-delu-o-klevete-i-oskorblenii-v-otsutstvie-kak-zayavitelya-taki-i-poterpevshikh>.

“formation of or participation in a religious-extremist, separatist, fundamentalist or other banned organization” under Article 244(1) of Uzbekistan’s Criminal Code. Police searched Babadjanov’s computer in October 2017 and claim to have discovered chapters (*Surahs*) of the Koran, which they deemed “extremist” on the basis of a so-called expert analysis. If Babadjanov is convicted, he could face up to 10 years in prison.⁴⁹

Long-term Imprisonment of Journalist Gayrat Mikhliboev

Gayrat Mikhliboev, 38, is a prominent journalist who wrote for the newspapers *Respublika*, *Hurriyat*, and *Vatanparvar* until his arrest in July 2002 on trumped-up extremism charges.⁵⁰ At the time of Mikhliboev’s trial his brother, Asliddin, told a local activist that SNB officers tortured his brother during pretrial custody, including by beating him on the feet with bottles filled with water.⁵¹ In 2007, Mikhliboev’s sentence was extended by five years for alleged “violations of prison rules.”⁵² Although he was set to be released in 2012, authorities appear to have further arbitrarily extended his prison sentence. Mikhliboev’s relatives reported to the local rights group Ezgulik that prison guards have repeatedly tortured him and that they believe his life is in danger.⁵³

⁴⁹ Human Rights Watch interview with human rights defender Abdurakhman Tashanov, February 26, 2018.

⁵⁰ Human Rights Watch, *Until the Very End: Politically-Motivated Imprisonment in Uzbekistan* (New York: Human Rights Watch, 2014), <https://www.hrw.org/report/2014/09/25/until-very-end/politically-motivated-imprisonment-uzbekistan>.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*



Press conference with Human Rights Watch and representatives of non-governmental organizations at National Action Strategy Center, Tashkent, September 2017.
© 2017 Steve Swerdlow

Mikhlilboev has health problems that have worsened during his incarceration and should be released immediately and unconditionally. His continued imprisonment, along with many others convicted on dubious extremism charges, undermines the positive steps the Uzbek government has taken to relax restrictions in the media sphere.

III. Recommendations

In order to fulfill its international human rights obligations on freedom of expression **the Uzbek government should:**

- Remove all undue restrictions on the right of people in Uzbekistan to freely receive and disseminate information and express critical views, including online;
- Lift all measures directed at shutting down public debate and ensure that any restrictions on free speech can only be imposed by an independent judicial body as provided for in law on a case-by-case basis following an assessment that the speech constitutes a genuine and imminent threat to public or individual safety; any restrictions should be strictly necessary, proportionate, and nondiscriminatory;
- Ensure that the Uzbek government's efforts to control expression on the internet are not in violation of Uzbekistan's international human rights obligations, including the obligation to respect, promote and protect free speech, online and offline. Authorities should immediately cease overly broad blocking of websites;
- Cease political censorship and ensure that restrictions apply only to information with legitimately harmful and illegal content, rather than to personal views and opinions;
- Immediately cease harassment, intimidation, and politically motivated prosecutions of journalists, including under trumped up charges of "extremism." Ensure that media can operate freely and convey a plurality of views, even if they do not support all actions of the government;
- Immediately take steps to enforce the absolute ban on torture and ill-treatment of all detainees. Investigate and hold accountable anyone responsible for torture or other ill-treatment of prisoners and other violations of fundamental due process rights;

- Immediately and unconditionally release all wrongfully imprisoned journalists, including Bobomurod Abdullaev, Akrom Malikov, Gayrat Mikhliboev, Hayot Nasreddinov, and all others held on politically motivated charges; quash criminal convictions or drop all charges against individuals who have been unjustifiably prosecuted under anti-extremist legislation and other charges related to peaceful expression, including Abbas Nasretidinov, Nurullo Otakhanov, Maria Legler, and Irina Zaidman;
- Allow domestic and international media outlets, including those that had previously been forced to stop operating in Uzbekistan, to register, and grant accreditation to foreign journalists; streamline and simplify the process by which journalists receive accreditation by individual Uzbek government agencies;
- Allow the UN special rapporteur on freedom of expression, the UN working group on arbitrary detention and other relevant human rights experts to conduct official visits to the country.

Human Rights Watch urges Uzbekistan’s international partners to do the following:

- The US, EU, and EU member states should continue to raise their concerns on the situation of human rights and media freedom in Uzbekistan both publicly and privately, including at any high-level bilateral meeting, and call on the Uzbek government to commit to a timeline for concrete reforms to fulfil its human rights obligations;
- The US should urge the Uzbek government to release all persons imprisoned on politically motivated charges, simplify procedures for the registration of media outlets and accreditation of journalists and to end censorship; it should raise these and other pressing human rights concerns at every opportunity of US-Uzbek dialogue, including but not limited to the US-Uzbekistan Annual Bilateral Consultations, making publicly available the specific questions raised and the concrete steps the Uzbek government should take to address US concerns in this area. The US should also condition all security assistance, including direct military aid, to the Uzbek government on the measurable improvement of human rights,

including the release of all persons imprisoned on politically motivated charges, demonstrable measures to end torture, and the lifting of undue restrictions and censorship of the media, and should use the Global Magnitsky Act to identify and hold accountable Uzbek officials responsible for egregious human rights violations;

- The EU should remind Uzbekistan of its obligations as a beneficiary country of the EU's Generalized System of Preferences (GSP) to ensure full compliance with the provisions of the International Covenant on Civil and Political Rights (ICCPR) and tie the opening of negotiations on an upgraded bilateral comprehensive agreement with Uzbekistan to the fulfillment of human rights benchmarks, including demonstrable measures to end torture, the release of all journalists, activists and human rights defenders behind bars on politically motivated grounds, the end of undue restrictions and censorship on the media, and the invitation of the UN special rapporteur for freedom of expression.

To Multilateral Development Banks

- The EBRD should ensure that its future country strategy on Uzbekistan defines detailed and specific benchmarks pertaining to human rights, in particular on freedom of the media and on the free functioning of independent civil society groups, and that public-sector lending to the Uzbek government is linked to the government's compliance with those benchmarks.
- The World Bank Group and Asian Development Bank should recognize that threats to media freedom undermine civic participation, social accountability, and public debate, and emphasize the importance of an enabling environment for civil society for sustainable development. They should support reforms through diplomatic engagement and their programs with the Uzbek government.

Acknowledgements

This report was researched and written by Steve Swerdlow, researcher in the Europe and Central Asia Division of Human Rights Watch.

Steve Swerdlow conducted interviews for the report. Viktoriya Kim, senior coordinator in the Europe and Central Asia Division, also conducted several interviews for the report.

The report was edited by Hugh Williamson, director of the Europe and Central Asia Division and by Tom Porteous, deputy program director in the Program Office. Philippe Dam, Europe and Central Asia Division advocacy director, reviewed and provided comments on the summary and recommendations. Aisling Reidy, senior legal advisor at Human Rights Watch, conducted the legal review.

Production assistance was provided by Catherine Pilishvili, associate in the Europe and Central Asia Division, Rebecca Rom Frank, photo and publications coordinator, and Fitzroy Hepkins, administrative manager.

Human Rights Watch expresses its deep gratitude to the journalists and other individuals who agreed to share their experiences with us. This report is dedicated to their courage, as they continue to work to advance the freedom of speech, media, and expression in Uzbekistan.

“You Can’t See Them, but They’re Always There”

Censorship and Freedom of the Media in Uzbekistan

For more than two decades, Uzbekistan has been a country with severe restrictions on free speech and media and some of the longest-imprisoned journalists in the world. There are now tentative signs of change in Central Asia’s most populous country. Opportunities for more open debate and independent reporting are increasing, but politically-motivated prosecutions and measures of state censorship still impose pressure and a chilling effect on media outlets, journalists and other government critics.

“You Can’t See Them, But They’re Always There:” *Censorship and Freedom of the Media in Uzbekistan* examines the situation for journalists, media outlets, and the exercise of free speech since Uzbekistan’s second president, Shavkat Mirziyoyev, assumed the presidency in 2016.

Although Mirziyoyev’s government has taken some positive steps including the release of long-held journalists from prison, it has more to do to demonstrate meaningful reform in the area of free speech. It should immediately end powers of censorship, drop ongoing prosecutions against journalists, and allow effective access to information, including online. Advances for media freedom will be fleeting unless the government fully embraces freedom of speech and sends a message that peaceful criticism of government policies will be respected and protected in Uzbekistan.



(left) Screen shot of Uzbekistan24, Uzbekistan’s first 24-hour news channel launched July 2017, which occasionally features modest criticism of former president Islam Karimov’s policies.

(front cover) Uzbekistan’s media landscape, made up of independent, state-sponsored, and international Uzbek and Russian language media outlets, is in a period of growth and change, as journalists test the boundaries of respect for free expression.