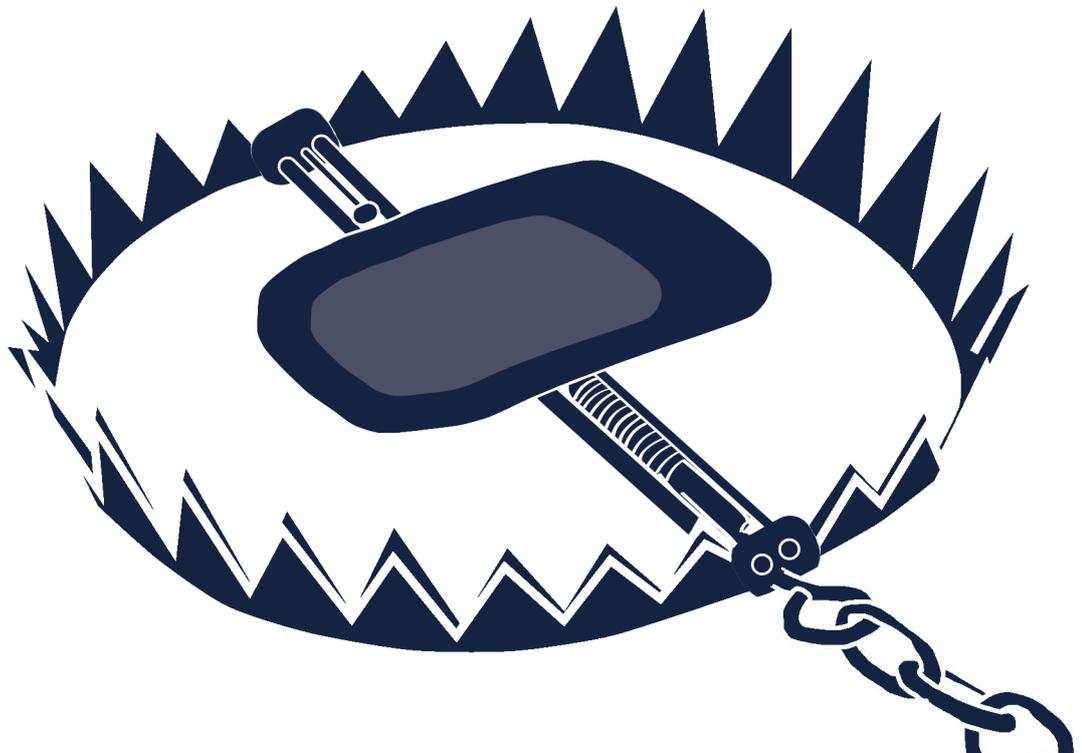




# The Danger of Standing up for Justice and Rights in Central Asia

MARCH 2018



**IPHR**  
International  
Partnership  
for Human Rights



**NB** Nota Bene

**LEGAL  
PROSPERITY  
FOUNDATION**

**LAP**  
Lawyers Association of Post-Soviet  
Autonomous Republics of Transcaucasia  
and Independent States

# The Danger of Standing up for Justice and Rights in Central Asia

## Trends regarding the Protection of Civil Society in the Region in 2017



### IPHR - International Partnership for Human Rights

Brussels, Belgium

**W** <http://www.iphronline.org>



### Association for Human Rights in Central Asia (AHRCA)

Le Mans, France

**W** <https://ahrca.eu/>



### Legal Prosperity Foundation (LPF)

Bishkek, Kyrgyzstan

**W** <http://www.lpf.kg>



### Nota Bene

Dushanbe, Tajikistan

**W** [www.notabene.tj](http://www.notabene.tj)



### Lawyers Association of Pamir (LAP)

Khorog, Tajikistan



### Turkmen Initiative for Human Rights (TIHR)

Vienna, Austria

**W** <http://www.chrono-tm.org>



### Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR)

Almaty, Kazakhstan

**W** <http://bureau.kz/>

*The Twitter birds used in this report are hyperlinks - click on them to see tweets on the issues covered*



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# Introduction

Across the world, civil society plays a crucial role in human rights protection and promotion. Members of civil society speak up for justice and the rule of law, assist and defend vulnerable groups, ensure public participation in decision-making processes and hold governments accountable for human rights violations. However, in order for them to be able to make their voices heard and actively contribute to the development of society, it is of utmost importance that the authorities respect the fundamental freedoms of expression, association and peaceful assembly. Currently these fundamental freedoms are under assault in many parts of the world. Central Asia is no exception. On the contrary: more than two and a half decades after the fall of the Soviet Union, the space for civil society is seriously limited in this region and its governments impose far-reaching restrictions on free speech, association and assembly.

Turkmenistan continues to feature at the bottom of international freedom rankings and its government tightly controls the dissemination of information, suppresses dissent and sees any independent civil society activity as a threat. Uzbekistan's current president has taken some limited steps to break with the repressive practice of his predecessor, but he has yet to initiate systematic human rights reform and take meaningful action to loosen the screws on civil society. The situation in Kazakhstan, Tajikistan and Kyrgyzstan has deteriorated, with those in power exploiting concerns about national stability and security to justify measures that curtail fundamental freedoms and civil society activities. 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 scrutinise and draw attention to the shortcomings of state policies, in particular on social media and other online platforms.

This report provides an overview of key trends affecting civil society and the rights to freedom of

expression and the media, freedom of association, and freedom of peaceful assembly in the five Central Asian countries of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan in 2017. It is published by International Partnership for Human Rights (IPHR, Belgium) together with Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR, Kazakhstan); the Legal Prosperity Foundation (Kyrgyzstan); Nota Bene and the Lawyers' Association of Pamir (Tajikistan); Turkmen Initiative for Human Rights (TIHR, Turkmenistan); and the Association for Human Rights in Central Asia (AHRCA, Uzbekistan).<sup>1</sup>

The report is primarily based on monitoring carried out by the Central Asian NGOs of the situation in their respective countries and draws on regular updates they prepare with IPHR in the framework of the *CIVICUS Monitor*, an initiative aimed at tracking civic space worldwide. IPHR and its Central Asian partners began cooperating on this initiative, which is coordinated by the CIVICUS global civil society alliance, as of the beginning of 2017.

The report reflects the concerns of local civil society regarding developments in Central Asia in 2017 that were contrary to international human rights standards and rights guarantees set out by national law. It also covers positive developments when such occurred and provides links to more detailed information on the issues addressed.

With this report, we would like to raise awareness of the current situation of civil society in a region that is often overlooked internationally and help mobilise support for efforts to hold the Central Asian governments to account for violations of fundamental freedoms. We would also like to draw attention to the members of civil society in Central Asia who dare to challenge injustice and stand up for victims of human rights abuses, in spite of the risks they face. We pay tribute to them and celebrate their courage.

1 TIHR is based in exile in Austria, and AHRCA was established by political émigrés in France

## Overall trends

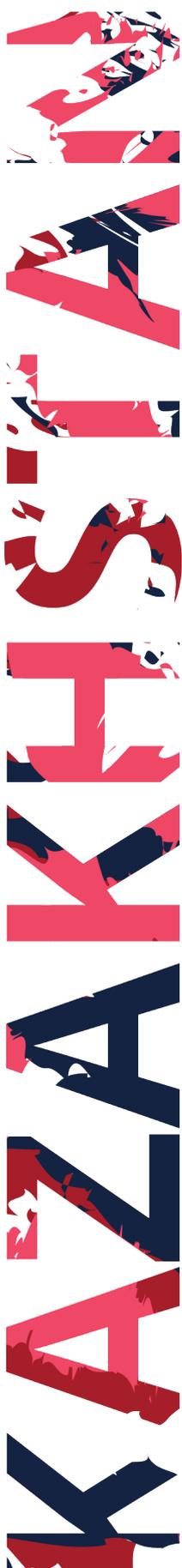
In 2017, the space for freedom of expression and independent civil society engagement continued to shrink in Kazakhstan. The few remaining independent media outlets faced pressure and journalists, social media users, civil society activists and other government critics were prosecuted, detained and imprisoned 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.

New legislation initiated by the government on communications and information, the legal profession and religious practice gave rise to concerns among civil society about increasing restrictions in these areas. NGOs were subject to close oversight, with several foreign-funded human rights NGOs being investigated and sanctioned for alleged tax violations. The country’s largest independent trade union was closed down for allegedly failing to comply with the strict registration requirements set out by law and trade union leaders were among those charged and convicted of criminal offenses in politically motivated cases.

The authorities continued to interfere with the rights of residents to peacefully assemble and voice their concerns, including by detaining, questioning 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.

The EXPO-2017 international specialised exhibition took place in Kazakhstan’s capital Astana from June to September 2017. The government invested considerable

resources into this event, eager to use it to improve the country’s international image. However, hopes that the authorities would ease pressure on civil society in the context of this event were not realised and the crackdown on dissenting voices continued unabated. The prolonged economic crisis in the country appeared to reinforce government fears of criticism and protests and strengthen its repressive approach to fundamental freedoms.



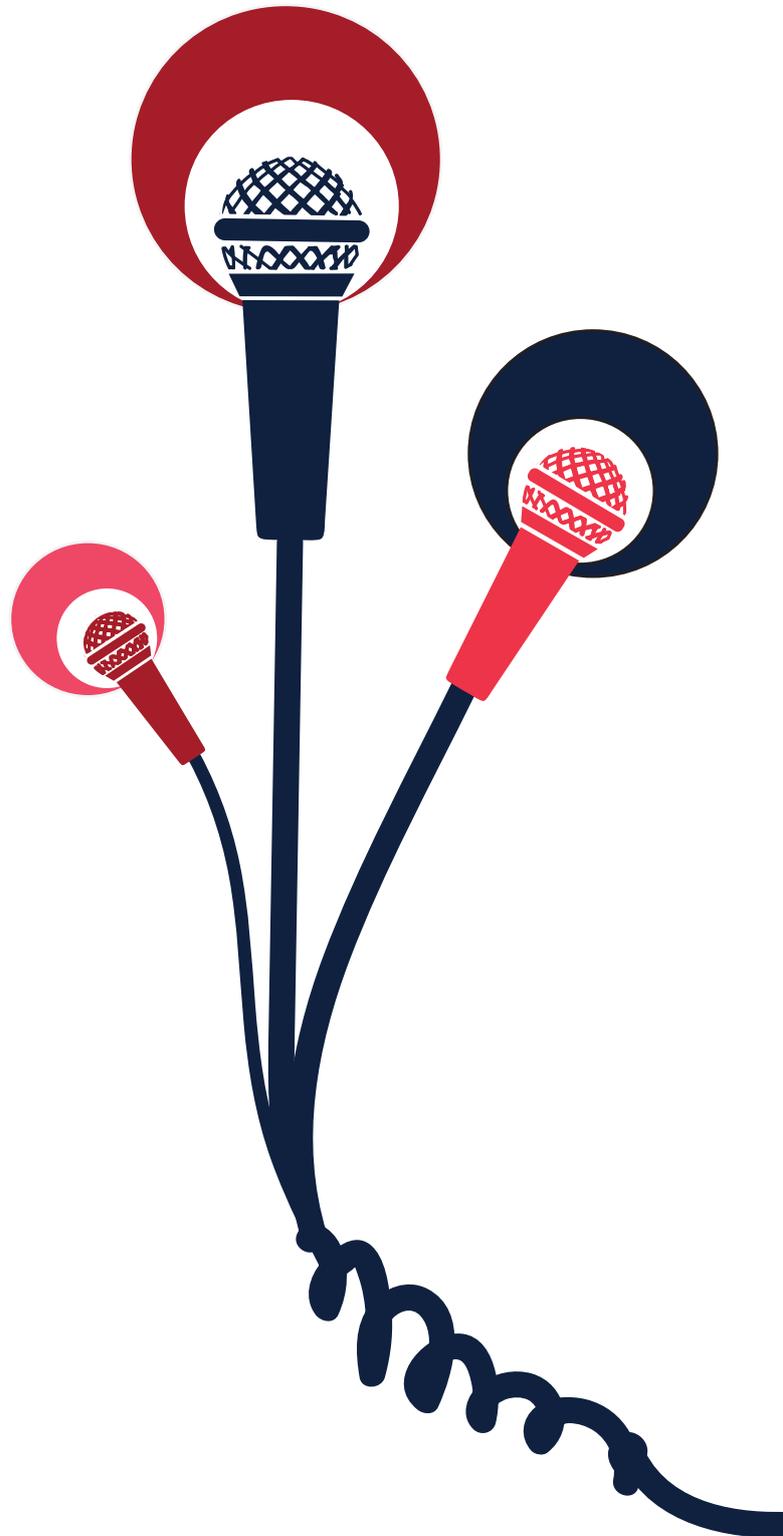
# Freedom of expression and the media

## HOSTILE MEDIA CLIMATE

There was little room for the expression of alternative views in the media. Most of the country's independent and government critical media outlets have been closed down over the last few years. During the year, the *Tribuna-Sajasi kalam* newspaper was closed following the arrest of its chief editor (see more below). The few remaining independent media outlets, as well as journalists, bloggers and others who criticised government policies were subjected to ongoing pressure, including arrest and criminal prosecution (see more below).

Government officials and other public figures also continued to use defamation lawsuits as a means of retaliation against those reporting critically about their policies and actions. This is one example:

- ✦ In a decision handed down in April 2017, an Almaty court **ordered** the Ratel.kz news portal and the Forbes.kz journal to pay over 50 million Tenge (some 150 000 EUR) in compensation for moral damage allegedly inflicted on Former Finance Minister Zejnully Kakimzhanov and his son because of a series of articles. These articles discussed allegations of unlawful actions by companies belonging to Kakmzhanov's family, in particular in relation to the execution of a government order by the K Dorstroy construction company, which was under investigation by government bodies. The court also ordered Ratel.kz and Forbes.kz to publicly refute information included in the articles in question, as well as to fully remove several of them from their respective sites. The trial was held behind closed doors and media was prohibited from covering it. The decision was upheld on appeal. In a later, separate decision issued in June 2017, the same Almaty court **ruled in favour** of a lawsuit filed by K Dorstroy General Director Valeriy Lazarev against the two media outlets and their representatives concerning the same series of articles. In this case, the court ordered the defendants to pay a total of 1 million Tenge (some 3 000 EUR) to the claimant.



## CONCERNS ABOUT NEW MEDIA LEGISLATION

In late 2016, the Ministry of Information and Communications put forward draft amendments to several laws affecting the media, including the Media Law. Following further elaboration, the package of amendments was submitted to the Parliament for consideration in September 2017 and was approved by the lower house in November and the upper house in December, respectively. The president signed it into *law* on 28 December 2017.

The government has argued that the new legislation is aimed at enhancing regulation in the area of information and communications. Some of the new provisions are also welcome improvements regarding media operations, such as lesser penalties for media outlets for violations of technical requirements. However, against the background of the hostile climate for freedom of expression existing in the country, members of the journalist community and civil society have expressed concerns that other proposed provisions threaten to further undermine this freedom and restrict the work of journalists. An *open letter* sent to members of the parliament, which was *signed* by over 100 media and civil society NGOs, journalists and activists, argued that major provisions of the draft legislation run contrary to international standards and recommendations and unduly restrict the realisation of constitutionally protected rights. The signatories therefore called for the rejection of it.

One of the provisions that has been criticised requires journalists to obtain consent for the publication of information considered to entail private or family secrets, without defining what information is covered by these terms. Journalists fear that this provision in its current wording may be used to prevent investigative journalism on corruption and other issues related to the abuse of power by officials and other influential figures. Critics have also objected to the fact that the new legislation complicates the procedure for obtaining information from state bodies and increases the time these bodies may take to respond to media inquiries. Journalists and civil society representatives fear that this may

obstruct the timely publication of information of public interest. Moreover, concerns have been raised that the legislation introduces a new definition of prohibited “propaganda” that is so broadly worded that it may be arbitrarily implemented to restrict freedom of expression. The signatories to the NGO letter also warned that the legislation might result in that the owners of internet sites become involved in monitoring and censoring online activity since they will be required to install technology for identifying users who make comments on their sites. These concerns are reinforced by a trend in which a growing number of social media users recently have been prosecuted because of their online comments (see more below).

While media and civil society representatives were consulted during the process of elaborating the new legislation, most of their comments and recommendations *were ignored*.

Reporters Without Borders, which joined Kazakhstani NGOs in signing the open letter sent to MPs, *concluded* that the adopted package of amendments deals a “new series of blows to media freedom in Kazakhstan” and “obstructs the activities of journalists even more and makes them more vulnerable to pressure”.

An *expert analysis* of an early version of the draft legislation commissioned by the OSCE Office of Democratic Institutions and Human Rights also raised concerns about a number of provisions. It recommended, amongst others, safeguarding the right to access to information on issues of public interest, ensuring that the right to protection of one’s reputation cannot be misused to prevent discussion on such issues, and revising the broad definition of “propaganda” to bring it into line with international standards.



## RESTRICTIONS ON INTERNET ACCESS AND USE

There were concerns that government monitoring of online content resulted in undue restrictions on freedom of expression.

National legislation sets out broad grounds for blocking access to online information deemed unlawful. For example, internet providers may be requested to block access to online resources without a court ruling e.g. if websites contain calls for “extremist” activities, “riots” or unauthorised protests. Access to websites may be fully blocked because of allegations that certain material posted on them is illegal.

According to figures *provided* by the Ministry for Information and Communication, some 3 000 websites were blocked for featuring unlawful content in 2017, and some 270 000 requests to remove social media content of this nature were sent during the year. The ministry also announced that an automatic system for monitoring internet content is planned to be introduced by the end of 2018 to track down information deemed to be contrary to national law. Some 25 million EUR have been *allocated* for this purpose.

New cases of arbitrary blocking of websites without any official explanation were also reported, giving rise to suspicion that providers were informally instructed to block these sites because they featured information that did not please the authorities. For example, in January 2017, the global Avaaz community site was *blocked* in Kazakhstan after a *petition* protesting against new resident registration rules in the country was posted on the site and attracted thousands of signatures. Access to the site was later restored. In June, access to the US-based Foreign Policy journal was temporarily blocked after it published *a highly unfavourable assessment* of the EXPO then taking place in Astana. In early September 2017, many residents in Astana, Almaty and other cities *experienced problems* when using Instagram, WhatsApp, Facebook and YouTube. This happened the day after a fight between Indian and Kazakh workers at a construction site in Astana, which attracted widespread attention, and it appeared that it might have been part of an effort by the authorities to divert attention from these events. The minister of information and communications *suggested* that the reason was an overload of traffic.

## CRIMINAL CASES AGAINST GOVERNMENT CRITICS

During the year, the authorities continued to detain, prosecute and imprison independent journalists, bloggers, social media users, civil society activists, trade union leaders and other individuals in retaliation for their exercise of freedom of expression and other fundamental freedoms.

Charges against outspoken individuals were often brought under broadly worded Criminal Code provisions on “inciting” social, national or other discord and “spreading information that is known to be false”, both of which have been repeatedly criticised by international human rights bodies. Other charges used included defamation, which remains criminalised in the country, and financial offenses.

During the year, the Adil Soz Foundation for the Protection of Free Speech **documented** more than 30 cases involving criminal charges of “inciting” various forms of discord, “spreading information known to be false” or defamation, as well as 17 convictions on such charges, including earlier guilty verdicts that were upheld on appeal.

Aside from handing down prison sentences, courts imposed restrictions on the freedom of movement of convicted individuals and banned them from engaging in journalist and public activities for several years.

In a joint **statement**, leading Kazakhstani civil society representatives voiced concern about the increasing state persecution of independent journalists and activists in the name of fighting terrorism, corruption and crime in the country, as well as the serious violations of fair trial standards seen in these cases.

The cases described below illustrate the alarming trend of penalising and silencing outspoken individuals using criminal charges (the list, however, is not exhaustive):



### CIVIL SOCIETY ACTIVISTS MAX BOKAYEV AND TALGAT AYAN

On 28 November 2016, Atyray-based civil society activists Max Bokayev and Talgat Ayan

were **convicted** of “inciting social discord”, “disseminating information known to be false”, as well as “violating the procedure for holding assemblies” and sentenced to five years each following an unfair trial. They were also banned from engaging in public activities for three years upon release. The two activists were detained and charged in relation to their role in the peaceful land reform protests that took place in Kazakhstan in spring 2016. They actively engaged on social media against these reforms and took a lead on mobilising protests against them. The sentences against Bokayev and Ayan were widely **condemned**, with both civil society and representatives of the international community calling for their release. However, the sentences were upheld on appeal and the Supreme Court declined to consider the case.

In an **opinion** published in June 2017, the UN Working Group on Arbitrary Detention deemed the detention of Max Bokayev and Talgat Ayanov unlawful, concluding that it resulted from their exercise of freedom of expression and assembly and that the legal process against them was characterised by violations of international fair trial guarantees. It called for their immediate release. The Kazakhstani authorities have failed to comply with this opinion and the activists remained in prison at the beginning of 2018. Moreover, there are concerns that Bokayev has **not been granted** access to independent medical examinations and adequate medical assistance for urgent health problems in prison. A request by him to be allowed to serve his sentence closer to his home region, in accordance with the provisions of national law, was rejected by court. Currently he is held in a colony in Petropavl Region, located some 2 000 kilometres from his native Atyrau Region.



### JOURNALIST ZHANBOLAT MAMAY

In a trial that ended on 7 September 2017, editor of the opposition-minded *Tribuna-Sajasi kalam* newspaper Zhanbolat Mamay was found guilty of allegedly laundering money through the operations of his newspaper. The court sentenced him to three years of restricted freedom, during which time he will be subject to court-imposed limitations on his freedom of movement, and

banned him from engaging in journalistic activities for three years. It also ordered him to carry out 120 hours of “forced labour”. Before the verdict was handed down, Mamay had spent seven months in pre-trial detention since his arrest in February 2017. He was accused of being an “accomplice” of former BTA Bank Head and exiled government opponent Mukhtar Ablyazov, who has been charged and convicted in Kazakhstan in absentia. Mamay denied all accusations, saying that they were aimed at silencing him and his newspaper, which faced growing pressure prior to his arrest. Mamay announced that he would not appeal the sentence, *saying* he sees no point in doing so. Media watchdogs and human rights groups *denounced* the prosecution and conviction of Mamay.

Shortly after his detention in February 2017, Mamay reported being beaten by fellow detainees, allegations that were confirmed by his lawyer and members of the National Prevention Mechanism against Torture who visited him in detention. However, the authorities failed to carry out a thorough and impartial investigation into these allegations and a criminal case opened on this ground was subsequently closed.



#### TRADE UNION LEADERS NURBEK KUSHAKBAYEV, AMIN YELEUSINOV AND LARISA KHARKOVA

Trade union leaders Nurbek Kushakbayev and Amin Yeleusinov were sentenced to prison terms because of their involvement in a peaceful workers’ hunger strike to protest against a January 2017 court decision to close down the country’s largest independent trade union, the Confederation of Independent Trade Unions of Kazakhstan (CITUK) (see more under freedom of association).

On 7 April 2017, an Astana district court *sentenced* Kushakbayev, labour inspector of the trade union at the Oil Construction Company (OCC), to 2.5 years in prison on charges of calling for an unlawful strike, a new Criminal Code provision used for the first time. The court also banned him from engaging in trade union and other civic activities for two years upon his release and ruled in favour of a request filed by the OCC for compensation of alleged damages suffered by

the company at a total of 25 million Tenge (some 70 000 EUR). On 16 May 2017, the same court *sentenced* Yeleusinov, head of the trade union at the OCC, to two years in prison on charges of embezzling trade union funds, as well as allegedly insulting, disobeying and using violence against police in connection with his arrest. In addition, the court prohibited him from engaging in trade union or other civic activities for five years upon his release and ordered him to pay 8.2 million Tenge (over 20 000 EUR) in compensation to the OCC’s trade union. The sentences against the two activists were upheld on appeal.

Following the closure of the CITUK, its Shymkent-based president Larisa Kharkova also faced criminal charges because of her trade union activities. On 25 July 2017, a local Shymkent court *found her guilty* of abuse of office and sentenced her to four years of court-imposed restrictions on her freedom of movement following an investigation characterised by procedural irregularities. If she violates the restrictions, her sentence may be turned into a prison sentence. The court also banned her from holding leading positions in public associations for five years and sentenced her to 100 hours of “forced labour”. Her sentence was upheld unchanged on appeal.

The sentences against the three trade union leaders were a blow to independent trade union activity in Kazakhstan. As *pointed out* by KIBHR, the authorities appear to view such activity as particularly threatening in the context of the prolonged economic crisis in the country. The criminal cases against the trade union leaders were also criticised by representatives of the international community, including the *UN Special Rapporteur* on the rights to freedom of peaceful assembly and of association and the International *Trade Union Confederation*.



#### JOURNALISTS SEYTKAZY AND ASSET MATAYEV

Chair of the Union of Journalists and National Press Club Head Seytkazy Matayev and his son private KazTAG News Agency Director Asset Matayev were both held in prison for most of the year. In October 2016, Seytkazy Matayev was convicted of tax evasion and they both were

convicted of fraud relating to the use of state funds. They were sentenced to six and five years in prison, respectively and were banned from holding leading public or business positions for the rest of their lives, a period that was reduced to ten years on appeal. The charges against the two journalists were believed to be retaliatory in nature and were condemned by **national** and **international** media watchdogs. On 4 December 2017, Seytkazy Matayev was released on parole. In his first comments after his release, he **said** that the case against him and his son was politically motivated and expressed regret that Asset Matayev remained behind bars. He said he would first focus on restoring his health, which deteriorated in detention, and then return to journalist work.



#### **JOURNALIST, BLOGGER AND CIVIL SOCIETY ACTIVIST ZHANARA AKHMETOVA**

On 21 October 2017, the Ukrainian authorities detained independent journalist, blogger and civil society activist Zhanara Akhmetova (also known as Zhanar Akhmet) in Kyiv on an arrest warrant issued by the Kazakhstani authorities through Interpol. On 2 November, a local court sanctioned her detention for 60 days, but later the same month she was released on bail pending a decision on her extradition. As of the beginning of 2018, a court decision on her extradition had yet to be issued.

The basis for the extradition request against Akhmetova were charges of fraud related to real estate deals, on which she was sentenced to seven years in prison in 2009. However, her sentence was suspended until 2021, when her son turns 14. Her lawyer **argued** that she was unlawfully declared wanted on these charges since the court decision already gained legal force and the Kazakhstani authorities have not initiated any new charges against her on failing to comply with it. Moreover, there are reasons to believe that Akhmetova's extradition may have been requested on politically motivated grounds. Before she left Kazakhstan, she was subjected to intimidation and harassment in relation to her writings and civic activities, which included articles for the opposition-minded

*Tribuna-Sajasi kalam* newspaper, social media posts critical of the government and involvement in peaceful protests against government policies. Several administrative cases were initiated against her and she said that she had been **warned** that she could face new criminal charges.



#### **SOCIAL MEDIA USER NATALIA ULASIK**

Throughout 2017, Natalia Ulasik was forcibly detained in a psychiatric hospital in the Almaty region, which accommodates individuals deemed to be particularly dangerous to society. There are reasons to believe that Ulasik, a kindergarten teacher not known to previously have had any psychiatric health issues, was placed in psychiatric care for punitive reasons because of her criticism of authorities on social media.

In October 2016, a local court in Ulasik's home city **ordered** her forcible placement in a psychiatric institution after commissioning a psychiatric examination that concluded that she was "socially dangerous" when trying her on criminal charges of defamation. The defamation charges were initiated against Ulasik based on a complaint filed by her former husband. During the proceedings, the court refused the request by the defence to allow for an alternative, independent psychiatric examination of Ulasik. In summer 2017, an expert commission at the psychiatric hospital accommodating Ulasik **concluded** that she was not in need of forcible treatment and recommended her transfer to a regular hospital at her place of residence. However, a local court **rejected** this recommendation. Finally, in January 2018, following a new recommendation by the psychiatric hospital, an appeals court overturned a lower-level court decision and **approved** Ulasik's transfer to a regular hospital in the city of Karaganda.

Before being forcibly hospitalised, Ulasik repeatedly posted Facebook comments critical of the situation in Kazakhstan and the policies of authorities. She also vocally protested against a court decision from 2010, when she was sentenced to 1.5 years of court-imposed restrictions on her freedom of movement on charges of defaming her former husband.



## JOURNALIST RIGHTS' ADVOCATE RAMAZAN YESERGEPOV

Early on 14 May 2017, two unknown perpetrators assaulted and repeatedly stabbed Ramazan Yesergepov in the abdomen on the overnight train from Almaty to Astana. When the train reached the closest station, he was hospitalised and underwent surgery. The attack took place as Yesergepov was on his way to Astana to meet with EU member state representatives to discuss issues related to the protection of journalists. National and international human rights groups, including **KIBHR** and **IPHR** expressed serious concerns that Yesergepov may have been targeted because of his struggle for justice in his own case, as well as that of other journalists and called for a thorough and impartial investigation into the attack. Police opened an investigation into the attack, but as of the beginning of 2018, no suspects were known to have been identified.

Ramazan Yesergepov was imprisoned in 2009-2012 on spurious charges of disclosing state secrets because of a publication in the independent Alma-Ata Info weekly, of which he was the chief editor at the time. Since his release, he has been fighting for redress in his own case, as well as for the rights of other journalists. He has chaired the board of the NGO Journalists in Danger and was a founding member of the civil society committee established to support Zhanbolat Mamay following the journalist's detention (see above). In a decision issued in 2016, the UN Human Rights Committee concluded that Yesergepov's right to a fair trial was violated during the 2009 trial. However, to date the Kazakhstani authorities have failed to comply with this decision.

In August 2017, Yesergepov fled from Kazakhstan to France, citing fears for his safety. In particular, he said that he had learned that law enforcement authorities might open a new criminal case against him on charges of allegedly resisting police (see more under freedom of assembly). Yesergepov has applied for asylum in France.



## RELIGIOUS BELIEVERS TEYMUR AKHMEDOV AND ASAF GULIYEV

On 2 May 2017, a local Astana court **sentenced**

Jehovah's Witness Teymur Akhmedov to five years in prison for "inciting religious discord". The charges were brought against him because of his discussions on religious issues with a group of young people. During these discussions, which took place in private apartments, he made statements about other faiths that the prosecution claimed were offensive. The young people in question pretended to be students but had apparently been engaged by security services to initiate the discussions, pose provocative questions and record the ensuing conversations. According to Forum 18, Akhmedov was allegedly **subjected** to beatings in pre-trial detention and denied access to adequate medical treatment, including for a tumour. On 24 February 2017, Akhmedov's fellow believer Asaf Guliyev, who was arrested together with him, was **convicted** on the same charges and sentenced to five years' restricted freedom. During this period, Guliyev will be subject to court-imposed restrictions on his freedom of movement and activities.

The circumstances of the cases against Akhmedov and Guliyev indicate that they were targeted for their peaceful exercise of freedom of expression and religion. In an **opinion** made public in October 2017, the UN Working Group on Arbitrary Detention concluded that the deprivation of liberty of Teymur Akhmedov is arbitrary and called on Kazakhstan's government to immediately release him and grant him compensation. In December, the Supreme Court **declined to review** Akhmedov's case, in spite of the opinion adopted by the UN body. In early January 2018, another UN body, the UN Human Rights Committee **issued a request** for interim measures in this case. The Committee called on the Kazakhstani authorities to promptly grant Akhmedov access to adequate medical care and ensure that his detention conditions fully correspond to international standards. It also called on the authorities to consider releasing him pending its review of the case. The government is not known to have taken any measures in response to the Committee's request.

## OTHERS PROSECUTED ON POLITICALLY MOTIVATED GROUNDS

At the end of 2017, over a dozen individuals remained in prison on charges considered

politically motivated. These included long-time prisoners, such as human rights defender Vadim Kuramshin and poet and dissident Aron Atabek. Kuramshin was sentenced to 12 years in prison in December 2012 on charges of extortion believed to be retaliation for his human rights work. Atabek was handed an 18-year sentence in October 2008

over his involvement in 2006 protests against house demolitions that resulted in clashes with the police and the death of a police officer. He was convicted following a trial that fell short of international fair trial standards and he maintains his innocence. Both men have complained about facing pressure in prison.



## Freedom of association

### EXCESSIVE REPORTING OBLIGATIONS FOR NGOS

NGOs were subject to close government oversight and excessive reporting obligations.

Legislation that entered into force in December 2015 granted the government broad powers to oversee NGOs and provided for the establishment of a government database, to which NGOs are required to annually provide information. If NGOs fail to comply with this requirement, they may face sanctions in the form of fines or suspension

of their activities for three months. While the government argued that the database is aimed at enhancing transparency of the NGO sector, NGOs objected that the new requirement came on top of many existing reporting obligations and that it only applies to NGOs, and not to other legal entities and therefore is discriminatory. They also raised questions about the amount of resources required by the government to deal with information from the thousands of NGOs operating in Kazakhstan. In January 2017, Minister of Religious Affairs and Civil Society

Nurlan Ermekbayev *stated* that additional funds were needed for the new database and that efforts to get NGOs to register were being stepped up. Later in the year, a *website* featuring the database was made public and the rules for providing information were *updated*. According to information available on the website in late 2017, less than 3000 NGOs submitted reports on time about their operations in 2016. The next reporting deadline for the year 2017 expires at the end of March 2018.

Amendments to the Tax Code that entered into force in October 2016 introduced additional reporting obligations for NGOs that receive foreign funding for certain types of activities. According to these amendments, all individuals and organisations receiving any foreign funding for the provision of legal assistance, public opinion studies or information gathering/analysis/dissemination are required to report the receipt of these funds to the tax authorities. Failure to comply may result in fines. A public database was created on the website of the Ministry of Finance in September 2017 to feature reported information. The new provisions created yet another reporting burden for NGOs, which already were required to report regularly to the tax authorities about their finances. It is also problematic that the new reporting requirements apply specifically to foreign funding received for certain activities deemed “suspicious” by the authorities.



### **INTRUSIVE TAX INSPECTIONS OF NGOS**

Three human rights NGOs, which receive grants from abroad, were targeted by intrusive tax inspections after an article entitled “How much do foreign foundations spend on training activists in Kazakhstan?” was *published* on the nur.kz site in summer 2016. This article suggested that the NGOs in question used foreign grants to “influence political processes” in ways that threaten national stability. The tax authorities claimed that a “concerned citizen” filed a complaint against the NGOs based on the article. Following inspections that ended in December 2016, the Almaty-based NGOs Liberty and International Legal Initiative (ILI) were levied about 7000 and 3500 EUR respectively, in back taxes and fines for allegedly

failing to pay corporate income tax on grants received from the European Commission, the US State Department, the National Endowment for Democracy and other foreign donors. These penalties were imposed despite the fact that foreign grants to non-profit organisations are tax exempt under national law. The decisions against the two NGOs were upheld on appeal in 2017.

The tax inspection of the third NGO, the Astana-based NGO Dignity, ended only in June 2017, after dragging on for nine months. In this case, the tax authorities concluded that they did not find any violations of tax regulations.

In a joint *statement* issued in January 2017, several dozen Kazakhstani NGOs condemned the pressure against the three human rights NGOs and said that they consider the decisions to oblige Liberty and ILI to pay corporate tax unlawful.

### **RESTRICTIONS ON TRADE UNION ACTIVITIES**

During the year, the country’s largest independent trade union, the Confederation of Independent Trade Unions of Kazakhstan (CITUK) (renamed from the Confederation of Free Trade Unions of Kazakhstan, CFTUK) was closed down by court for allegedly failing to meet registration requirements, and trade union leaders were subject to criminal prosecution.

The Trade Union Law adopted in 2014 provides for stringent registration requirements, and has drawn criticism from the International Labour Organisation and the UN Special Rapporteur on the rights to freedom of peaceful assembly and association, amongst others. Independent trade unions have experienced serious difficulties in registering under the new law and have been denied registration on various pretexts. The CITUK finally obtained registration as a nation-wide trade union in February 2016 after struggling to do so for months. However, in November 2016, the Ministry of Justice *initiated* a liquidation lawsuit against the organisation, arguing that it had failed to confirm its status under the 2014 law, which requires nation-wide trade unions to have branches in more than half of all of the territorial entities of Kazakhstan. On 5 January 2017, a court in southern Kazakhstan ruled to close down the CITUK. In a *press release*,

the organisation said that it was not allowed to present its objections to the charges at the trial and that the court handed down the decision the day after the trial started. The decision was upheld on appeal at a **summary hearing** held in March 2017.

A peaceful hunger strike launched by oil workers to protest against the decision to close down the CITUK was declared unlawful by court and its participants penalised (see more under peaceful assembly). As described above (see freedom of expression), trade union leaders Nurbek Kushakbayev and Amin Yeleusinov were imprisoned for their role in the protests, and CITUK head Larisa Kharkova was prosecuted and banned from holding leading positions in trade unions and other associations for a period of five years.

In a **comment** published in March 2017, outgoing UN Special Rapporteur on the rights to freedom of peaceful assembly and of association Maina Kiai concluded that the Kazakhstani authorities “are going in the wrong direction” by “forcing the closure of the country’s main independent trade union [and] harassing union leaders”.

## THE INDEPENDENCE OF LAWYERS UNDER THREAT

When addressing the Parliament in May 2017, Kazakhstan’s justice minister **outlined** proposals for a reform of the legal profession, saying that this was necessary to address the problem of lack of access to qualified lawyers and to improve the functioning of the legal profession. His Ministry subsequently elaborated a draft Law on the Activities of Lawyers and Legal Assistance.

Kazakhstan’s legal community **expressed serious concerns** that the draft law will increase regulation and control of the legal profession, interfere with its self-regulation, and encroach on the status of lawyers in violation of international standards. Among the most problematic provisions are those that would provide for the establishment of a state *advokatura* (bar) and allow for the inclusion of government officials and retired judges in commissions responsible for hearing disciplinary cases against lawyers. It is also highly problematic that representatives of the lawyers’ community were not actively consulted or involved in the drafting process.

The International Commission of Jurists **warned** that the proposed amendments to the regulatory framework of the legal profession “may undermine its independence” and “are contrary to the principle of self-regulation of the profession”.



Moreover, in a **communication** to the Kazakhstani government, the UN Special Rapporteur on the independence of judges and lawyers concluded that the draft law “includes a number of provisions that jeopardise the independence of the legal profession”. In particular, the Rapporteur raised concerns about the above-mentioned provisions concerning the creation of a state *advokatura* and the participation of members of the executive power in disciplinary proceedings against lawyers. He also regretted that the draft law maintains the current system of qualification of lawyers whereby licenses to practice law are issued by the executive power. Finally, he warned that the proposed removal of entrance fees for new lawyers interferes with the self-regulation of the legal profession and threatens its financial independence.

As of the beginning of 2018, the draft law was under consideration in the legislature.



In another trend that gives cause for concern, lawyers, especially those expressing opinions critical of government policies were increasingly **subjected** to threats and pressure during the year. At the beginning of 2018, there were reports of several cases in which the Ministry of Justice **attempted to deprive** lawyers of their licenses because of their alleged failure to fulfil professional obligations. The lawyers targeted had all voiced criticism of the draft law on reforming the legal profession.

## VIOLATIONS OF THE RIGHTS OF RELIGIOUS COMMUNITIES

The Law on Religious Activity and Religious Associations adopted in 2011 seriously restricts religious activities, such as worship, religious teaching, missionary activities and the distribution of religious literature. KIBHR has documented a pattern of discrimination and harassment of religious minority communities under this law.

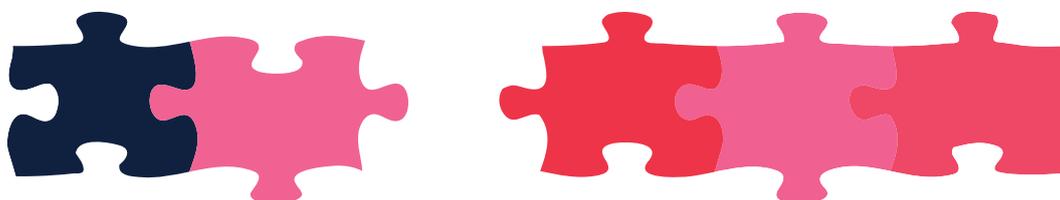
In August 2017, the Ministry for Religion and Civil Society presented draft legislation introducing amendments to the 2011 law, the Administrative Code and a number of other laws concerning the practice of religion. The proposed amendments provide for additional, problematic restrictions on the activities of religious communities. As **highlighted** by Forum 18, the draft amendments would, among other things, further restrict sharing beliefs and religious teaching without state permission; strengthen state control over religious communities; and increase fines for violations related to basic religious activities. The final version of the draft legislation would also **require** religious organisations to re-register with the authorities and **prohibit** the public display of attributes of “destructive religious movements”, a term that is vaguely defined in the proposed provisions.

At the beginning of 2018, the draft legislation was under consideration by the Parliament.

The Jehovah’s Witnesses were one of the so-called non-traditional religious communities that faced growing pressure during the year. According to a

**press release** issued by the Jehovah’s Witnesses, on 29 June 2017, a local court suspended the activities of the community’s branch office in Almaty and fined it an equivalent of 1800 EUR for alleged violations of safety rules discovered during an inspection of the office earlier the same month. Prior to this, armed police and security officials raided the Almaty branch office in an operation described as a response to information from an anonymous source reporting suspicions that unregistered migrants were accommodated there. In connection with a Jehovah’s Witness congress held in Almaty on 22-25 June, police **stopped** buses transporting hundreds of foreign guests and held the buses for up to three hours for supposed checks of the drivers.

As described above (see freedom of expression), Jehovah’s Witnesses Teymur Akhmedov and Asaf Guliyev were convicted of “inciting religious discord” because of discussions on religious issues with a group of young people and sentenced to five years in prison and five years’ restricted freedom, respectively.



## Freedom of peaceful assembly

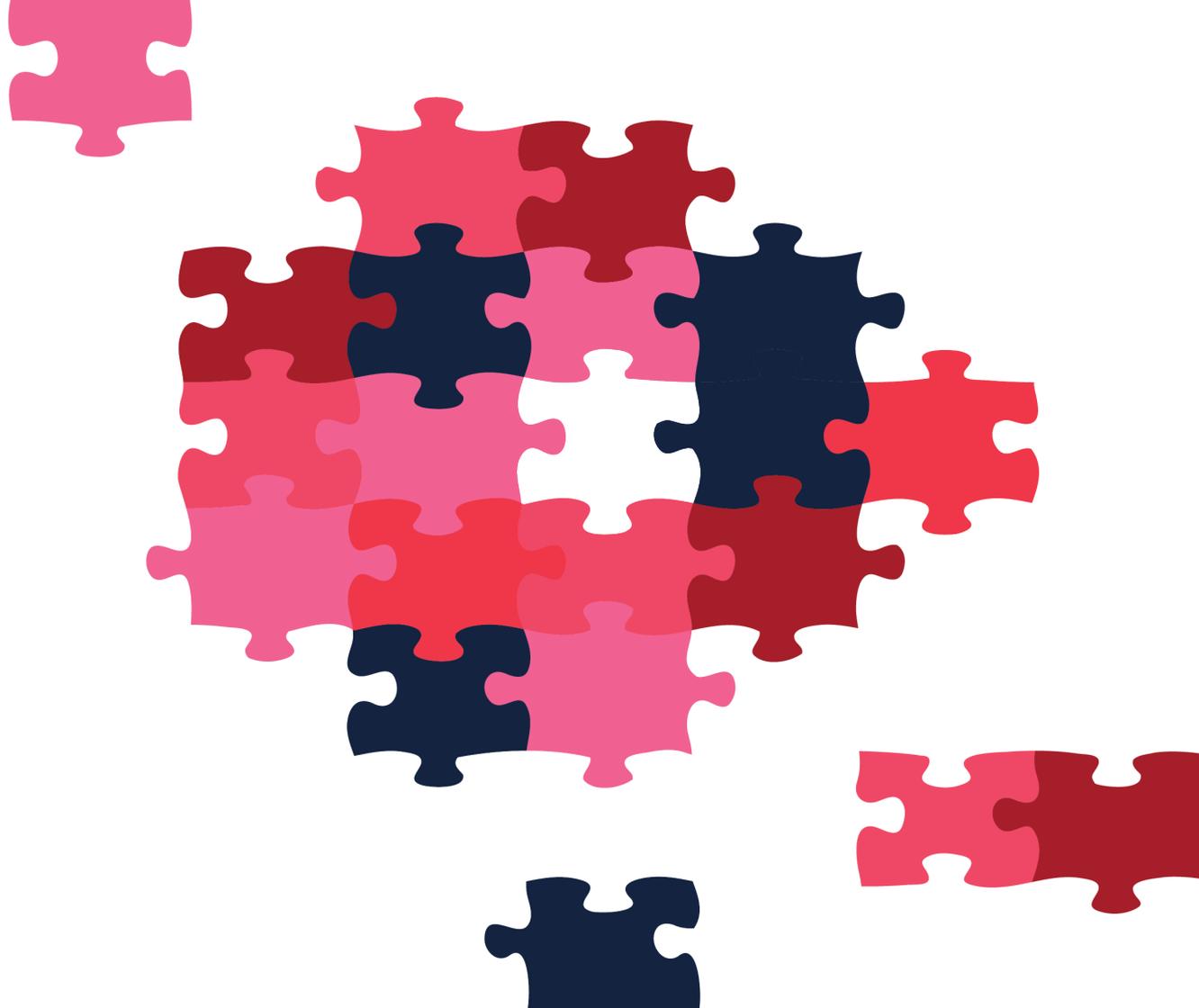
### RESTRICTIONS ON FREEDOM OF ASSEMBLY IN LAW AND PRACTICE

The right to freedom of peaceful assembly continued to be seriously restricted in Kazakhstan. While current legislation requires the organisers of assemblies to obtain permission in advance, permission is often denied on different pretexts or protests are only allowed to take place in remotely located venues that have been specifically designated for this purpose. During the year,

law enforcement authorities continued to disperse peaceful protests held without prior permission, detained participants and took them to court where they were warned, fined and sentenced to administrative arrests. Police also “preventively” targeted civil society representatives ahead of protests, including by detaining and questioning them for simply discussing plans for gatherings on social media.



International human rights bodies, such as the UN Special Rapporteur on the freedom of peaceful assembly and of association



and the UN Human Rights Committee have criticised Kazakhstan's legislation and policies on freedom of assembly for being contrary to international human rights standards. Following a visit to Kazakhstan in 2015, the Special Rapporteur *concluded* that the government's approach to regulating assemblies "deprives the right of its meaning". In a decision adopted in summer 2016 in response to a complaint filed by KIBHR, the Human Rights Committee again called for revising the Law on Assembly to prevent further violations. The Committee *found* that the Kazakhstani authorities had violated KIBHR representative Andrey Sviridov's rights when detaining and fining him for holding a peaceful one-person protest to demand a fair trial for KIBHR director Yevgeniy Zhovtis in September 2009. At that time, Zhovtis had been imprisoned over a traffic incident following legal proceedings marred by irregularities.

As described above (see freedom of expression), civil society activists Max Bokayev and Talgat Ayan

remained in prison in 2017 after being convicted on criminal charges of violating the procedure for holding assemblies because of their role in peaceful protests on controversial land reforms that took place across Kazakhstan in spring 2016. The government's response to these protests was predominantly repressive: hundreds of protestors were detained and dozens of people, including prominent civil society activists, human rights defenders and social media users were warned, fined or locked up for up to 15 days. The imprisonment of Bokayev and Ayan set a chilling precedent.

#### **EXAMPLES OF CASES OF CONCERN DOCUMENTED DURING THE YEAR**

These are a few examples of cases when authorities failed to safeguard the right to freedom of peaceful assembly in 2017:

- ✨ Following the court decision of January 2017 to close down the Confederation of Independent Trade Unions of Kazakhstan

(see freedom of association), oil workers in the oil-rich Mangystau region launched a peaceful hunger strike to protest against this decision. Several hundred workers joined the protest. However, on 19 January, an Aktau court ruled that the hunger strike was unlawful and its participants faced legal proceedings. In particular, fifteen workers from the region's Oil Construction Company **were fined** and close to 30 workers were ordered to pay compensation to the company for alleged damage inflicted by the strike. Moreover, as covered above, two trade union leaders working at this company were imprisoned.

☀ On 24 February 2017, police detained and questioned three people for discussing plans on WhatsApp to gather at Almaty's *Zhibek Zholy* pedestrian street for a public action to draw attention to a proposed constitutional amendment, which critics feared would enable foreigners to purchase land in the country. Those detained included civil society activist Olesya Khalabuzar, historian Nurlan Amrekulov and blogger Zhanara Akhmetova, who had all previously criticised the proposed constitutional amendment. Khalabuzar and Amrekulov were released without charge after being held for several hours, while Akhmetova was taken to court the same evening and fined an equivalent of about 300 EUR for allegedly calling for holding an assembly without permission by authorities. The blogger also faced other charges she believes were aimed at penalising her for her journalist and civic activities and in March 2017, she fled to Ukraine, from where the Kazakhstani government has sought to have her extradited (see more under freedom of expression). Khalabuzar was later convicted on criminal charges of "inciting national discord" for allegedly agitating against potential Chinese land investors in Kazakhstan and **sentenced** to two years' of court-imposed restrictions on her freedom of movement. In connection with this, she announced that she was giving up her civic activities.

☀ A movement called KazFem planned to organise an event called Women's Historical Night in Almaty on 6-7 May 2017 to draw attention to the contribution of women to culture, science and other areas. A post published on the movement's Facebook page invited "all those interested" to participate in an educative walk in the streets of Almaty. However, the day before the event, the organisers were **summoned** by police and told that they should have informed local authorities about the event in advance since it may "may develop into a rally". Afterwards one of the initiators wrote on Facebook: "Now we know that it's only allowed to publish posts inviting women to participate in a street walk (!) after obtaining special permission (!!!) from the *akimat* [local government] two weeks before the event."

☀ On 29 July 2017, over a dozen representatives of the civil society committee established to support detained journalist Zhanbolat Mamay (see freedom of expression) gathered in a central Almaty Park to walk together to the main post office to send appeals to foreign governments and international organisations about his case and those of other victims of politically motivated persecution. The participants were able to carry out their walk as planned. However, a few days later it transpired that police viewed the event as an assembly held without the required advance permission. Two of the participants, Askhat Bersalimov and Khalilkhan Ybrahimuly, were **detained** and taken to court where they were sentenced to two and three days of administrative arrest respectively. A third participant, Ramazan Yesergepov was forcibly detained on 1 August and taken to a police station for questioning regarding the walk. He later fled the country, after learning that he may face criminal charges for allegedly resisting police in connection with his detention (see more under freedom of expression).

☀ In November-December 2017, several hundred miners in the Karaganda Region went on strike to demand pay increases

and improvements in benefits given their difficult and dangerous work conditions. The company ArcelorMittal Temirtau (AMT), whose employees were among those striking, requested a local court to rule that the peaceful workers' protest was unlawful. The court approved this request, concluding that the striking workers had not given advance notice in accordance with the requirements of the law and ordered them to cease the strike. The strike was subsequently called off, with AMT agreeing to a 30 percent salary increase for underground miners, short of the twofold increase the workers had called for.

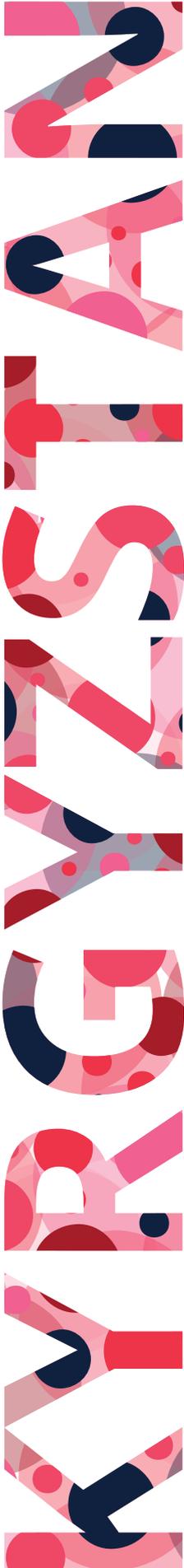
The local prosecutor promised that the strike participants would not be prosecuted. However, at the beginning of February 2018, KIBHR *learned* that four workers who took part in the strike had been dismissed and that AMT had filed a lawsuit against two individuals it considered to be strike leaders, as well as a trade union. AMT argued that Nataliya Tomilova from the civil society organisation Miner's Family, Dimitry

Sinyavsky from a trade union that represents energy industry workers in the Karaganda Region, as well as the Zhaktau Trade Union of Metallurgists had acted unlawfully by encouraging the miners to carry out and continue the strike. According to the company, they thereby destabilised mining operations and obstructed negotiations with the workers on ending the strike. During the strike, Nataliya Tomilova was *detained* when arriving to the mine to speak to the workers after AMT's security guards called police, accusing her of "petty hooliganism". She was later released without charge. However, in view of the later lawsuit filed by AMT, she said that she did not exclude the possibility that the authorities may also seek to initiate a criminal case against her and her co-defendants.

The developments in this case highlighted concerns about restrictions on workers' right to protest, as well as punitive actions against civil society activists involved in efforts to support workers.



## Overall trends



 During the year, the climate for free speech and civil society engagement deteriorated in Kyrgyzstan. Outgoing President Almazbek Atambayev, who was not allowed to run in the October presidential elections because of a constitutional term limit, demonstrated growing intolerance to criticism and verbally attacked journalists, human rights defenders and others who challenged his policies, *accusing them* of seeking to destabilise the situation in the country. As described below, he also initiated financially crippling lawsuits against independent media and journalists, called for increasing control of NGOs and oversaw the introduction of yet more restrictions on fundamental rights. Several journalists faced criminal cases because of their writings.

 Atambayev-supported candidate Sooronbai Jeenbekov was elected president in the first round of the elections held on 15 October 2017, with over 54 percent of the vote. His closest rival, Omurbek Babanov received around 34

percent of the vote. The elections provided for a peaceful transition of power, but the use of so-called administrative resources in support of Jeenbekov significantly influenced the outcome. During his campaign, Jeenbekov pledged to continue Atambayev's policies, although he also *set out* to respect human rights, guarantee freedom of expression and improve cooperation with civil society. Civil society expressed hopes that he would take concrete steps to break with Atambayev's troubling legacy on free speech and human rights and act in support of these values. However, during the first period after Jeenbekov's inauguration in late November, no significant steps to this end were observed and the situation remained of concern. Human rights defenders welcomed the new president's decision, though, to drop a claim for moral damages in relation to an independent media outlet convicted of defaming him, even if he did not back off from a similar claim against a journalist working for the outlet.

## Freedom of expression and the media

### VERBAL ATTACKS ON JOURNALISTS AND OTHER GOVERNMENT CRITICS

Independent journalists and others who criticised those in power were attacked in pro-government media, discredited on social media and publicly reproved by government officials. Outgoing President Atambayev set the tone by repeatedly lambasting those who were critical of his policies. For example, in a *statement* made in March 2017, Atambayev accused “a bunch of supposedly independent journalists, media and politicians” of slandering and discrediting him in

the name of freedom of speech and claimed that their true objective was to “destabilise the situation” in the country. These kind of statements made by the head of the state reinforced negative attitudes toward journalists and other outspoken individuals.

### DEFAMATION LAWSUITS

Because of their reporting, independent media outlets and journalists faced defamation lawsuits involving excessively large compensation claims.



## LAWSUITS BROUGHT ON BEHALF OF THE OUTGOING PRESIDENT

In spring 2017, the General Prosecutor initiated a series of lawsuits against the independent *Zanoza* news site, its co-founders and journalists Narynbek Idinov and Dina Maslova, human rights defender Cholpon Djakupova, as well as lawyers from the opposition Ata Meken party because of articles published by *Zanoza* argued to be defamatory of President Atambayev. Among these were articles that reported accusations against Atambayev made by MP Omurbek Tekebayev, a former-ally-turned-opponent of Atambayev, and his Ata Meken political party, as well as an article on a parliamentary debate on Tekebayev's arrest in April 2017. Yet another article considered offensive reported statements made by the head of the Adilet legal clinic, Cholpon Djakupova at a roundtable organised by the Ombudsman. At this event, she harshly criticised the president's actions against media.

Courts ruled in favour of all the lawsuits brought by the General Prosecutor, ordering the defendants to pay a total of several hundred thousand EUR in compensation to Atambayev for alleged moral damages. These rulings were upheld on appeal, including by the Supreme Court, which endorsed the lower-level court decisions on three of the defamation lawsuits in late November 2017. The Supreme Court's decisions were final and not subject to further appeal.

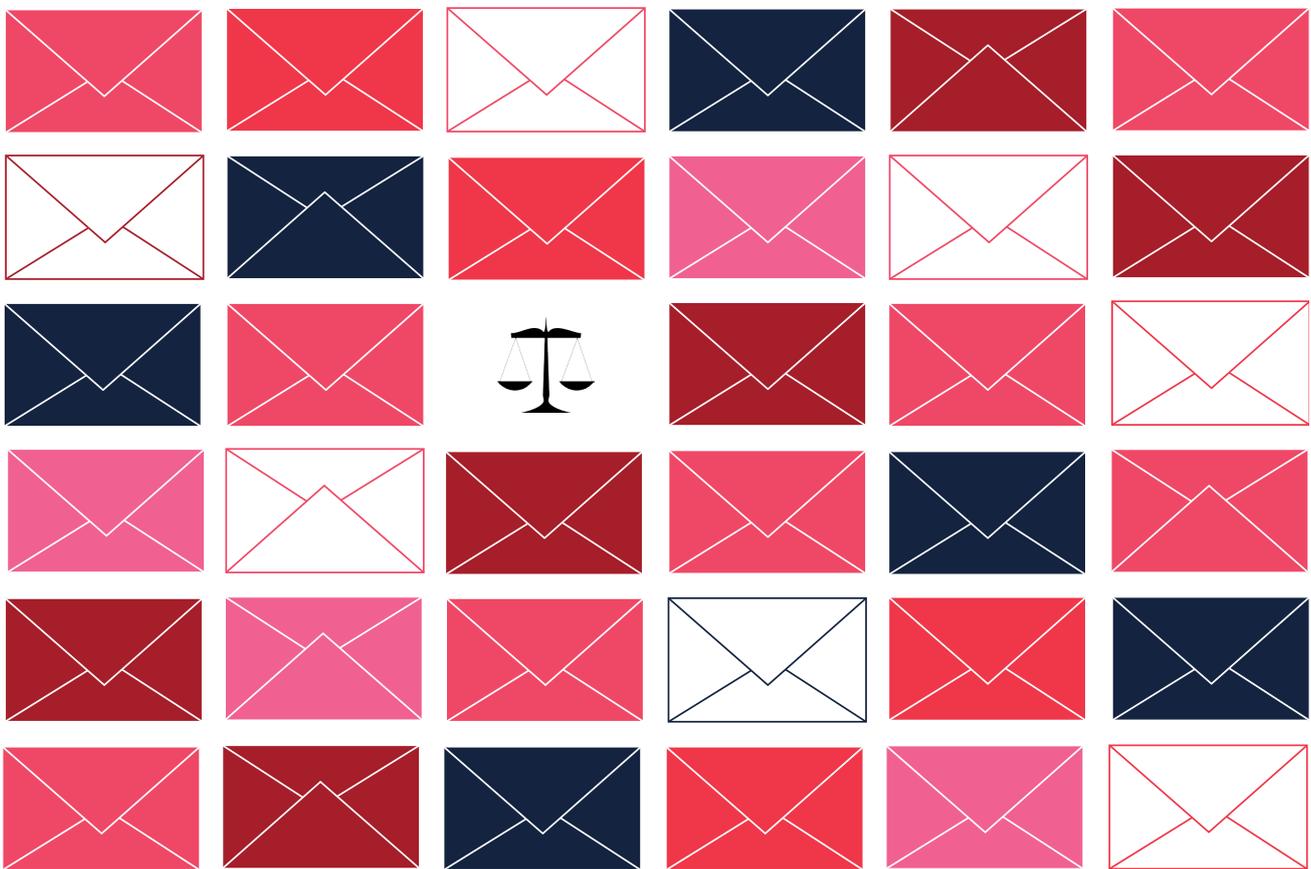
As of early 2018, court bailiffs had already taken measures to enforce the rulings in these cases. Journalists Narynbek Idinov and Dina Maslova, human rights defender Cholpon Djakupova and Ata Meken lawyers Kanatbek Aziz and Taailgul Toktakunova had all been banned by court from leaving the country. Idinov's and Djakupova's real estate property (one third of an apartment and a holiday cottage, respectively) were also subject to seizure. In January 2018, Atambayev's legal representative **demanded** that Idinov's and Djakupova's property be put up for sale to ensure that they pay the compensation to the ex-president. A local court subsequently **approved** the request to auction off Djakupova's holiday

cottage, while the ex-president's representative **withdrew** the request with respect to Idinov's property after the journalist showed that the apartment where he lives is his only dwelling, which he shares with his elderly mother and sister. The journalist nevertheless remained under the obligation to pay the court-ordered compensation, and he and the other defendants risked criminal charges if they do not pay the moral damages.

In addition to *Zanoza* being ordered to pay excessive compensation to the outgoing president, a separate court **ruling** of July 2017 forbade it from using its trademark. Following this, its team **launched** a new online portal, *Kaktus Media*.

Media and human rights groups denounced the defamation lawsuits against *Zanoza* and its co-defendants as an attempt to intimidate critics of those in power and stifle free speech. For example, in a joint **statement**, over thirty NGOs criticised the court rulings in these cases, saying that they risk causing long-lasting damage to freedom of expression and contributing to self-censorship in the country. The signatories called on the government and the new president to initiate reforms to ensure that similar decisions are not handed down against media and journalists in future. Journalist Narynbek Idinov, one of those convicted **said** that the decisions are a "warning to all remaining independent sources and journalists not to write articles that are critical of the authorities". Prior to the start of the legal proceedings, the Ombudsman **urged** national courts to issue "lawful and just" decisions.

Civil society also criticised the fact that national legislation requires the General Prosecutor to take legal action on behalf of the president in response to alleged defamation, thereby providing the president with special protection in this regard. When commenting on the situation in Kyrgyzstan, the OSCE Representative of Freedom of the Media has previously **stressed** that: "Public officials must exercise great restraint when faced with critical reporting and tolerate a higher degree of criticism than ordinary citizens."



Initially the General Prosecutor also sued the Kyrgyz service of Radio Free Europe/Radio Liberty (RFE/RL) because of reporting considered defamatory of Atambayev. However, it withdrew the lawsuit after the president issued a **statement** in mid-May 2017, saying that the service's coverage had "improved" and become "more balanced" since he met with the head of the RFE/RL at the end of March.

### OTHER PROBLEMATIC LAWSUITS

During the year, the 24.kg news portal also faced defamation lawsuits because of its coverage. In March 2017, the Social Democratic Party, which Atambayev led prior to his election as president, **sued** the portal, its journalist Tatyana Kudryatseva, and human rights defender and later presidential candidate Rita Karasartova for defamation. The party sought a total of over 25 000 EUR in compensation because of an article published in February 2017, which discussed elections at the regional level and quoted Karasartova as saying that the Social Democratic Party was "selling positions". According to the party, this allegation had "nothing to do with reality" and undermined its reputation "in the eyes of the people of Kyrgyzstan and, above all, the

party's voters". As of the beginning of 2018, this lawsuit was **still pending** with court.

In another case involving a disproportionately large compensation claim against the 24.kg news portal, a Bishkek district court **ruled in favour** of a lawsuit brought by president elect Sooronbay Jeenbekov against the outlet and journalist Kabay Karabekov. In its decision of 5 October 2017, the court ordered each of the defendants to pay about 60 000 EUR in compensation to Jeenbekov over an article that discussed the Kremlin's willingness to cooperate with him and referred to issues that may influence this cooperation, including allegations that Jeenbekov's family has ties to Arabic organisations deemed "extremist" in Russia. Jeenbekov went ahead with the lawsuit, although 24.kg removed the article from its site at his request. However, at the beginning of February 2018, the newly elected president **dropped** his request for moral compensation in relation to 24.kg after the news portal published a rebuttal and apology. At the same time, he did not withdraw his claim against Kabay Karabekov, who **said** that he was contacted by court bailiffs and informed that he had been banned from leaving the country until the compensation has been paid. If he fails to pay it, he could face criminal charges for non-compliance with the court decision.

Several candidates running in the October presidential elections also filed complaints with the Central Election Commission (CEC), requesting that the accreditation of individual media outlets be revoked because of alleged defamation. The CEC revoked only one accreditation in response to such a request: that of the online resource chagylgan.kg over an article alleging that Omurbek Babanov's campaign was financed by an organisation considered "terrorist" in some countries. While the international mission that monitored the elections under the leadership of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) expressed concerns about biased media coverage in particular against Babanov -- Jeenbekov's main rival in the elections (see more below), it **concluded** that "the mere threat of financial damage results in self-censorship among journalists".

Moreover, in October 2017, the State Registration Service **announced** plans to file a lawsuit against the independent *Kloop* news agency because of its investigative reporting. Based on an investigation carried out in cooperation with Swedish IT experts, the news agency **drew attention** to the alleged misuse of the server of the Registration Service, which may have granted Jeenbekov's campaign inappropriate access to a large amount of detailed government-compiled information on voters. The Registration Service dismissed the findings as "speculation". *Kloop* **insisted** that it had solid evidence to back up its claims, and deemed the state body's intentions to go to court an "attempt to put pressure" on it and to "distract attention" from the issues raised. The national security services **opened** a separate inquiry into the information published by *Kloop* and summoned its journalist Rinat Tukhvatshin for questioning. At the beginning of 2018, no further information about the investigation was available, and the Registration Service had yet to file a lawsuit.

## CRIMINAL CASES AGAINST JOURNALISTS

In a development of serious concern, two journalists faced charges under a broadly worded Criminal Code provision on "inciting hatred" because of their writings:

☀ In June 2017, the national security services opened a criminal case against independent journalist Ulugbek Babakulov on charges of "inciting inter-ethnic hatred" after he drew attention to aggressive nationalism against ethnic Uzbeks on social media. An article of his discussing this topic appeared on the regional Fergana News site on 23 May. Babakulov was subjected to a **public smear campaign**, labelled an "enemy of the people" and threatened with being deprived of his citizenship by MPs. The Fergana News site was blocked in Kyrgyzstan by court ruling. Because of the risk of arrest and politically motivated imprisonment, Babakulov fled the country. He **said** that he had been warned that there were plans to initiate a "show trial" against him similarly to against ethnic Uzbek human rights defender Azimjan Askarov, who remains imprisoned for his alleged role in the inter-ethnic violence in Kyrgyzstan in June 2010 (see more on Askarov's case below). Babakulov has continued to face intimidation abroad and his family, who remains in Bishkek, has been subjected to surveillance, threats and attempts at intrusion into their home by unknown people who they believe are from the security services.

☀ On 12 September 2017, a Bishkek district court sentenced journalist and writer Zulpukar Sapanov to four years in prison for "inciting religious hatred" in relation to a book he wrote about pre-Islamic faiths and beliefs of the Kyrgyz people. The court **found** that the book, which was criticised by influential representatives of Islam in the country, "diminishes the role of Islam as a religion" and "creates a negative attitude toward Muslims". The prison sentence handed down to the journalist caused an outcry, with the Ombudsman **calling** it "a return to the time of inquisition". On appeal, Sapanov's prison sentence was replaced by a two-year suspended sentence and he was released. 

In another case that raised free speech concerns, a criminal investigation was initiated against a journalist due to her investigative reporting on alleged corruption:

✨ In December 2017, the State Service for the Fight against Economic Crimes *opened* a criminal case on the alleged disclosure of confidential bank information in two articles authored by journalist Elle Alkanova, which concerned the privatisation of elite cottages outside Bishkek. In the articles, which were published on the regional Fergana News site, she discussed irregularities relating to this deal and the possible involvement of people close to the prime minister, referring to documents from the BTA Bank. Representatives of the government dismissed her findings, saying they were “fictitious” and demanded that she refute them and apologise, which she refused to do. Coverage in pro-state media backed up the government’s line. Alkanova was *summoned* for questioning by police and prohibited from leaving the country during the investigation. On 13 February 2018, she was *charged* with unlawfully receiving and disclosing information constituting a commercial or bank secret, offenses that each carry a penalty of up to five years in prison. The Committee to Protect Journalists (CPJ) *condemned* the charges against the journalist as being “apparently politically motivated and in retaliation for her investigative reports” and called on the Kyrgyzstani authorities to drop them and stop harassing her. Alkanova has written for RFE/RL and Kloop, in addition to Fergana News, and has contributed to the international Organised Crime and Corruption Reporting Project (OCCRP).

## DETENTIONS OF JOURNALISTS

In some cases, journalists were arbitrarily detained. In particular, on 26 February 2017, law enforcement authorities detained several journalists who were covering the arrest of Omurbek Tekebayev at Manas International Airport in Bishkek. Tekebayev, a former ally turned opponent of outgoing President Atambayev, was arrested when returning to the country after attending an OSCE meeting in Vienna and was subsequently *sentenced* to eight years in prison on fraud and corruption charges, which he and his supporters considered politically motivated.

Several media organisations issued a joint *statement* protesting against the detention of the journalists, who included Zaryl Shermamatov and Munarbek Jorgomov from the September TV station, Ulan Egizbayev from the Kyrgyz RFE/RL service and Murat Soorbekov from the Bia.kg site. Although the journalists showed their identification, they were taken to a local police station, where they were held for some time before being released.

## MOVES AGAINST TV STATIONS PROVIDING COVERAGE CRITICAL OF THE GOVERNMENT

The court-ordered closure of a TV station reinforced concerns about restrictions on media freedoms. On 22 August 2017, a Bishkek district court ruled in favour of a request from the General Prosecutor and banned the activities of the September TV station on the grounds that it had allegedly disseminated “extremist” material. The charges against the TV station concerned an interview with a former regional police chief, who accused later president elect Sooronbai Jeenbekov and his brother of misappropriating government funds allocated in connection with the June 2010 events in southern Kyrgyzstan. The court ruling was widely criticised, including by the journalistic community and the Ombudsman. The September TV station is affiliated with Ata-Meken party leader Omurbek Tekebayev, a former Atambayev-ally who was imprisoned in August 2017. On 27 December 2017, the Supreme Court upheld the ruling against the TV station on appeal.

In another case, on 19 December 2017, a group of court bailiffs and police officers *arrived* at the offices of NTS, Kyrgyzstan’s largest private TV station, with a court order to seize the station’s property. This order was issued by a local court on that day based on a lawsuit filed by an offshore company. NTS is associated with opposition politician Omurbek Babanov, who, as mentioned above, was Jeenbekov’s main rival in the October presidential elections. The TV station *considered* the move “restrictive of freedom of expression”, and Babanov Babanov stated that the TV station was seized through a “raid” and “the use of court”. NTS *announced* that it would appeal the court decision, raising due process violations and said

it would continue its operations pending review. Following the presidential elections, prosecutors also **opened** a criminal case against Babanov on charges of “inciting ethnic hatred” and calling for the violent overthrow of the government during a campaign speech he made in Osh. He left the country after the elections and remained abroad at the end of the year.

### FREE SPEECH CONCERNS RELATED TO THE ELECTION CAMPAIGN

The campaign ahead of the presidential elections on 15 October 2017, in which Atambayev-endorsed candidate Sooronbay Jeenbekov secured a majority of the vote, was characterised

by the lack of objective media coverage. In particular, public media gave disproportionate attention and favourable coverage to Jeenbekov. The ODIHR-led international election observation mission, which monitored the elections, **voiced concerns** about biased media coverage and noted that incumbent President Atambayev de facto campaigned for Jeenbekov on public TV broadcasters. The mission also found that public broadcasters provided unbalanced and out-of-context coverage of a speech delivered by candidate Omurbek Babanov in Osh, implying that his speech incited inter-ethnic hatred. As mentioned before, a criminal case was subsequently opened against



Babanov in relation to this speech. Moreover, the international election monitoring mission concluded that defamation claims against media outlets filed by the incumbent president and candidates (see above) “had an adverse effect on public debate and resulted in self-censorship”.

On Election Day, several attacks on journalists were reported in Osh: journalists were threatened, verbally assaulted, forcefully removed from polling stations and had their equipment confiscated by unidentified perpetrators. The OSCE Representative on Freedom of the Media **called on** the authorities  to swiftly investigate the alleged assaults and bring the perpetrators to justice.

### MEASURES TARGETING SOCIAL MEDIA USERS

During the year, there were reports of efforts by the national security services to track down and intimidate social media users who published information critical of outgoing President Atambayev. In a **letter** that appeared online at the beginning of 2017, the State Committee for National Security stated that measures had been taken to identify the IP-addresses of a total of 45 Facebook users who had posted negative information about Atambayev. This was done in response to a request for action by an MP from the pro-presidential Social Democratic Party. According to media reports, a number of social media users **were also summoned**, questioned

and warned by the security services because of unfavourable posts about the president.

In December 2016, poet Temirlan Ormukov was summoned to the General Prosecutor's Office in relation to satirical poems about President Atambayev he had posted on Facebook. According to the poet, he was told that his poems "promote inter-ethnic hatred" and "discredit the honour and dignity of the president". Later, a criminal case was opened against Ormukov under a Criminal Code provision that bans knowingly making false accusations about the commission of crimes after a complaint was filed by an MP whom the poet had accused of corruption. A local court subsequently sanctioned the poet's pre-trial detention, a decision that was **upheld on appeal** in October 2017. However, the poet, who is blind and has suffered two heart attacks, was not placed in pre-trial detention for health reasons. Among others, the OSCE Representative on Freedom of the Media has **criticised** the Criminal Code provision under which he was charged for threatening freedom of expression and de-facto representing a form of criminal defamation.

In March 2017, a few MPs **put forward** draft legislation regulating the publication of information by internet users, whose blog or social media posts are accessed by more than 1000 people a day. The draft legislation proposed establishing a government register of these internet users and obliging them to verify the "accuracy" of the information they post. The initiative, which drew heavily on similar Russian legislation, was met by a public outcry and criticised for attempting to restrict freedom of expression online. As a result of the overwhelmingly negative public response, the initiators **withdrew** the draft legislation for revision.



#### **FOREIGN GOVERNMENT CRITICS DENIED ENTRY**

On 9 December 2017, the Kyrgyzstani authorities denied entry to Chris Rickleton, a British journalist working as Central Asia correspondent for Agence France-Presse (AFP) and deported him. Border officials detained him after he

arrived at Bishkek's Manas airport on a flight from Colombo via Dubai and told him that he had to leave on the following flight back to Dubai. The grounds for the deportation order were not clear. In an **appeal** to new President Jeenbekov published on Facebook, Rickleton said that he had been given no explanation and that he had not violated the 60-day visa free stay allowed for passport holders from the UK. He also said that since he started working for the APF he has failed to obtain long-term accreditation with Kyrgyzstan's Foreign Ministry, despite applying several times. He has been questioned by the security services in this context. Rickleton has been based in Kyrgyzstan for eight years and his wife and daughter are both citizens of the country. In early 2018, Rickleton **told media** that he had received a response from the security services to his complaint about his deportation and was planning to file an appeal.

In another case, Vitaliy Ponomarev, Central Asia Programme Director for the Moscow-based Human Rights Centre Memorial, was denied entry to Kyrgyzstan on 9 August 2017 when arriving to the country via the land border from Kazakhstan. He was not informed about the reason for the ban. Members of the Civic Solidarity Platform, a network of human rights NGOs from across Europe, the former Soviet Union and North America, **protested** the decision to ban the well-known human rights defender entry, saying it "raises deep concern as to its motivation".

These two cases form part of a longer-term pattern, in which other journalists and human rights defenders have also been denied entry to Kyrgyzstan on arbitrary grounds. For example, Human Rights Watch researcher Mihra Rittmann has been barred from travelling to Kyrgyzstan since 2015.

# Freedom of association

## HOSTILE ATTITUDES TOWARD HUMAN RIGHTS NGOS

The civil society sector in Kyrgyzstan remained vibrant and NGOs were actively involved in human rights promotion efforts. At the same time, negative and suspicious attitudes remained widespread, especially towards foreign-funded NGOs. Although the Parliament rejected a Russia-inspired “foreign agents” draft law in 2016, the protracted discussion surrounding this controversial initiative contributed to hostile sentiments toward NGOs with long-lasting implications. During the year, public figures, including outgoing President Atambayev made new statements attacking NGOs and accusing them of acting on behalf of foreign donors and undermining national values and stability. For example, in a *speech* delivered in April 2017, Atambayev suggested that “certain figures” “pose as human rights defenders, opposition members or NGOs representatives but in reality ‘work off’ money received from abroad”. He said that they should not be allowed to “impose alien values on people” and that “it is time to defend our country against such human rights activists”. These kinds of statements further reinforced negative and intolerant attitudes toward human rights NGOs and defenders.



Among those who have been verbally attacked are well-known human rights defenders Tolekan Ismailova and Aziza Abdirasulova. In 2016 President Atambayev publicly *accused* them of being part of a movement bent on toppling the government and of “working off” their foreign grants to this end. The two defenders went to court seeking a retraction of this statement, but they were unsuccessful. Following earlier rejections by lower courts, the Supreme Court rejected an appeal filed by Tolekan Ismailova on 22 May 2017.

In connection with the re-trial of imprisoned human rights defender Azimjan Askarov, which ended in January 2017 (see below), Ismailova and Abdirasulova were *subjected to* surveillance, wiretapping and media attacks. Both of them

were prominently involved in efforts to defend Askarov.

The Bir Duino Human Rights Movement led by Tolekan Ismailova also faced pressure from the national security services. In a press release that was issued and widely disseminated in January 2017, the State Committee on National Security accused the organisation of obstructing a law enforcement operation to arrest an individual suspected of extremism in the Osh region. Bir Duino *dismissed* this accusation as groundless, stressing that no one from the organisation was present when the arrest took place, and said that it considered the claim an attempt to discredit the organisation. It filed a lawsuit against the security services. After the trial was repeatedly postponed, a Bishkek district court eventually *ruled in favour* of the lawsuit on 30 October 2017, concluding that the press release issued by the security services was inaccurate and that the services should publish a retraction. However, following an appeal by the security services, the Bishkek City Court overturned the decision on 25 January 2018 and rejected Bir Duino’s lawsuit. Disappointed with this ruling, the human rights NGO *said* it would take the case to the Supreme Court.



## NO JUSTICE FOR HUMAN RIGHTS DEFENDER AZIMJAN ASKAROV

Human rights defender Azimjan Askarov, who is serving a life sentence for his alleged role in the June 2010 inter-ethnic violence in southern Kyrgyzstan, continued to be denied justice in 2017. In a decision issued in March 2016, the UN Human Rights Committee concluded that Askarov had been arbitrarily detained, tortured and subjected to inhumane treatment and that his right to prepare his defence and examine witnesses had been violated. It called for his immediate release and for the conviction to be quashed. Following this, Askarov and his legal counsel requested Kyrgyzstan’s Supreme Court to review the case in accordance with the Committee’s decision. However, the Supreme Court *failed to release* Askarov and repeal his

conviction and instead sent the case back for retrial at the appeals level.

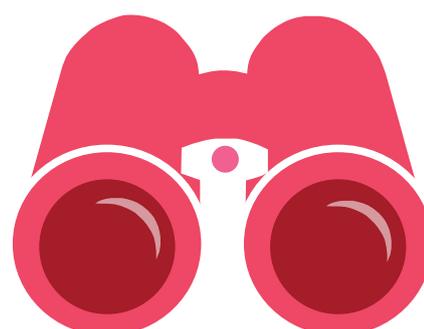
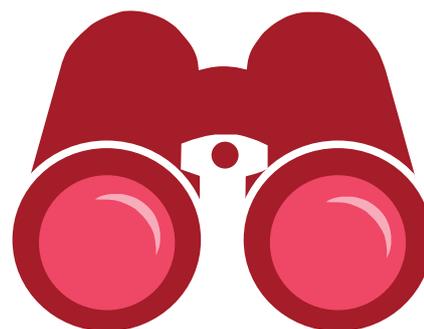
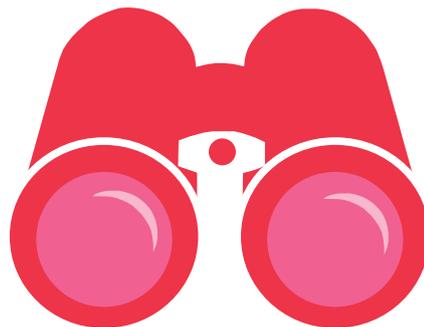
The retrial began at Chui Regional Court in October 2016 on the basis of the findings of the flawed investigation carried out in 2010. Following three months of proceedings, Chui Regional Court issued its verdict on 24 January 2017, **upholding** Askarov's life sentence, although no credible evidence of his guilt was presented at the trial. The outcome of the retrial against Askarov was widely criticised by representatives of the international community. The UN High Commissioner for Human Rights **stated** that the ruling "highlights serious shortcomings in the country's judicial system" and "clearly did not take into account the views of the UN Human Rights Committee".

In another development in the case, Askarov filed a complaint to court against an earlier decision sanctioning the confiscation of his family's house. That decision was made as part of the implementation of the 2010 court ruling against Askarov, although national legislation **prohibits** confiscating property where family members of convicted individuals live and Askarov's wife resides in the house. In September 2017, a local court in the Jalal-Abad region approved Askarov's complaint and repealed the earlier decision sanctioning the confiscation of the house. Askarov's wife, Khadicha Askarova commented on this ruling by **saying** that it was "the first step toward justice and rule of law" taken by authorities in her husband's case.

## **RESTRICTIONS ON NGO MONITORING OF ELECTIONS**

Ahead of the October 2017 presidential elections, new restrictions on civil society election monitoring were introduced. A series of amendments to election legislation, which the Parliament adopted in May 2017 and the president signed into law in June, limited the number of NGO monitors during elections and restricted their rights to freely move around and be present at polling stations. The amendments also deprived NGO monitors of the right to appeal against decisions, measures or the lack of measures by election commissions. MPs sought

to justify the new provisions by claiming that civil society monitors "lack objectivity" and may "disturb" the conduct of elections by favouring certain candidates. Civil society actors criticised the amendments, with a representative of the Adilet legal clinic **saying** that they rendered it "meaningless" to carry out election monitoring since NGO observers would not be able to respond to documented violations. The ODIHR-led international mission, which monitored the presidential elections, also **criticised** these restrictions.



# Freedom of peaceful assembly

## OVERALL SITUATION

The legal framework regulating the conduct of peaceful assemblies remained more liberal in Kyrgyzstan than in the other Central Asian countries. The current Law on Assemblies, which was adopted in 2012, protects the right to hold assemblies without requiring advance permission by authorities and obliges authorities to safeguard both planned and spontaneous peaceful assemblies. Authorities may only ban assemblies if these are aimed at promoting certain unlawful objectives, such as propaganda of war and violence, and they may only restrict the time or place of assemblies in order to ensure the safety of participants or other citizens. Authorities must request a court review of the lawfulness of any decision to ban or restrict assemblies within 24 hours.

During the year, peaceful protests frequently took place in Kyrgyzstan, with residents staging assemblies on a broad range of economic, social and political issues. Most protests were allowed to take place without interference by authorities. However, in some cases, authorities unduly restricted the right to peaceful assembly such as by curtailing protests because no advance notification had been given, although this is not required; imposing restrictions on the time and place of assemblies in violation of the requirements of the law; or detaining participants in peaceful protests and treating them inadequately. Officials responsible for violations were typically not held accountable, resulting in impunity for such actions.

These are two examples of cases where violations of the rights of protest participants were reported:

☀ On 18 March 2017, a *peaceful march*  in support of freedom of speech took place in Bishkek. The local authorities had been informed in advance. As the participants were marching along the planned route from Victory Park towards the centre of the city, several people were detained by police when

they left the pavement and walked directly on the street, thereby supposedly violating public order. Five youth opposition activists were brought to court the same day and sentenced to five days' administrative arrest on charges of unlawfully blocking the street, disobeying law enforcement authorities and minor hooliganism. The Khylym Shamy human rights NGO, which monitored the assembly, *voiced concern* that police immediately detained the participants accused of violating public order without giving prior warning as required by law. The organisation also noted with concern that the defendants' lawyers were not allowed to be present at the trial and that the court failed to read out its decisions, in violation of international fair trial standards. Those sentenced to five days' administrative arrest *said* that they were held in inhumane and degrading conditions when serving their sentences. In an interview conducted by the Kyrgyz RFE/RL service *Azattyk*, one of them *described* the detention facility where they were held as badly overcrowded, cold, dark, and insanitary. The Ombudsman subsequently carried out an inspection of this facility and *concluded* that conditions there amount to torture. The National Centre for the Prevention of Torture *arrived* at a similar conclusion.

☀ On 2 June 2017, a group of civil society activists organised a peaceful protest against the felling of trees at Toktonaliev Street in central Bishkek. Police responded by dragging away the protesters, who tried to protect the trees by holding on to the trunks. According to an *eyewitness*, police and workers present to fell the trees also mocked the protesters. Ten people were detained on accusation of disobeying the orders of police and unlawfully blocking the street and were subsequently issued with warnings by a local court. The detained *denied* any wrongdoing, saying that their actions were entirely peaceful and that they had neither resisted police nor blocked the street, which had already been cordoned off by police for the tree felling.

At an NGO roundtable held in December 2017 to discuss challenges to peaceful assembly in the country, human rights activists *expressed concerns* that individuals who take part in peaceful protests increasingly have been subjected to intimidation, pressure and surveillance by law enforcement authorities.

## **BLANKET BANS ON PROTESTS**

On several occasions during the year, courts imposed weeklong blanket bans on holding assemblies in centrally located areas in the capital, using vague arguments to justify these decisions:

✨ In late February 2017, the head of a civil society group notified local authorities that a peaceful assembly would be held in Bishkek on 28 March to draw attention to violations of freedom of expression and discrediting of political opponents. In response to this, the police department of the capital's Leninsky District, where the protest was planned to take place, requested a temporary court ban on assemblies in the district from 20 March to 8 April. A local court approved this request, with reference to public celebrations scheduled to take place in the district during the period in question and the need to safeguard public order and security and to prevent unspecified terrorist threats. For the period of the ban, the court ordered all peaceful assemblies to be relocated to the remote Ak-kula hippodrome.

✨ During the period leading up to the presidential elections in October 2017, courts also banned holding protests in key locations in the capital. In July 2017, a Bishkek court ruled in favour of a request from the mayor's office to prohibit assemblies (with the exception of official events) at the central Ala-Too Square, outside the Parliament and Presidential Office, as well as at several other locations in the capital's Pervomaisky District from 27 July to 20 October. The mayor's office argued that assemblies at these centrally located Bishkek venues create discomfort for residents, disturb transport and traffic and lead to violations of sanitary regulations.

The mayor's office also referred to the preparations for the Day of Independence on 31 August and the presidential election on 15 October, as well as "recent developments in the world, including increasing manifestations of religious extremism".

In late September 2017, another local court approved a similar request from the mayor's office and banned assemblies in the capital's Oktyabrsky District until 20 October. This measure followed an initiative by civil society activists to organise a peaceful march on 30 September to call on the presidential candidates to ensure fair elections.

✨ On 8 November 2017, the Pervomaisky District Court handed down yet another problematic decision, banning all assemblies from being held outside the Presidential Office and the Parliament, the House of Government, the Central Election Committee, and court buildings in this district of the capital through 1 December. The ban covered the period before and after the inauguration of the new president on 24 November. In its ruling, the court argued that assemblies disrupt "the stability of vital functions" in the capital and cause "concern and discontent" on the part of citizens, especially elderly ones.

The court bans described above were highly problematic in the light of both national and international standards on freedom of peaceful assembly. In accordance with international law, peaceful assemblies may only be restricted on certain legitimate grounds, including for reasons of protecting national security, public order, health or morals, or the rights and freedoms of others, and any restrictions must be necessary and proportionate to these objectives and limited to the period when the threats persist. The grounds for restricting an assembly should also be carefully considered in each specific case, which blanket bans do not allow for, as international human rights experts have pointed out. In addition, the bans imposed in the cases above only applied to non-official events, excluding those organised by authorities, thus reflecting a discriminatory approach.

## Overall trends

The space for civil society continued to contract in Tajikistan in 2017 due to wide-ranging restrictions on fundamental freedoms. Independent media, journalists and others who criticised government policies faced growing pressure, and the authorities unduly limited the use of online resources. NGOs were subjected to intrusive inspections by state bodies and were excluded from non-transparent processes of drafting new legislation affecting them. The independence of the legal profession remained under threat and lawyers working on high-profile cases were criminally prosecuted and imprisoned. Problematic legislation, as well as arbitrary law enforcement measures undermined the right to freedom of peaceful assembly.

The UN Special Rapporteur on freedom of opinion and expression **raised alarm** about the current restrictions on independent media, civil society and dissident voices in the final report on his 2016 mission to Tajikistan, which was published in June 2017. He called on the Tajikistani government to reconsider its current focus on repression of fundamental rights as means of ensuring security and public order, warning that this approach “may be undermining the very [...] goals the Government purports to be pursuing”.

## Freedom of expression and the media

### DETERIORATING MEDIA CLIMATE

The media climate has deteriorated in Tajikistan over the last few years, as confirmed by international surveys. In the 2017 World Press Freedom Index published by Reporters without Borders, Tajikistan **ranked** 149th among 180 countries, compared to 116th in 2015.

Independent media and journalists were subjected to intimidation and pressure by law enforcement authorities and security services, and self-censorship was widespread due to the fear of repercussions for critical reporting. Journalists also faced difficulties in accessing information of public interest due to the refusal of public authorities to make it available. At the same time, as **discussed** at a roundtable on challenges facing media held in May 2017, the

economic downturn negatively affected the financial sustainability of independent media outlets, rendering them even more vulnerable. Several media outlets have been forced to close down since 2016, and a number of journalists have left the country. When speaking at the roundtable, the head of the Coalition of Women Journalists said that a study carried out by this organisation had **shown** that as many as 20 journalists had recently left the country for different reasons, including pressure, lack of support and financial difficulties.

In the report on his 2016 mission to Tajikistan, the UN Special Rapporteur on freedom of opinion and expression also **voiced concerns** about state intimidation of journalists and the media. He said that he had “received numerous reports from journalists of pressure to refrain from

covering issues of public interest, especially those related to the political environment”.

Human rights defenders were concerned that new regulations approved by the government in February 2017 could result in new obstacles to the registration and operation of media outlets. The regulations required publishing houses, printing houses and media outlets to **obtain a certificate** of approval from national security services without elaborating on the nature of the certificate or the grounds for issuing it.

The following case caused concern over the excessive measures taken by tax authorities in response to alleged tax violations of a number of media outlets and organisations:

- As the National Association of Independent Mass Media in Tajikistan (NANSMIT) **reported**, on 16 March 2017 tax officials sealed the regional offices of the newspapers Asia Plus, Zamon and Tojikoni Jahon, as well as that of NANSMIT in the city of Khujand without warning. The tax officials justified the measure by saying that an inspection had revealed that the organisations had violated national tax law because their employees paid income tax in the capital rather than at their place of residence. After the incident was reported in the media and the journalist community expressed concern, the head of the regional Tax Committee apologised for the behaviour of the tax officials involved, declaring that they may have been over-zealous. According to NANSMIT, a few days after the incident, the tax authorities and the organisations in question **settled the issue** concerning the payment of income tax.

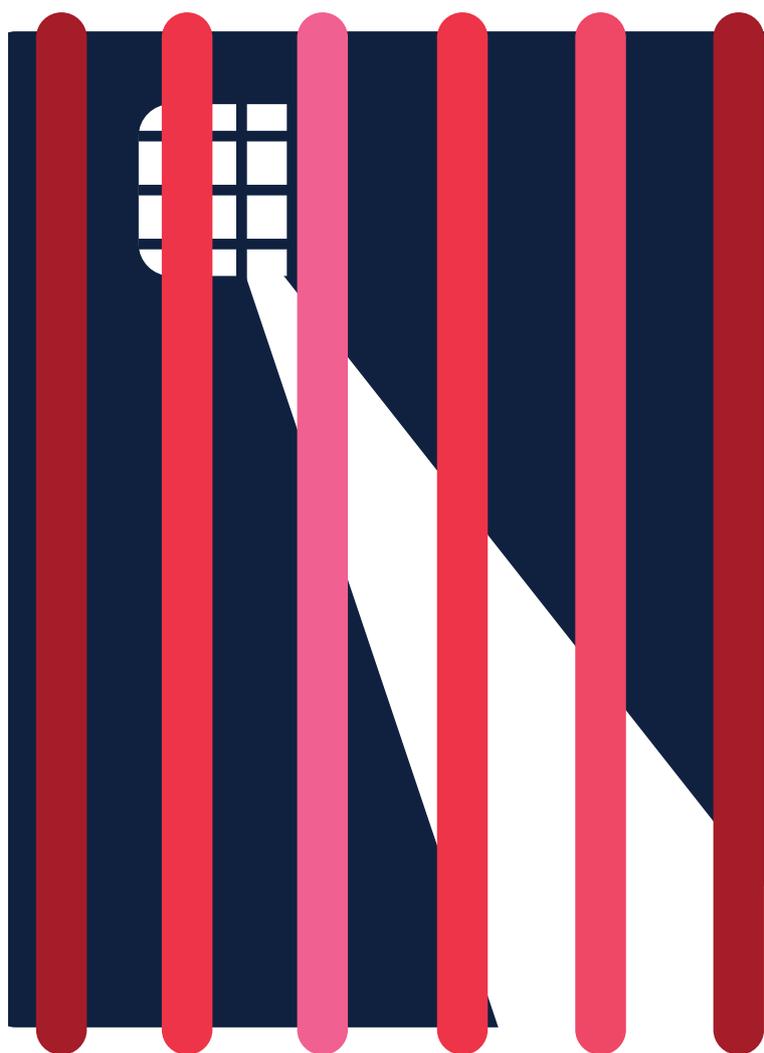
While libel was de-criminalized in Tajikistan in 2012, insulting the president and government officials remained subject to criminal liability, which had a chilling impact on freedom of expression. Amendments to the Criminal Code adopted by the Parliament in November 2016 extended the ban on insulting or slandering the president to the Leader of the Nation, a lifetime title that was bestowed on President Emomali Rahmon in 2015. This offense is punishable by up to five years in prison. Charges brought

under this Criminal Code provision were used against lawyer Buzurgmehr Yorov during the year (see more on his case under freedom of association). Journalists at state-owned media outlets also **reported** being instructed to always use President Rahmon’s full title, including “Leader of the Nation” when referring to him.



## ARREST OF JOURNALIST

The arrest of an independent journalist at the end of the year reinforced concerns about pressure on journalists.



Journalist Hairullo Mirsaidov was **detained** in Tajikistan’s northern Sughd region on 5 December 2017. Three days later, he was placed in pre-trial detention on charges of embezzlement, forgery, falsely reporting about a crime, as well as inciting national, racial or other hatred. Prosecutors **did not disclose** any details about the charges against him, referring to the confidential nature of the investigation. Later, however, a representative of

the regional prosecutor's office **told** media that the charges against Mirsaidov had been initiated on the basis of internet materials authored by the journalist and a request filed by the head of the state Youth and Sports Department in the region.

In the month prior to his detention, Mirsaidov had **publicly appealed** to President Rahmon, the Prosecutor General and Sughd's Regional Governor, about alleged corruption by the regional Youth and Sports Department in its dealings with a **comedy club** team that the journalist is heading. This team has represented Tajikistan in several international competitions held in post-Soviet countries. Mirsaidov said that the head of the department had obstructed the allocation of public funds to his team to allow them to travel to Russia to participate in a competition and demanded a bribe. He also said that after he complained, the regional authorities initiated a lengthy inspection of the team's activities, which was characterised by irregularities, and attempted to discredit its members as "criminals". According to national law, the authorities are obliged to investigate allegations of misconduct by local officials, such as those reported by Mirsaidov. Instead, however, criminal charges were brought against the journalist.

Several international human rights organisations **criticised** Mirsaidov's arrest and called for his release, and Amnesty International **declared** him a prisoner of conscience. Tajikistan's NGO Coalition against Torture and Impunity also issued a **statement**, expressing serious concerns about the case and calling on the authorities to ensure that Mirsaidov is not penalised for the legitimate exercise of his right to freedom of expression. The coalition stressed that freedom of expression covers satirical-comedic performances, in view of media reports suggesting that the charges initiated against Mirsaidov under the broadly worded Criminal Code provision on "inciting hatred" may be related to the shows of the comedy club team he heads.

Mirsaidov has worked as a correspondent for the Asia Plus news agency, the regional Fergana News and Germany's Deutsche Welle,

reporting on issues related to human rights and environmental protection, among other issues.

At the beginning of 2018, the journalist remained in detention, as the investigation in his case continued.



## **RESTRICTIONS ON THE USE OF ONLINE RESOURCES**

In recent years, arbitrary blocking of websites 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.

While access to Facebook, YouTube and other major social media resources that previously had been blocked was **restored** in May 2017, some independent news sites such as those of the Tajikistani service of Radio Free Europe-Radio Liberty (RFE/RL) and the opposition *Ozodagon* remained inaccessible throughout the year, without any court sanction of this measure.

During 2017, the authorities also initiated other measures that gave rise to concerns about undue restrictions on the use of online resources.

In December, the Communications Service **required** all mobile companies and internet providers to disable so-called Next Generation Network (NGN) communications services. These type of services, offered by a number of Tajikistani companies had enabled customers to make calls through the internet to regular and mobile phone numbers in Tajikistan at the same rates as for domestic calls irrespective of the geographic location of the caller. The services had become popular in particular among labour migrants and others residing abroad, who wish to use voice communication with family and friends back in Tajikistan at a low cost. About one million people had NGN numbers as of the end of the year.

The Communications Service argued that the use of NGN services for international calls threatens national security, but experts suggested that the

move might have been motivated by economic considerations. Internet providers and mobile phone operators are required to channel all international traffic through a so-called Unified Communications Centre, which began operating under the state Tajik Telecom company in late 2016. Such traffic is charged at a fixed per-minute rate. However, as the alternative, low-cost NGN calls have been treated as domestic rather than international calls, they have not been routed through the centre, thus depriving it of potential profit. In a letter to the presidential administration, of which the Tajik RFE/RL service obtained a copy, the country's Tax Committee **explicitly used** economic arguments to justify restrictions on NGN services. According to the Tax Committee, the widespread use of NGN and other online services for making international calls has resulted in decreasing tax revenues.

At the beginning of 2018, the General Prosecutor's Office stated that it was **investigating** the lawfulness of the decision to disable the NGN services, while providers **restored access** to these services pending a final decision.

The Communications Service also **expressed discontent** over online messaging services, such as Viber, WhatsApp, Telegram and others, describing them as threats to national security and reportedly **requested** providers to look into blocking access to these services. In early January 2018, audio and video communication stopped working for users of the country's most popular messaging service, Viber and it remained unavailable for several days. The Communications Service **said** that this was due to "technical problems".

In yet another move, in January 2018, the Communications Service **ordered** all internet providers and mobile phone operators in the country to buy internet traffic services only from the state Tajik Telecom company. It referred to security considerations to justify this requirement and claimed that it was in accordance with the government decree on the establishment of the Unified Communications Centre, mentioned above. Providers expressed discontent that the new requirement would result in monopolisation of internet traffic in

the country, as well as increasing costs for them and thereby customers since the internet traffic services offered by the state company are more expensive than those of competitors based abroad whose services they have been using. Providers also argued that while the Unified Communications Centre was set up to monitor and regulate internet traffic, the government decree on its establishment does not contain any ban on buying internet traffic services from other sources. In view of this, the leadership of a number of mobile phone companies **requested** the General Prosecutor's Office to assess the lawfulness of the order of the Communications Service.

A number of media organisations also issued a joint statement, **voicing concern** about the order of the Communications Service and calling for it to be revoked. In addition to concerns about the monopolisation of a key communications sector, and increasing costs for internet use, the media organisations warned about the risk of internet outages affecting the whole country if all internet traffic services are obtained from the same company.

In July 2017, the Parliament **adopted** legislation granting law enforcement authorities new powers to obtain information about the internet sites visited by citizens, thus enabling them to trace internet users who visit "undesirable" web sites. This legislation was initiated after a member of the parliament claimed that "80 percent" of the country's internet users visit "undesirable" websites containing "extremist" and "terrorist" content, without presenting any data to back up this claim. As with the earlier decision to establish the Unified Communications Centre, this measure reinforced concerns that authorities might step up control over internet and mobile phone communications, resulting in violations of the right to freedom of expression and privacy of residents.

#### **PRESSURE ON INDIVIDUALS ASSOCIATED WITH THE POLITICAL OPPOSITION**

The Islamic Renaissance Party of Tajikistan (IRPT), the country's largest opposition party, was banned by the Supreme Court as "extremist"

in September 2015 after the authorities linked the party to two armed attacks that took place in the country that month. IRPT members were arrested and charged with extremism-related offenses because of their alleged involvement in the attacks. In mid-2016, more than a dozen IRPT leaders were sentenced to lengthy prison terms following a trial that was shrouded in secrecy and that international human rights organisations **concluded** fell short of international fair trial standards. Many other members of the IRPT and other political opposition groups have since left Tajikistan and now live abroad.

During 2017, international human rights NGOs **voiced concerns** over reported cases of intimidation, detentions and interrogations of relatives of members of political opposition groups who live abroad, in particular following a Tajikistani opposition congress held in Germany in July 2017. The Tajikistani authorities **denied** allegations of pressure against the relatives of members of such groups and **said** that police had not received any complaints about violations.

In another case, Rahmatillo Zoirov, leader of Tajikistan's opposition Social Democratic Party, **reported** being subjected to an attack, which he believed was politically motivated. According to Zoirov, as he was walking his dog in Dushanbe on 9 November, two unknown people approached him and started insulting him, while a third person came up to him from behind and struck him with a metal bar. While he managed to protect his head, his hand was badly injured. The attackers quickly **disappeared**. Zoirov said that several police officers who were nearby witnessed the assault but did not intervene and that law enforcement authorities failed to take any appropriate measures when he first reported the incident. A week later, after the attack on the opposition leader was covered by media, police **announced** that they had opened an investigation and were looking for the perpetrators. The Social Democratic Party, which Zoirov has headed since 1998, is the only remaining opposition party in Tajikistan that is officially registered. It has never been represented in the Parliament.



# Freedom of association

## RESTRICTIVE ENVIRONMENT FOR NGOS

The climate in which civil society organisations operated remained restrictive and human rights NGOs, especially those working on the protection of vulnerable groups such as sexual and other minorities were subjected to pressure.

The Ministry of Justice, the Tax Committee and other state bodies continued to carry out inspections of the activities of NGOs. These inspections were often time-consuming and created uncertainty for the NGOs concerned as they did not know how they would end. In some cases, inspected NGOs were required to address alleged violations of requirements of national law to avoid penalties.

This is one example of an NGO that was subjected to inspections:

☀ In November 2017, Rohi Zindaghi (Life Path), an NGO working on LGBT rights in the Sughd region in northern Tajikistan announced that it had been forced to close down *following* a series of inspections by the local administration, fire safety officials, the prosecutor's office and other official bodies. The chair of the organisation said that they decided to close since they were tired of the endless inspections, although the inspections had only resulted in findings of minor violations. According to the chair, the organisation had come under constant pressure from the authorities since it started working on the rights of sexual minorities six months earlier and it had been "advised" to drop this issue if it wanted to continue its work.

In accordance with amendments to the Law on Public Associations adopted in 2015, NGOs were required to report the receipt of foreign funding to the Ministry of Justice prior to spending it. The reporting was done by NGOs as a notification procedure, using a government-approved reporting form. However, implementing regulations adopted by the Ministry of Justice in 2016 set out that this body may verify the information received, if deemed necessary, e.g. by inspecting the activities of NGOs

or requesting information from other authorities. While no NGOs are known to have faced sanctions for failing to comply with the notification procedure during the year, the threat remained that this requirement may potentially be used to interfere with the work of 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.

The UN Special Rapporteur on freedom of opinion and expression, David Kaye, *raised alarm* about the worsening civil society environment in the final report on his March 2016 visit to Tajikistan. He noted that his interlocutors had expressed "grave concerns about the future of non-governmental activism in Tajikistan" and highlighted concerns about the deteriorating legal framework for NGOs, the increasingly frequent inspections of NGOs and pressure against NGOs receiving foreign funding. He spoke about "a climate of fear that has a powerful chilling effect, particularly affecting human rights organisations" and called on the authorities to bring current legislation and practice into line with international standards.

## CONCERNS ABOUT DRAFT LEGISLATION AFFECTING NGOS

Civil society representatives were concerned that draft legislation, which was under consideration by the government during the year, may introduce additional restrictions on NGO activities. This draft legislation included a new Law on Non-Commercial Organisations and a new Civil Code, which was expected to introduce amendments relating to the state registration of NGOs. Civil society was not invited to participate in the government working groups in charge of the elaboration of the draft laws nor consulted on them and thus had no opportunity to influence the drafting process.

In August 2017, a group of civil society organisations sent a letter to the Ministry of Justice, requesting that their representatives be included in the working group in charge of the

elaboration of the draft Law on Non-Commercial Organisations. In response, a representative of the Ministry *said* that the draft law had already been passed on to other government departments but promised that civil society representatives would be invited to participate in consultations and the continued drafting process in case the proposal was sent back to the Ministry. As of the beginning of 2018, civil society organisations had not received any invitation to this end. Both draft laws remained under consideration by the government, but were expected to be submitted to the Parliament within a near future.

Based on recommendations from the Financial Action Task Force (FATF), amendments were adopted to the Law on the Fight against Corruption, requiring NGOs to undertake annual assessments of corruption risks in their activities. Civil society groups feared that these amendments, which entered into force in June 2017, might negatively affect their work because of their broad wording. At the end of the year, the government was still working on the methodology and procedure for these assessments. It did not invite civil society to participate in this process.



## LAWYERS AT RISK

The independence of lawyers was under threat. Restrictive legislation on the licensing of lawyers adopted in 2015 requires all who practice law to undergo certification and regular re-certification with a commission in which the Ministry of Justice plays a prominent role. According to available figures, the number of licensed lawyers in the country has *decreased* by half since the introduction of this procedure.

Lawyers working on politically sensitive cases were subjected to intimidation, harassment and criminal prosecution. In a briefing published on this issue in May 2017, Amnesty International *concluded*: “To be a lawyer, and particularly a human rights lawyer, comes with unprecedented risks in present-day Tajikistan.” In the outcome report on his 2016 mission to Tajikistan, the UN Special Rapporteur on freedom of opinion and expression *noted* that the pattern of detention and intimidation of independent lawyers has

contributed to “a widespread sense of insecurity among all critical voices in the country”.

The case of lawyers Buzurgmehr Yorov and Nuriddin Mahkamov was of particular concern. Following a closed trial, they were convicted of inciting hostility, extremism and of other charges in October 2016 and given lengthy prison sentences of 23 and 21 years, respectively. Prior to their arrest, both lawyers had represented members of the opposition IRPT charged with extremism-related offences. International human rights NGOs and other representatives of the international community responded with alarm to the conviction of the two lawyers. The International Commission of Jurists *stressed* that criminal prosecution should not be used “as a means to limit lawyers in the exercise of their professional duty” and that lawyers should not “suffer any reprisals due to their identification with their clients’ causes.”

After the October 2016 verdict was handed down, several additional criminal cases were initiated against Yorov and he was given additional prison time following non-transparent and unfair trials. In early 2017, two more years were added to his prison term on charges of showing disrespect for the judge during the first trial against him, when he quoted an 11th century Persian poet as part of his defence. In August 2017, he was sentenced to another three years in prison on charges of fraud and offending “the Leader of the Nation”, a title bestowed on current President Rahmon in 2015. The fraud charges were related to the alleged complaints received by police from citizens to whom he had provided legal assistance. According to his family, the charges of offending the president concerned statements he made during the original trial against him. As a result of these convictions, the lawyer’s overall prison term was extended to 28 years.

Yorov’s family experienced serious difficulties securing legal assistance for him due to pressure on lawyers not to take on politically sensitive cases such as this one. Nuriddin Mahkamov, the lawyer who initially represented him, was arrested and convicted together with him. Another of Yorov’s lawyers, Muazzama Kodirova fled the country

because of fears for her safety. In March 2017, she **told** RFE/RL that the Tajikistani authorities had threatened to launch a criminal case against her for allegedly leaking information about her client's case to foreign media. Yorov's family members were also subjected to pressure.

Moreover, in September 2017, Yorov's family raised the **alarm** about allegations that he was being subjected to torture and ill-treatment in detention. Following a visit to her son in detention for the first time in months, Yorov's mother reported that he had told her that he and other detainees were regularly beaten, threatened and humiliated by detention centre officials. Yorov also told his mother that he had been hospitalised for several days because of injuries sustained due to abuse and that he had

been placed in solitary confinement several times for alleged violations of the rules of the detention centre. After the family drew attention to the allegations of abusive treatment, Yorov was again **placed** in solitary confinement for an unspecified violation. The Deputy Ombudsman subsequently visited Yorov in detention, but **concluded** that he had found no basis for the allegations of torture and ill-treatment.

In mid-December 2017, local media **reported** that Yorov had been transferred to a prison colony from the pre-trial detention facility where he had been held up until then. Nevertheless, serious concerns remained about his health and well-being, as well as that of Mahkamov.

## Freedom of peaceful assembly

### RESTRICTIONS ON PEACEFUL ASSEMBLY IN LAW AND IN PRACTICE

Holding peaceful assemblies was regulated by the 2014 Law on Assemblies, which limits the right to freedom of assembly in ways that are not compatible with international standards. In particular, the law requires the organisers of assemblies to obtain permission in advance and sets out broad grounds for prohibiting and restricting assemblies, such as in the vicinity of government buildings, hospitals, schools, and historical and cultural monuments. It does not provide for spontaneous assemblies. Violations of the procedure for holding assemblies may result in fines.

During the year, there were reports of arbitrary and excessive law enforcement responses to peaceful gatherings. This is one example of such a case:

☀ On 1 April 2017, police burst into the venue where an international education fair was under way in Dushanbe and dispersed the attendees in a rough manner, destroying video and photo material. The purpose of the fair was to inform graduating high school students

and their parents about opportunities to study abroad. The organisers maintained that they had obtained the necessary permits for the fair, which was the third of its kind, but the Ministry of Education refuted this. In a **statement** issued after the incident, the Ministry of Education claimed that the organiser of the fair, the Multikid Education Centre arranged study abroad programmes and cooperated with foreign organisations without having the required license.

Tajikistan's NGO Coalition against Torture and Impunity expressed **concern** about the dispersal at the education fair and encouraged victims and witnesses of abusive police treatment during the incident to contact the coalition for legal assistance. 

### NEW LEGISLATION ON SOCIAL GATHERINGS

Amendments to the Law on the Practice of Traditions, Celebrations and Rituals adopted in August 2017 **introduced** new restrictions on weddings, funerals and other family and social gatherings. The stated purpose was to prevent "extravagant" ceremonies and ensure that gatherings are held in accordance with national

custom. Among others, the new provisions placed limitations on the number of guests, the food served and the time of gatherings. They also required that national culture, including the state language and national dress be “respected” during gatherings. Violations of the requirements may result in heavy fines of up to 40 000 somoni (close to 4000 EUR) for regular citizens and 50 000 (close to 5000 EUR) somoni for legal entities in “aggravated” cases.

In follow-up to the new legislation, the State Committee for Religious Affairs together with the Council of Ulema, the country’s highest Islamic body and the Islamic Centre elaborated *detailed guidelines* on the conduct of funeral ceremonies. These guidelines included provisions that prohibit expressions such as loud wailing, pulling one’s hair, sprinkling one’s head with soil, and scratching one’s face, as well as hiring professional wailers during funerals. They also set out that funeral participants should wear blue clothes, prohibiting the use of black clothes as being incompatible with national custom.

The new regulations concerning weddings, funerals and other ceremonies were *criticised* for interfering into the private lives of citizens by dictating how they should celebrate important family events and religious holidays, without due account for the pluralism of cultural and religious traditions existing in the country.

There were reports of raids of family gatherings based on the new regulations. For example, in a case *covered* by RFE/RL in September 2017, a group of local officials raided the house of a family preparing for the wedding of their eldest daughter in southern Tajikistan and confiscated most of the food they had prepared for the celebration. According to the officials, the family had prepared a “wasteful” amount of food, such as flatbreads and halva, in violation of the legislation adopted in August. No fines were handed out in this case.

## MONITORING OF LGBT PEOPLE

In a development that may have negative implications for the freedom of association and assembly of LGBT members, new information

emerged about efforts of the authorities to track down and register LGBT people. According to an article authored by Interior Minister Ramozon Rahimzod, which was published in October 2017, the names and details of 319 allegedly gay men and 48 lesbians had been included in a government register introduced in 2016. The article stated that measures to detain and register LGBT people had been taken as part of law enforcement operations entitled “Morality” and “Purge”, jointly carried out by the General Prosecutor’s Office, the Interior Ministry and the State Committee on Women’s Affairs and Family for the purpose of preventing and combatting so-called offences against morality and amoral behaviour.



 IPHR issued a *statement*, expressing concerns about the existence of a register based on the sexual orientation and gender identity of individuals, saying that this is in itself a violation of the rights of LGBT people and, additionally, could be used by the authorities as a tool to persecute sexual minorities. While same-sex relations were de-criminalised in Tajikistan in 1998, LGBT people face widespread intolerance and hostility and are often subjected to intimidation, arbitrary detention and blackmail by law enforcement officials.

## Overall trends

The civil society climate in Turkmenistan remained fundamentally repressive in 2017, as shown by bottom rankings given to the country in international freedom ratings, such as the *Freedom in the World* survey where Turkmenistan was on par with North Korea, Eritrea and Western Sahara. Following its review of Turkmenistan in March 2017, the UN Human Rights Committee adopted a set of *conclusions* echoing the concerns voiced by *NGOs* regarding the persistent pattern of violations of fundamental freedoms in the country.

President Gurbanguly Berdymukhammedov was re-elected with a reported 97.7 percent of the vote in unfree and unfair elections held in February 2017 where he faced no real competition. Following amendments adopted in 2016, Turkmenistan’s Constitution places no limitations on how long the current president can stay in power.

While the economic crisis worsened with severe implications for the population, government propaganda continued to focus on the supposed well-being and prosperity of the nation and the personality cult surrounding the president was further strengthened. The

authorities suppressed the dissemination of information about problems in the country through strict state media control and censorship and stepped up pressure on critics, monitoring, intimidating and harassing them.

The authorities also continued to forcibly mobilise citizens for events praising the regime, in particular in connection with the fifth Asian Indoor and Martial Arts Games (hereafter Asian Games) hosted by Ashgabat in September 2017. The authorities were preparing for years for these games, the first major international sports event to take place in Turkmenistan, and invested billions of USD into them with the aim of improving the country’s international image. They 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. Against the background of the economic crisis, the high costs of the games further drained state finances, resulting in new budget cuts and price increases. The repressive climate meant that there were few public expressions of discontent and the authorities took prompt measures to cut short the rare protests that there were.



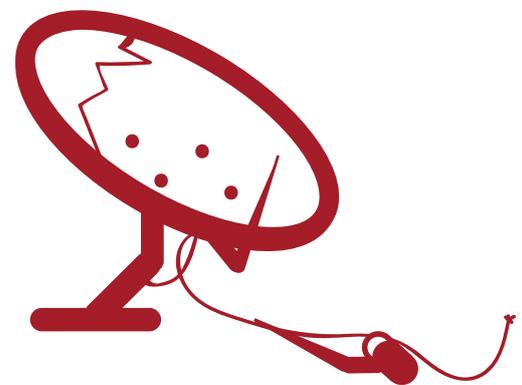
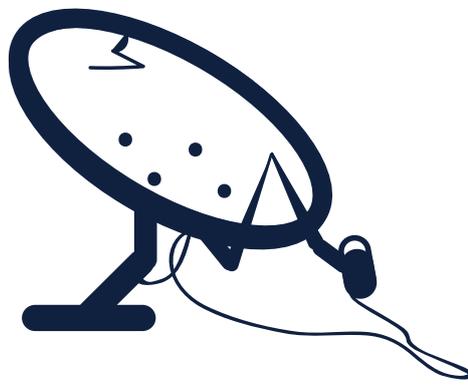
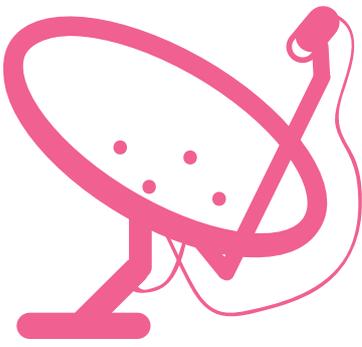
## Freedom of expression and the media

### NO MEDIA FREEDOM

Although Turkmenistan’s Media Law prohibits censorship and provides guarantees for media independence and pluralism, there was no media freedom in practice. In the 2017 *Press Freedom Index* published by Reporters Without Borders, Turkmenistan featured again among the

worst of the worst: it was ranked 178th among 180 countries, with only North Korea and Eritrea ranking lower than it.

As before, all national media outlets were tightly controlled by the authorities and used as platforms for government propaganda. The dissemination of information reflecting badly on the state



of affairs in the country, such as information about the serious economic crisis and its implications was suppressed and the president repeatedly stressed the obligation of media to focus on positive developments. For example, in a speech delivered in January 2017, he **called on** media to “spotlight positive changes” and “popularise the achievements of the country”. At a government meeting in April 2017, he **said** that media have an obligation to “ensure wide coverage of the reforms in the country”, as well as to facilitate reforms by “promoting the successes and achievements of the motherland”. The authorities also continued interfering in the editorial policies of media outlets and the president personally dismissed and appointed editors, although current legislation **does not grant** him such powers.

In a move that was described as being part of the “transition to a market economy” but in reality appeared to have been triggered by the deteriorating state of government finances, the president **decreed** in July 2017 to gradually phase out state funding for national TV and radio stations as of 2018. TV and radio channels will instead be expected to operate based on advertising revenues. In the current restrictive free speech environment, there is **no reason to expect** that the announced measure will result in increased editorial independence of the country’s TV and radio channels, all of which are state-controlled.

The authorities continued to limit access to foreign sources of information, as well as to carry out arbitrary campaigns to dismantle private satellite dishes used to access foreign TV and radio channels. The authorities argued that such devices allegedly spoil the external appearance of houses. During the year, TIHR reported about measures to remove satellite dishes in

Ashgabat on several occasions, including in **March** and **September** and so did the Turkmen service of Radio Free Europe/Radio Liberty (RFE/RL). Residents whose satellite dishes have been dismantled have been offered cable or internet protocol television instead, but these offers have come with government control of the content and additional costs for those affected.

#### **PREVENTING NEGATIVE COVERAGE IN CONNECTION WITH THE ASIAN GAMES**

The Turkmenistani authorities selectively granted accreditation to foreign media outlets for covering the Asian Games in September 2017: for example, RFE/RL was not accredited. Some journalists who were initially granted accreditation, such as representatives of the Associated Press, the Guardian and other outlets **had it revoked** shortly before the start of the games, with reference to a supposed lack of capacity to accommodate all those who had expressed interest in attending.

Those foreign journalists who were accredited and allowed to travel to Turkmenistan for the games **faced various restrictions**. In particular, they were required to be accompanied by local guides wherever they went and were only allowed to visit places which had been pre-approved by the authorities. The guides had reportedly been instructed to report to the national security services several times a day. The authorities also sought to limit interaction between local residents, on the one hand, and journalists and other visitors to the Asian Games, on the other hand, by cordoning off the Olympic village where the sports competition took place and restricting the free movement of those living in the capital. Journalists from Germany’s public ARD broadcaster, who were present to cover the games, **said** that they were intimidated and

threatened with deportation by security service officials when they tried to meet with a local human rights defender. As a result, they had to call off the meeting.

### RESTRICTED INTERNET ACCESS

Internet usage has increased in Turkmenistan in the last few years, largely because of the growing use of mobile internet. During the Asian Games in September 2017, foreign visitors *were granted* high-speed internet access. However, for local residents, internet access *remained restricted*: internet speed was slow and prices high compared to global standards. The Speedtest Global Index *rated* Turkmenistan among the countries with the slowest internet speed, while another study *found* that Turkmenistan was among the five most expensive out of 100 countries surveyed worldwide in terms of monthly costs for unlimited internet access. News, NGO and other websites featuring independent information about developments in Turkmenistan were blocked in the country, and social media sites and online communications applications were also often inaccessible. In addition, proxy sites used to circumvent internet censorship and access otherwise unavailable sites were regularly blocked.

In November 2017, President Berdymukhamedov *ordered* relevant authorities to elaborate a programme for internet development in the country. The plan is that the state communications operator Altyn Asyr will ensure internet access for all residents of Turkmenistan and that internet speed will be increased up to five times in the capital and that a minimum speed will be achieved across the country. At the beginning of 2018, there was no further news about this programme and what concrete measures it would entail.

### PRESSURE ON GOVERNMENT CRITICS

In the context of the Asian Games, as well as the serious economic downturn, the authorities significantly stepped up measures to restrict the dissemination and exchange of information about the situation in the country that challenged government propaganda. The few local journalists

who contribute to foreign media, in particular the Turkmen RFE/RL service known as Radio Azatlyk, civil society activists and other government critics were subjected to growing pressure.

These were cases of serious concern during the year:

☀ On the night of 28-29 October 2017,  unknown perpetrators threw stones and bricks at the windows of the apartment of Khalida Izbastinova, the 76-year-old mother of TIHR's director who lives in the city of Dashoguz. Fortunately, while several windows were broken, she did not get injured but was very shaken by the incident and an ambulance had to be called for her. Police opened an investigation into the incident and questioned her neighbours. As of the beginning of 2018, no perpetrator(s) had been identified, but the investigation continued. TIHR and IPHR *believe* that the attack was intended to put pressure on TIHR Director Farid Tuhbatullin, who is based in exile in Austria, because of his human rights work and TIHR's uncensored coverage of developments in Turkmenistan. In the past, Tuhbatullin has received threats and his relatives in Turkmenistan have been subjected to intimidation and surveillance.

☀ Animal rights defender Galina  Kucherenko, who used social media to protest against the brutal killing of stray animals in Ashgabat, was subjected to surveillance, intimidation and arbitrary detention. On 15 November 2017, a police officer *called her*, claimed that a complaint had been filed against her and demanded that she appear at the police station, which she refused to do. The same day several unknown people came to her door, tried to get into her apartment and insisted that she sign a police summons. When she declined to open the door or sign anything, they threatened her with imprisonment. The following month, on 7 December 2017, a group of unidentified individuals who said they were law enforcement officials *forced their way* into Kucherenko's apartment and arbitrarily detained her and her daughter.

They claimed that they were acting in response to a complaint from neighbours about the nuisance of cats and dogs saved and accommodated by the activist. While Kucherenko's daughter Valeria was released after being held for several hours and fined for allegedly resisting police, the activist's own whereabouts and fate remained unknown for several days. It eventually transpired that she had been sentenced to 15 days' of administrative detention by court based on the alleged complaint from neighbours. Following this, her daughter was **allowed** to visit her in detention and on 22 December, the activist was **released**. IPHR, TIHR and other NGOs **denounced** the detention of Galina and Valeria Kucherenko and representatives of the international community raised concerns with the Turkmenistani authorities.

☀️ A group of 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. In 2016 Vertyakova was convicted and held in prison for two months on charges of allegedly extorting a house management official. These charges **were brought** against her after she spoke out against an arbitrary government order, which required residents of the capital to tint their windows black.

☀️ Nataliya Shabunts, an Ashgabat-based civil society activist who cooperates with TIHR and who has not refrained from posting articles critical of the authorities in her own name, was subjected to surveillance and experienced arbitrary restrictions on her internet access. On 7 August 2017, as she was out walking her dogs, she was **assaulted** in the street by two unknown women and a man who joined them. The group yelled racist slurs at her, calling her "Russian swine" and told her to "go to her Russia", while insisting that "we live very well in our wonderful country". 

☀️ RFE/RL correspondent Soltan Achilova,  who has covered socio-economic issues such as food shortages, health care problems and house demolitions, was likewise under surveillance and she faced arbitrary restrictions on her communications and was repeatedly attacked. In July 2017, she unknown assailants **warned** her and physically prevented from taking photographs in public places on several occasions. On 14 November, she was again insulted and **threatened** by unknown people, one of whom warned her that she might be killed. On 27 November, a group of men, several of whom wore police uniforms, **prevented** her from taking pictures of the demolition of houses in the Keshi area in Ashgabat, **forcibly** confiscated her camera, and detained her. She was later released and her camera returned, but her pictures had been erased and the camera was damaged.

Achilova's children also faced harassment. In April 2017, unknown perpetrators broke the windows of her disabled son's car, preventing him from moving around. The incident was witnessed by neighbours and **recorded** on camera. However, police failed to identify the perpetrators and the journalist was informed that the investigation has been closed. The Migration Service also arbitrarily denied Achilova's daughter the right to travel abroad. Due to the serious threats she received, Achilova herself temporarily left Turkmenistan during the Asian Games in September 2017 but later returned.

☀️ RFE/RL correspondent Khudayberdy Allashov and his mother were **detained**  by law enforcement authorities in their home in the Dashoguz region in December 2016. They were both subsequently charged with possessing chewing tobacco, which is a criminal offense in Turkmenistan, although this substance is widely used and not known to earlier have led to prosecutions. There are serious allegations that Allashov was subjected to torture and ill-treatment in detention. In mid-February 2017, a local court handed Allashov and his mother three-year

suspended prison sentences and *released* them. However, they remained under police supervision and risked imprisonment should they be found to violate the conditions of their release.

☀ Saparmamed Nepeskuliev, a freelance journalist who has worked with RFE/RL and the Netherlands-based Alternative Turkmenistan News and written on issues such as corruption, health care problems and water shortages, remained behind bars throughout the year. He was sentenced to three years in prison on spurious charges of unlawful possession of pharmaceuticals in August 2015. Prior to his conviction, he was held incommunicado for weeks without his family being informed about his whereabouts. The Turkmenistani authorities *sought to discredit* him by saying that he is “not a real journalist” and describing him as “psychologically unbalanced”. RFE/RL *concluded* that the continued imprisonment of Nepeskuliev “appears to be part of a systematic campaign by the [Turkmenistani] government to eviscerate RFE/RL’s local reporting network”. The UN Working Group on Arbitrary Detention has *deemed* Nepeskuliev’s detention arbitrary and called for his release.



Ahead of the Asian Games, TIHR also *learned* that the government instructed regional-level authorities to pay “particular attention” to certain categories of people and dispatched lists of individuals to monitor and watch during the games. Among those listed were civil society activists and relatives of exiled activists.

## Freedom of association

### REPRESSIVE ENVIRONMENT FOR NGOS

The environment for NGOs remained repressive. According to the 2014 Law on Public Associations, public associations have to undergo mandatory state registration in order to operate legally in the country, while the registration requirements are

### ENFORCED DISAPPEARANCES

Dozens of individuals imprisoned following closed, politically motivated trials remained disappeared within Turkmenistan’s non-transparent 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 initiative, which campaigns for an end to enforced disappearances in Turkmenistan, presented an *updated list* of victims of this practice in the country in September 2017. The list covered 112 cases. The initiative highlighted that a growing number of people *held incommunicado* have died in the harsh conditions of Turkmenistan’s prisons, with 23 confirmed cases of such deaths.

During the year, several imprisoned former top officials whose fate has been unknown were reported to have died. One of them was the former chief of the president’s security services, Akmurad Rejepov who had been held incommunicado for ten years. He was sentenced to 17 years in prison on multiple charges in 2007 after falling out of favour with those in power. According to TIHR’s *information*, 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.

stringent especially for nation-wide associations. Involvement in the activities of unregistered associations is subject to administrative sanctions. Legislation in place also grants the authorities broad powers to monitor and oversee the activities and finances of associations without adequate safeguards against abuse.

According to *information* that Turkmenistan's government provided to the UN Human Rights Committee, only 118 public associations were registered in the country of five million residents and about 40 per cent of those were sports associations. The remaining ones included various government-supported and controlled organisations, including Soviet-era youth, women's and veteran unions.

Independent human rights organisations were not able to operate openly in the country and as described above (see the section on freedom of expression), civil society activists and others who openly criticised government policies were intimidated and harassed.

The few Turkmenistani human rights NGOs based in exile, such as Austria-based TIHR, were also subjected to pressure. TIHR's website, [hronikatm.com](http://hronikatm.com), is blocked in Turkmenistan and has been the target of repeated attacks believed to have been orchestrated by the national security services. In August 2017, the site was *subjected* to a massive denial-of-service (DDoS) attack, which resulted in problems for visitors to access it. This happened after TIHR published a *satirical video* featuring Turkmenistan's president demonstrating his armed skills in a macho-like style. The video was based on footage shown on Turkmen state TV with sound effects and comments added and drew a lot of attention, including from Western media. Articles published on pro-government sites have sought to reject information published by TIHR that has attracted wide attention, as well as to discredit TIHR Chair Farid Tuhbatullin and his family members and colleagues. In November 2017, Tuhbatullin's elderly mother, who remains in Turkmenistan was singled out for an attack that appeared aimed at retaliating against him (see more above).

In its *concluding observations*, the UN Human Rights Committee criticised the existing restrictions on NGOs, as well as harassment, intimidation, torture and arbitrary arrests, detention and convictions on reportedly politically motivated charges used against NGO members, human rights activists, journalists, dissidents and minority members. It called

on the authorities to revise the country's laws, regulations and practices and protect the rights to freedom of association and expression in practice.

## **VIOLATIONS OF THE RIGHTS OF RELIGIOUS MINORITIES**

The Law on Religion adopted in Turkmenistan in 2016 prohibits the activities of unregistered religious communities and establishes strict registration requirements. Religious communities that already were registered when the law entered into force in April 2016 were required to re-register. According to Forum 18, only few religious communities had been *able to obtain re-registration* as of late 2017, and applications filed by many communities were returned due to "errors" that government officials demanded be "corrected" before processing the re-registration requests. Small religious communities with less than 50 members are no longer eligible for registration under the 2016 law, and some minority communities such as independent Muslim groups, new Russian Orthodox communities, Protestant communities and Jehovah's Witnesses have been denied registration for years.

The 2016 law also imposes serious restrictions on the establishment of places of worship, the import and distribution of religious literature and other basic religious activities and its implementation has reinforced a pre-existing *pattern of intimidation and harassment* of minority religious minorities.

After reviewing the situation in the country in March 2017, the UN Human Rights Committee *expressed concern* about the "denial of registration of religious minority communities, raids and confiscation of religious literature and intimidation, arrests and imprisonment of members of religious communities". The Committee further criticised the failure of the Turkmenistani authorities to recognise the right to conscientious objection to compulsory military service and the prosecution of Jehovah's Witnesses refusing to perform this service. The Committee has issued numerous decisions in response to complaints submitted by conscientious objectors from Turkmenistan,

concluding that their rights under the International Covenant on Civil and Political Rights have been violated.

During the year, Jehovah's Witness Bahram Hemdemov remained behind bars on charges brought in retaliation for his peaceful religious practice. He was **sentenced** to four years in prison for "inciting religious discord" in May 2015 after police raided a peaceful religious meeting held in his home in Turkmenabad.



### **CRACKDOWN ON PURPORTED HIZMET FOLLOWERS**

Following the failed coup attempt in Turkey in July 2016, the Turkmenistani authorities cracked down on individuals accused of being associated with the Hizmet movement and its leader cleric Fethullah Gülen, who was accused of masterminding the coup attempt in Turkey. As part of this crackdown, purported Gülen supporters have been arbitrarily detained, allegedly subjected to torture and ill-treatment and convicted in unfair trials. Those targeted primarily include individuals who attended universities in Turkey or taught, studied, worked at or supported Turkish schools that previously operated in Turkmenistan.

In a **joint statement** issued in June 2017, Amnesty International, Human Rights Watch, Alternative Turkmenistan News, TIHR, IPHR, the Norwegian Helsinki Committee and Crude Accountability called on the Turkmenistani authorities to immediately release 18 men imprisoned as part of the anti-Gülen crackdown and quash their convictions. These men were among over 100 people detained in September-October 2016. There are credible allegations that they were held in inhumane conditions and tortured during pre-trial detention. Their prison sentences, ranging from 12 to 25 years, were handed down in a closed, unfair two-hour trial in February 2017.

There were also reports of new detentions of individuals accused of having links to Gülen and the Hizmet movement during the year. According to the Turkmen RFE/RL service, over two dozen individuals were **detained** by law enforcement authorities during anti-Gülen raids carried out in the Lebap region in April-May 2017, and at least 40 were **sentenced** to up to 20 years in prison in a closed trial held in the region at the beginning of July 2017.

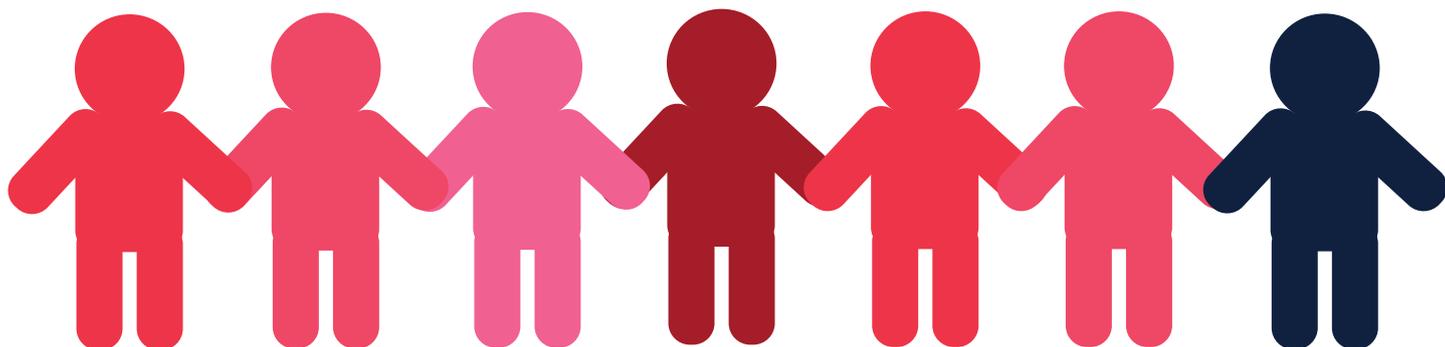
## **Freedom of peaceful assembly**

### **RARE SPONTANEOUS PROTESTS**

Public assemblies remained a rare occurrence in Turkmenistan because of the lack of awareness of citizens of their rights and the threat of reprisals.

Turkmenistan's Law on Assemblies, which entered into force in 2015, allows residents to

hold peaceful assemblies if local authorities are informed in advance and consent to the venue. At the same time, it restricts this right by allowing local authorities to prohibit assemblies in places deemed "unsuitable" and requiring that assemblies, as a rule, be held in venues specifically designated for this purpose by the authorities. The law states that one-person



pickets can be held without prior notification, but does not provide for any other spontaneous assemblies.

Nevertheless, in 2017, several spontaneous protests were held by citizens expressing discontent on issues affecting their everyday lives:

☀ According to information received by TIHR, on 3 November 2017, local residents in the Gerogly settlement in the Dashoguz region **gathered** outside the local administration to protest against the sharp increase in the price of bus tickets to the region's capital. Given the lack of employment opportunities in the settlement and nearby areas, many residents commute to the city of Dashoguz for work every day. As of the beginning of November, the price for bus tickets for this trip increased by over 54 percent, from 1.10 to 1.70 manat, thereby considerably affecting those commuting. The local authorities responded to the concerns raised by abolishing the increase in the price of bus tickets, a move that suggested that they wanted to prevent further protests. In other regions, price increases for public transportation that were introduced in the context of the economic crisis remained in place.

☀ As documented by TIHR, on 10 October 2017, some 200 people **gathered** outside the Dashoguz city administration to protest against another unpopular measure taken by authorities against the backdrop of the economic downturn: a sudden, tenfold increase in kindergarten fees. Similar protests involving dozens of people were held in other cities of the region. According to TIHR's information, parents also filed thousands of complaints against the measure with different state bodies, often encouraged to do so by kindergarten employees who were unhappy about the increase in fees and feared that it would result in staff layoffs.



While the protests were not dispersed by police, authorities used other tactics in an attempt to prevent further expressions of

discontent. The regional education department **summoned** kindergarten representatives from across the region to a meeting, where the head of the department demanded that they ensure that parents stop submitting complaints about the increase in kindergarten fees. In addition, an education official was **detained** on accusation of anti-state actions after encouraging protestors to complain to the Dashoguz city administration. He was later released without charge. The unpopular increase in fees remained in force despite the protests.

☀ The Turkmen service of RFE/RL **reported** that more than 40 women gathered in Ashgabat's "8 March" District on 21 February 2017 to protest against the demolition of private houses in the district. The women were calling on local authorities not to leave them homeless but grant them alternative housing or land instead of their houses that were due for demolition. According to the women, local officials refused to receive their applications for alternative housing, arguing that they did not have legally valid documents proving their residence of the houses where they had lived for up to several decades.

House demolitions and evictions in Turkmenistan are often carried out without due legal safeguards and without granting those affected adequate, alternative housing or compensation. Prior to the Asian Games held in Ashgabat in September 2017, a growing number of evictions were carried out as part of government construction projects.

## **MASS MOBILISATION OF RESIDENTS FOR OFFICIAL EVENTS**

The Turkmenistani authorities continued to forcibly mobilise employees of state institutions, students and other residents for various official events, such as official celebrations, the opening of government-constructed buildings and welcoming ceremonies for the president on his tours of the country. This practice runs contrary to the principle of voluntary participation in assemblies, which is a key element of the right to freedom of assembly. It also leads to participants

missing classes and work and jeopardizes their health and well-being since rehearsals typically are intense, lengthy and held in any weather.

The practice of forced mobilisation was widely used in connection with the Asian Games that took place in Ashgabat in September 2017. According to TIHR's information, thousands of people were **forcibly mobilised** to participate in ceremonies and festivities held during these games, as well as to attend them in the capacity of audience members. Intense rehearsals were held prior to the start of the games. Students in Ashgabat were **required** to participate in rehearsals during their summer break, and state employees were **ordered** not to go on vacation due to the preparations for the games. The rehearsals often lasted from early morning to late at night, with few breaks.

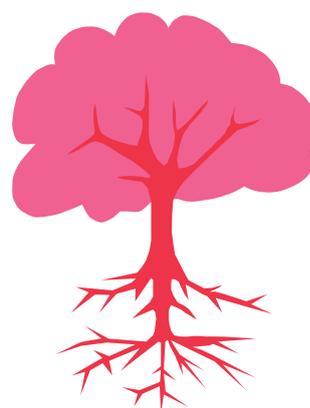
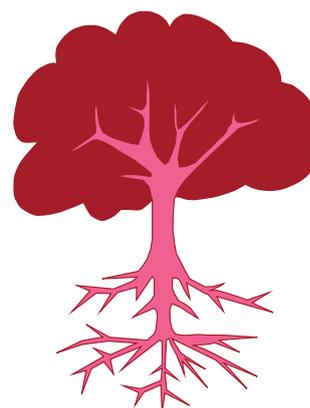
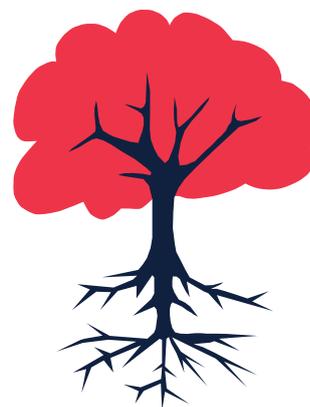
In a tragic incident, a 21-year-old university student **died** during the rehearsals for the closing ceremony after he and others engaged as spectators were required to spend hours in the hot sun on the audience stand without being allowed to leave even to visit the toilet. The student died of heart failure, and was apparently not given timely emergency medical assistance. In another case, dozens of people were injured as panic broke out due to a false bomb alert during an evacuation exercise held during a rehearsal for the games.

Those who were mobilised to participate in ceremonies during the Asian Games or to attend the competition were also expected to cover some of the costs associated with this involvement themselves, such as the costs of **tickets** and **costumes** used during the shows. In addition, in the months leading up to the games, state employees were obliged to **contribute** part of their salaries to cover the costs of the event. Held at a time of worsening economic crisis in Turkmenistan, the Asian Games and the government's profuse spending on this event placed a heavy burden on state finances.

In another example of forced mobilisation reported by TIHR in 2017, the government implemented several so-called *subbotnik* events, meaning days of unpaid labour - a practice dating

back to the Soviet era. State employees, students, pensioners and other residents were required to participate in these events under threat of being dismissed or having benefits reduced if they refused. *Subbotnik* events featuring massive planting of trees were held under the president's personal oversight on **18 March 2017** and **7 October 2017**. According to the state news agency Turkmenistan Today, close to 370 000 people across the country **took part** in the October event, planting some 420 000 trees.

In the concluding observations adopted after its March 2017 review of the situation in Turkmenistan, the UN Human Rights Committee **called on** the authorities of the country to ensure that the participation in mass events is voluntary and to refrain from any reprisals for non-participation.





## Overall trends

President Shavkat Mirziyoyev came to power in Uzbekistan after the death in September 2016 of President Islam Karimov, who ruled for 27 years. Mirziyoyev was elected President on 4 December 2016, since which time his government has taken pains to try to improve Uzbekistan's image in the eyes of the international community.

Over 2017 the authorities took some positive steps with respect to human rights protection. These included an action strategy on judicial reform approved in February 2017, which aims to improve *judicial independence*. The authorities also showed greater openness to international human rights mechanisms, including by allowing a visit by the UN High Commissioner for Human Rights in May and a visit by the UN Special Rapporteur on freedom of religion or belief in October, which was the first visit of a UN Rapporteur accepted by Uzbekistan since 2002. In September, representatives of Human Rights Watch, whose activities were suspended in the country in 2011,

were allowed to visit Uzbekistan for the first time since 2014.

Most notably, since President Mirziyoyev came to power, at least a dozen people imprisoned for exercising their right to freedom of expression and other fundamental rights have been released (see below for further details). However, at the beginning of 2018, at least a dozen others remained behind bars on politically motivated grounds. Those who have been released typically remain subject to surveillance and often experience problems with obtaining permission for travelling abroad to undergo medical treatment and visit family members.

The extent to which the positive steps taken will improve the human rights situation in practice remained difficult to assess at the beginning of 2018. Thus far, many of the initiatives announced appear to be more in word than in actions and, as the information reported below demonstrates, much remains to be done to end systemic repression of civic space in Uzbekistan.

## Freedom of expression and the media

### DESPITE SOME IMPROVEMENTS, THE MEDIA CLIMATE REMAINED RESTRICTIVE

In 2017, Uzbekistan saw some moves towards increased press freedom.

Noted improvements included some *national television coverage* (such as by the new TV channel "Uzbekistan 24") of parliamentary sessions, showing *presidential* addresses raising issues of political, democratic and socio-economic development in the country. These addresses also concerned some issues that were previously taboo for coverage such as *corruption* amongst

*state officials*. In addition, President Mirziyoyev more often publicly *criticised* the work of *high-ranking officials* and state institutions and coverage of this *criticism* was allowed in the media.

For the first time in four years, the authorities allowed the independent festival VIDEOART.UZ to take place in November 2017. Earlier the organisation of a festival like this could have led to the organisers being charged with administrative violations. Also in November, a BBC team was allowed limited access to the country for the *first time in 12 years*.

However, despite these developments, overall the Uzbekistani authorities maintained tight control over the media and independent voices throughout the year. In its 2017 World Press Freedom Index, *Reporters Without Borders* ranked Uzbekistan at 169th of 180 countries. In October 2017, the Uzbekistani authorities hosted the OSCE 19th Central Asian regional *media conference* in Tashkent, aiming to discuss media reform but the arrest of independent journalist Bobomurod Abdullayev just before it cast doubt over the genuine commitment of the government to reform in this area (see more below on his case).

Uzbekistani legislation on the freedom of expression and the media, which included over **40** different *laws* and more than 100 sub-legal acts, restricted the exercise of this right and the ability to engage in *independent journalism*.

While media generally grew more emboldened to report on sensitive or controversial issues, this led to state restrictions in some cases. In April 2017, state television aired live discussions of current social, economic and other problems facing the country on the “International Press Club” programme. However, the programme was taken off air after the prime minister was criticised, and the programme was thereafter pre-recorded. State media journalists told Radio Free Europe/Radio Liberty (RFE/RL) that the prime minister later ordered an end to all live broadcasts except the news. The director of the Uzbekistani National Television and Radio Company Bobur Alikhonov was dismissed in the wake of the controversy, making him the third head of the state broadcaster to lose his job since President Mirziyoyev came to power.

*State control* of access to the internet and to proxy servers used to avoid censorship remained tight, with access to independent news websites and social media periodically restricted by the authorities. Independent journalists risked reprisals for their professional activities (see more below).

### **SELECTIVE APPROACH TO CITIZENS’ APPEALS**

President Mirziyoyev *declared* 2017 to be the

“Year of Dialogue with the People and Human Interest”, issuing a presidential decree requiring state institutions to respond in a timely manner to citizens’ appeals. The virtual reception service initiated by the president gained popularity among the public as a way of reporting information on human rights violations to the Presidential Office and in some cases, such appeals resulted in concrete action by the presidential administration to address concerns raised. A genuine process of civic engagement, however, was still in its early stages; other state agencies were reportedly more selective and reticent in their responses to complaints. For example, complaints and appeals from entrepreneurs and business people to official bodies often went unheeded, especially if they were critical of heads of administrations, tax departments and judicial bodies.

### **STATE PRESSURE AGAINST INDIVIDUALS WHO CRITICISED THE AUTHORITIES**

#### **LONG-OVERDUE RELEASES**

Although President Mirziyoyev mostly followed late President Karimov’s heavy-handed rule, in a welcome development, several government critics imprisoned on politically motivated grounds were released over the year. These releases included the following cases:

- ✧ On 22 February 2017, journalist and newspaper editor *Muhammad Bekjanov*, was released after 18 years in prison on trumped-up charges. The former editor of a leading opposition newspaper, Bekjanov was one of the world’s longest imprisoned journalists. He was repeatedly tortured following his arrest in 1999 and his sentence was extended just before he was due to be released in 2012.
- ✧ On 1 March 2017, independent journalist, *Jamshid Karimov*, nephew of the late President Karimov was released from the psychiatric hospital in Samarkand, where he had been forcibly and secretly held since 2006.
- ✧ On 22 August 2017, Erkin Musaev, a former Uzbekistani government official and UN

employee, was **released from prison** after serving 11 years. He was sentenced to 20 years' imprisonment in 2007 after an unfair trial, during which he was found guilty of spying. He was allegedly tortured and forced to sign a confession of guilt after threats were made by security officials against his family.

☀ Human rights defender **Azam Farmonov** was conditionally **released** from prison on 3 October 2017 after spending 11 years in prison on extortion charges of which he was convicted in an unfair trial in 2006. The charges against him were widely believed to be politically motivated in retaliation for his work defending the rights of farmers and persons with disabilities. In 2015, Farmonov's original prison sentence was arbitrarily extended in a closed trial for another five years for alleged infringement of prison rules. The rules of conditional release meant that although Farmonov was in poor health, he had to pay 20 percent of his salary to the state and therefore was forced to work. At the end of 2017, he had not yet been able to access the necessary medical treatment for health issues he developed when in prison.

☀ Solidzhon Abdurakhmanov, independent journalist and human rights activist with the Committee for the Protection of Citizens' Rights, was released from prison on 4 October 2017. He was sentenced in 2008 to ten years in prison on fabricated charges of drug possession after an unfair trial.

☀ On 9 October 2017, Agzam Turgunov,  head of the "Mazlum" human rights organisation was released after ten years in prison. He was sentenced in 2008 on allegedly fabricated charges of extortion in an unfair trial and suffered torture while in detention.

☀ On **16 October 2017**, human rights activist **Ganikhon Mamatkhonov** was  also released from detention. He was sentenced to five years in prison in 2009 on politically motivated charges and his sentence was later **arbitrarily extended**

arbitrarily extended in 2014 by two years and on 30 May 2017 by three years for alleged violations of prison rules.

In addition, independent journalist and human rights activist Dilmorod Saidov was released from detention on 3 February 2018. He was sentenced to 12.5 years' imprisonment in 2009 after being found guilty of forgery in an unfair trial in retribution for him speaking out about the labour rights of farmers, corruption and abuse of power. On 22 February 2018, human rights defender **Isroil Kholdarov** was also released. He was sentenced in 2007 on politically motivated charges and his prison sentence was arbitrarily extended twice for alleged violations of prison rules.

In December 2017, President Mirziyoyev signed a **decree** pardoning 2,700 persons, and 956 people were **released** from prison. These included people who had been imprisoned in retaliation for their exercise of freedom of expression, such as by accessing "banned" information on websites or speaking to "banned" media such as Radio Ozodlik, criticising the authorities etc. **Amnesties and pardons** can be in the form of a full or partial exemption from punishment, or conditional early release.

## OTHER GOVERNMENT CRITICS REMAINED BEHIND BARS

Despite the releases described above, many other journalists, human rights defenders and activists remained in prison in conditions severely detrimental to their health.

According to IPHR's and AHRCA's information, at least a dozen human rights defenders, journalists, political opponents and other government critics remained behind bars at the beginning of 2018.

These included:

☀ Human rights defenders Mekriniso Khamadova, Zulkumor Khamadova, Gaybullo Dhalilov and Chuan Matmakulov, Zafarjon Rakhimov, Yuldash Rasulov, and Fakhriddin Tillaev;

☀ Independent journalists Aziz Yusupov, Gairat

Mikliboev, Yusuf Ruzimuradov (whose state of health and whereabouts are not known – he was due to be released from detention in May 2017) and Bobomurod Abdullayev and Hayot Nasreddinov, who were detained in 2017 (see below); and

☀ Dilorom Abdukodirova – a witness to the Andijan tragedy in 2005.

Although some sources report that employees of the academic journal Irmok Botirbek Eshkusiyeu, Bahrom Ibragimov, Davron Kabilov, Davron Todzhiev and Ravshanbek Vafoev who were imprisoned on accusations of being followers of Islamic scholar Said Nursi were released in 2015 and 2016, information about their release was not confirmed during the year. However, AHRCA was able to confirm that human rights defender and lawyer Matluba Kamilova, whose fate also had been unknown, was released in October 2015.

#### DEATHS OF HUMAN RIGHTS DEFENDERS AND OTHER CRITICS OF THE AUTHORITIES

In a tragic development, in June 2017, the relatives of wrongfully imprisoned human rights defender **Nuraddin Jumaniyazov** reported that he had died in detention on 31 December 2016. Jumaniyazov founded the Human Rights Centre “Mazlum”, and in 2012 helped set up the Union of Independent Trade Unions to Support Labour Migrants. In January 2014, he was arrested, charged with trafficking of persons and sentenced to eight years and nine months imprisonment after a trial deemed unfair. Jumaniyazov had been unable to see his lawyer since his unsuccessful appeal against his sentence in April 2014. In February 2017, penitentiary authorities informed his lawyer, Polina Braunerg, that Jumaniyazov had been transferred to the prison hospital and that she would finally be able to meet him. Braunerg was not told that her client had died two months previously. Given the Uzbekistani authorities’ harassment of prisoners’ relatives, it is possible that Jumaniyazov’s family came under pressure from the authorities to keep silent about his death and not even inform his lawyer. Jumaniyazov suffered from severe

diabetes and was insulin-dependent. He was last seen in public at the appeal hearing in April 2014, during which he asked his lawyer to help him get medicine to treat his illness. The exact **circumstances** surrounding his death remain unknown.

Human rights lawyer **Polina Braunerg** died on 19 May 2017 after suffering a stroke. She was disabled and wheelchair bound, and suffered from diabetes and high blood pressure. Despite several appeals to the Department for Visa and Registration (OVIR) since 2014, Braunerg had repeatedly been refused permission to travel abroad for medical treatment. She had complained to the Prosecutor’s Office about the travel ban, but the authorities’ pressured her to withdraw the complaint. In February 2017, she again applied for an exit visa but was refused. After Braunerg’s death was publicised, her son, Nikita Braunerg, reported being followed by the security services and that his neighbours were questioned about him.



Former Member of Parliament **Murad Djuraev**, who spent 21 years in prison on politically motivated charges before being released in November 2015, died on 4 December 2017. On 7 October 2017, he was finally **granted permission** by the authorities to leave Uzbekistan for urgent medical treatment after a long wait. Tragically, however, Djuraev died before he had a chance to leave Uzbekistan. He was 65 years old.

*“Despite all the years I spent behind bars, when I suffered betrayal, separation from my family, hunger, torture, and when I lost the will to fight ... solidarity proved to be stronger than all the obstacles and trials. As long as there is a human rights movement, there is a chance of saving those who share the idea of living in a just society”.* Murad Djuraev, speaking shortly before his death in December 2017.

#### NEW ARRESTS CLOUDED THE PICTURE



The detention of freelance journalist **Bobomurod Abdullayev** by National Security Service (SNB) officials on 27 September 2017 in Tashkent showed that independent journalists remained at risk of

reprisals. Abdullayev previously headed the organisation OZOD OVOZ (Free Voice) and was a correspondent for the Institute for War and Peace Reporting and Fergana News Agency, which is blocked in Uzbekistan. After his arrest, he was held incommunicado in detention for two days at an SNB pre-trial detention centre in Tashkent and on 1 October, was reportedly charged with anti-constitutional activities and his pre-trial detention was sanctioned at a closed court hearing. If he is found guilty, he could face up to 20 years in prison. The security services accused him of working together with the exiled political opposition leader, Muhammad Salih, and of calling for the overthrow of the government. His colleagues were convinced that the charges were politically motivated.

On 14 December 2017, Bobomurod Abdullayev was **allowed** to see his defence lawyer for the first time since he was arrested. A SNB investigator was present throughout the meeting. There are **serious concerns** that he has been subjected to torture and ill-treatment at the SNB pre-trial detention centre, which is notorious for human rights violations against detainees. At the beginning of 2018, Abdullayev remained in custody.

Following Abdullayev's arrest, others were also implicated in the criminal case against him, including **Akrom Malikov**, 27-year old employee of the Institute of Manuscripts of the Academy of Sciences who **was detained** by the SNB in 2016 in connection with critical articles allegedly published in opposition publications online. He was sentenced to six years' imprisonment in January 2017 after an unfair trial where he was not allowed to be represented by the lawyer of his choice. His family have refused to speak to journalists about the case.

On 20 October 2017, the well-known economist, blogger, journalist and civic activist **Hayot Nasreddinov** was also **arrested**. His relatives were not informed of the grounds for the arrest, but it was related to the case of Abdullayev above. There were fears that his relatives were put under pressure not to talk to journalists. At the beginning of 2018, Nasreddinov was being held in a SNB pre-trial detention centre in Tashkent.

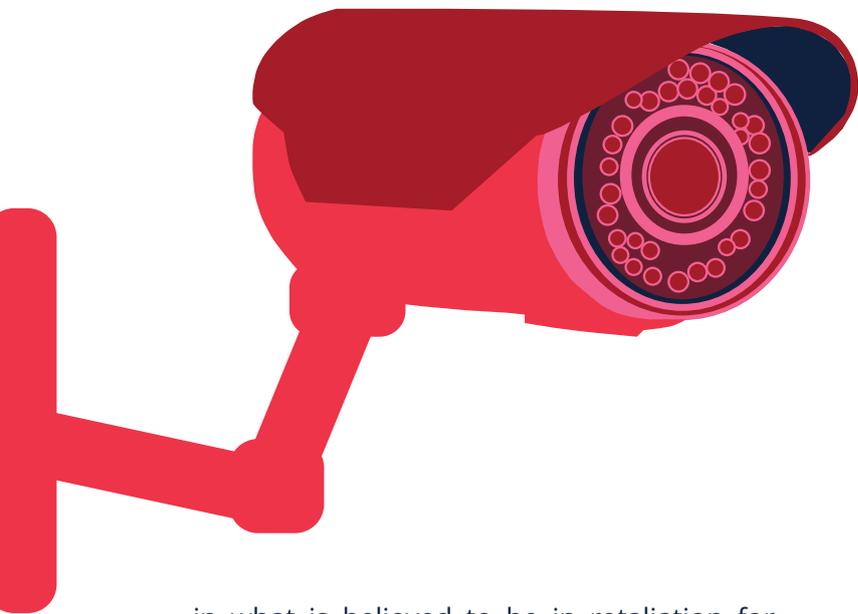
There were serious concerns that he may have been subjected to torture or ill-treatment in detention.

## **JOURNALISTS, BLOGGERS AND HUMAN RIGHTS ACTIVISTS FACED OTHER HARASSMENT**

In addition to imprisoning government critics, the authorities continued to use other methods of persecution against human rights activists, independent journalists and other individuals who spoke out and voiced their opinion or opposition to government policy. Such individuals were subjected to police interrogations, arbitrary arrests and other pressure.

Cases of concern documented by IPHR and AHRCA in 2017 include the following:

- ☀ On 1 March 2017, well-known and outspoken human rights defender, **Elena Urlaeva**, was detained by law enforcement authorities and forcibly placed in a psychiatric clinic, without her relatives being informed. She was **released** on 23 March 2017. She had been held against her will and without any court order sanctioning forced treatment of her alleged condition. Urlaeva was detained prior to a meeting with international organisations to discuss the issue of forced labour in Uzbekistan.
- ☀ On 14 April 2017, independent journalist Aleksei Volosevich was detained for 18 hours by police in the town of Gazli in the Bukhara region after he took photos of the city's landscape. He was detained and taken to the regional police station in Romitansky District of Gazli, where police took his fingerprints, erased the photos in his camera and confiscated his memory cards. He was informed that he had been detained "for taking photos without permission", although this is not in violation of the law. No charges were ultimately brought against him. Volosevich has **previously been arrested** on several occasions in connection with his professional activities.
- ☀ Farruh Yusupov, a Tajik correspondent for RFE/RL living in exile, suffered harassment



in what is believed to be in retaliation for his participation in an ongoing official investigation into corruption involving late President Karimov's daughter, Gulnara Karimova. A film shown on Fergana regional television on 22 April 2017 accused him of treason and drug -trafficking. The film also stated that since he sought asylum in Uzbekistan during the 1992-1997 civil war in Tajikistan, he should not criticise the state that has granted him refuge. This was not the first time that Yusupov was publicly discredited. Yusupov's family members in Uzbekistan have also been subjected to surveillance and harassment because of his professional activities. In August 2016, his brother **Aziz Yusupov** was sentenced to eight years' imprisonment on drug-related charges, which his family believe are trumped-up.

- ✦ On 7 November 2017, artist Aleksandr Barkovski was **detained** for a few hours and questioned for an hour at the police department at Bukhara train station after taking photographs of a public toilet.
- ✦ Independent journalist Sid Yanishev was **detained** twice in November and December 2017. On 12 December, he was detained for 14 hours in the Tashkent village of Almazar, during which time he was **questioned** by local police officers who confiscated his camera and Dictaphone. He was subsequently transferred to the regional police department of Shaikhantursky District of Tashkent, where his fingerprints were taken. In order to be

released from **detention**, Yanishev had to agree to "voluntarily" delete all information from his camera and Dictaphone.

### **SURVEILLANCE BEYOND BORDERS**

The Uzbekistani authorities continued to carry out unlawful systematic surveillance of citizens, not only inside, but also outside the borders of Uzbekistan. In a March 2017 report, **Amnesty International** stated that "an environment of suspicion" prevails in Uzbekistan, which affects human rights defenders, journalists and political activists. Even when these people live outside Uzbekistan, their families in the country become targets of harassment and intimidation. Methods used to carry out surveillance include telephone surveillance and hacking private emails. As pointed out by Amnesty International, Uzbekistan's legal framework allows for state access to telecom data and furthermore, many types of surveillance do not require legal authorisation.

### **"BLACKLIST" FOR ENTERING AND EXITING THE COUNTRY**

In August 2017, President Mirziyoyev announced that thousands of people had been taken off a "blacklist" for entering and exiting the country and called on those previously blacklisted who live abroad to return to Uzbekistan. However, when writer Nurullo Otahonov (pen name Nurullo Muhammad Raufhon) returned to Tashkent on 27 September 2017 from voluntary exile he was **detained** at the airport. He was released on 1 October, but at the end of the year, he reportedly faced charges of extremism for his book "Bu Kunlar"

(These Days), which criticises the Uzbekistani authorities' actions since independence. The book was banned in Uzbekistan.

### **OTHER TRAVEL RESTRICTIONS FOR DISSIDENTS**

During the year, citizens critical of the authorities continued to be restricted in their freedom of movement. In particular, people with links to international human rights organisations, independent journalists, former political prisoners and their relatives, and people who have publicly criticised the authorities often encountered *problems obtaining exit visas* to travel outside the country. The use of exit visas is an old Soviet-era practice that has already been abolished elsewhere.

In August 2017, the Uzbekistani authorities announced that starting 1 January 2019, Uzbekistani citizens will no longer be required to apply for permission from the Ministry of Internal Affairs to leave the country and travel abroad.

During the year, former political prisoners faced difficulties in obtaining permission to travel abroad to undergo medical treatment or re-join their family members who have fled the country.

For example, *Muhammad Bekjanov*, former editor in chief of the opposition newspaper *Erk* who was released in February 2017 was under police supervision and had not yet been given permission to travel abroad at the end of the year.

Human rights defender and writer Mamadali Makhmudov, who was released from prison in 2014 after serving a 14-year prison sentence handed down on politically motivated grounds, was not granted an exit visa, for which he has repeatedly applied since June 2016. He was therefore not able to leave the country for medical treatment. Makhmudov has heart, stomach and kidney problems and needs a pacemaker fitted.

Other individuals not in detention, but who criticise or who are perceived to criticise the Uzbekistani authorities have also been arbitrarily denied permission to leave Uzbekistan. Artist Vyacheslav Akhunov finally obtained permission to travel abroad on 20 December 2017, after repeated requests since 2012. Akhunov previously learned from a contact that the refusal was due to his continued criticism of the authorities on social media.

## **Freedom of association**

### **RESTRICTIONS ON NGO OPERATION**

The Uzbekistani Constitution ensures the right to freedom of association and a 2007 law protects the activities of non-governmental and non-profit organisations. This law also prohibits the government from interfering in the work of NGOs.

On 7 February 2017, the government published a Presidential Decree "On a strategy for further development of the Republic of Uzbekistan", which referred to encouraging civil society development and social and political activism. However, so far no concrete improvements in freedom of association have been documented since the current president took office, and NGO activities are seriously restricted in practice.

During 2017, the majority of NGOs operating in Uzbekistan were supported by or affiliated with the government. The few independent groups working on human rights issues continued to face serious obstacles to their activities, including cumbersome registration processes and restrictions on access to funding.

When reviewing the situation in the country in 2015, the *UN Human Rights Committee* criticised the "unreasonable, burdensome and restrictive requirements for registration and the other obstacles to the work of human rights NGOs".

While registration is mandatory, most of the few independent human rights groups in the country have been unable to register to date – the Human Rights Centre "Mazlum" began

registration procedures at the Ministry of Justice towards the end of 2017 but the progress of the application is not yet known. In general, in Uzbekistan, registration processes for NGOs are bureaucratic and slow. The authorities impose administrative penalties on domestic and international organisations that fail to register and Article 244-2 of the Criminal Code has been used to prosecute human rights defenders for participating in non-registered NGOs, which are considered “prohibited”. According to this Criminal Code provision, “the establishment, leadership of or participation in religious extremist, separatist, fundamentalist or other prohibited organisations shall be punishable by deprivation of liberty from five to fifteen years.”

NGO activities were also restricted by obligations to seek **governmental approval** for activities such as conferences and the invitation of foreign participants. A government order passed in June 2016 introduced tight controls on the foreign funding of international and domestic NGOs operating in Uzbekistan, with approval for the receipt of such funding being required from the Ministry of Foreign Affairs, Ministry of Justice and the government Banking Committee.

## REPRESSION OF RELIGIOUS COMMUNITIES

***The Law on Freedom of Conscience and Religious Organisations*** was one of the first to be adopted after Uzbekistan declared its independence in 1991. However, in practice, the Uzbekistani authorities strictly **control** the exercise of religion, in particular the independent practice of **Islam**.

The exercise of freedom of conscience, thought, religion or belief is over-regulated and persecution on religious grounds impedes citizens from enjoying this right, as well as their right to freedom of association.

In many situations, people have been convicted of terrorism or encroaching on the constitutional order without credible evidence, and some have been sentenced to lengthy prison sentences for practicing their beliefs or belonging to a religious minority community.

The UN Special Rapporteur on the freedom of religion and belief, Ahmed Shaheed, visited Uzbekistan in October 2017. He **stated**: “Religions or beliefs should not be seen as a threat to Uzbekistan, where many ethnic and religious communities live together peacefully... Resilience against religious extremism can be built on strengthening diversity as well as freedom of religion or belief.” The Special Rapporteur advised that rights to freedom of religion cannot be sacrificed in the name of the fight against extremism and called for a widening of civic space and the freedom of association, assembly and expression as well as the implementation in practice of legislative reforms.

On **15 June 2017**, President Mirziyoyev held a **video conference** with over 10,000 Imams and religious community leaders from all over Uzbekistan. According to one participant who spoke to RFE/RL, the president called for a **re-examination of the cases** of Muslims who had been “blacklisted” and instructed Imams to work with those people who had been convicted on religious grounds and their families. Those who are on the “blacklist” suffer discrimination in relation to employment and access to social support. According to the press, the President Mirziyoyev acknowledged that some Muslims had been imprisoned and prosecuted for “small violations”. Mirziyoyev **reportedly** stated that special commissions comprised of representatives from the Ministry of Interior, security services and the Prosecutor’s Office, as well as Islamic representatives and local authorities, would be established in each region to review such cases and initiate measures to acquit those concerned.

At the beginning of 2018, Minister of Internal Affairs Pulat Babdzhonov **was reported** as stating that 18 000 people had been taken off the “blacklists” of participants in “extremist religious organisations” in the course of 2017. Nevertheless, the pattern of persecution of independent Muslims, as well as members of other religious minority communities continues.

# Freedom of peaceful assembly

## OVERALL SITUATION

Uzbekistani law protected the right to participate in peaceful meetings and demonstrations. Although the law provided that the organisers of meetings do not need to seek permission but only notify the authorities in advance, existing regulations perpetuated a system where advance permission in practice was needed. For example, a requirement introduced in **2016** stipulates that any written material that will be disseminated during an assembly should be submitted to the Ministry of Justice a month before the date of the planned meeting. This requirement restricts the possibility for people to organise meetings at short notice or to gather spontaneously and provides the Ministry of Justice with the opportunity to delay permission for the distribution of materials, and hence disrupt assemblies.

## STILL NO JUSTICE FOR THE ANDIJAN TRAGEDY

Uzbekistan's history of protest is marred by the use of excessive force. To date, the Uzbekistani authorities have yet to carry out an independent and impartial investigation into the events of 13 May 2005, when law enforcement and security forces indiscriminately fired at a crowd of protesters in Babur Square, Andijan. Demonstrators had peacefully gathered to voice their grievances over repressive government policies and economic hardships. According to officials, 187 people were killed, but unofficial estimates put the number at between 500 and 1500. None of the officials involved in the shooting have been **brought to justice**.

## FEW PEACEFUL PROTESTS

Against the background described above, many citizens remained fearful of reprisals for protesting and were therefore reluctant to participate in demonstrations. However, over 2017 some small peaceful protests were held with varying reactions from the authorities. These are examples of such protests:

✨ During a visit by President Mirziyoyev to Navoi region on **28 March 2017**, dozens of women and elderly from the village of Tasmachi in Khatirchinsky region travelled by bus to meet him and protest over insufficient electricity supply, high food prices and local corruption. However, the villagers claimed that the local authorities and traffic police blocked the roads out of the village to prevent them from meeting the president.

✨ Fergana News Agency **reported** that on 15 August 2017, a spontaneous rally was held by hundreds of people outside the Supreme Court in Tashkent. Angered by the long wait for appointments the crowd of several hundred people reportedly pushed against the iron gates in front of the court, eventually breaking them down. Fergana quoted an eye witness as saying, "You should have seen what power these people demonstrated – they went into the court yard and building... the guards were running around everywhere... people's nerves are exhausted". On 19 August, the Supreme Court issued a **communiqué** refuting the Fergana report. The Uzbek service of RFE/RL **reported** eyewitness accounts confirming the incident.

✨ According to the **Fergana News Agency**, on 22 August 2017, 85-year-old pensioner Nina Sahartseva and 80-year-old Yulia Syavich from Tashkent were standing with signs asking to meet President Mirziyoyev outside the presidential administration building in Tashkent. After two hours, officials from the presidential administration came out and one grabbed the elderly women roughly by the hands and doused them with water as a result of which they were forced to leave.

## PUBLIC MOBILISATION IN RESPONSE TO STUDENT'S DEATH

The public response to a situation of alleged bullying resulting in a student's death illustrates

the evolving nature of civic engagement and public demonstrations in Uzbekistan. On 1 June 2017, Zhasurbek Ibragimov, a student at the Borovskiy Medical College, died in Tashkent after being beaten up by unknown assailants on 3 May. Civic activists Irina Zaidman and Maria Legler organised an *online petition* calling on the Uzbekistani authorities to find those responsible for Zhasurbek's death and bring them to justice. The petition received unprecedented public support and was signed by over 20 000 persons. At a *rally* held in Duslik Park on 4 June, Deputy Chief of the Tashkent Central Internal Affairs

Directorate Doniyor Tashkhodzhaev assured the participants that this tragic case would be thoroughly *investigated*. However, on 15 November 2017, Zaydman was summoned to the police station, where she was detained. Police officers searched her house on the same day. The next day she and Legler were found guilty of organising an unsanctioned meeting and sentenced to ten and 15 days of *administrative detention*, respectively. Neither woman had a lawyer present at the closed hearing when they were sentenced, which is a *violation* of the Criminal Procedural Code of Uzbekistan.

