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**A Report to UN Special Procedures on
Violations of Freedom of Expression and Freedom of the Media
in Turkmenistan and Uzbekistan**

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Executive Summary

The human rights situation in Turkmenistan and Uzbekistan constitutes a well-known international scandal. Nevertheless, states continue blindly to court the friendship of the Turkmen and Uzbek governments notorious for silencing dissent through torture, show trials and other Stalinist practices which seem to define the word 'totalitarianism'. Among other practices the Uzbek and Turkmen governments use to silence dissent is narrowly constricting the media and arresting those who dare to challenge the status quo through self-expression.

Even as laws exist technically in both countries guaranteeing freedom of expression, partners in civil society find that journalists, human rights defenders, writers and broadcasters who challenge the status quo, and religious people or others bearing religious literature and instructional materials, can expect the following official reprisals:

- Draconian prison sentencing on trumped-up charges, which often include 'insulting the state', extremism, terrorism, etc.
- Prison terms and detention in which torture is a daily reality
- Institutionalisation in psychiatric hospitals
- Constant monitoring and harassment
- Ridiculous travel restrictions which appear like prison sentences
- Total censorship
- Electronic monitoring, including close monitoring of the Internet, emails and online exchanges
- Blacklisting, prohibiting people from finding employment

We commend UN Special Procedures for continuing to solicit invitations from these countries for visitations. It is our hope that, in presenting this report, we help keep Uzbekistan and Turkmenistan on the radar as well as serve as a source of data for your own reporting process. As you continue to press Uzbekistan and Turkmenistan for in-country visits, please do not hesitate to contact CIVICUS for further information and assistance.

Sincerely,
Will Lasky
Eurasia Coordinator
will.lasky@civicus.org
+27 11 833-5959

1. In Turkmenistan There Is Still No Freedom of the Media

By Tadzhiagul Begmedova and the Turkmenistan Helsinki Foundation for Human Rights

Turkmenistan's constitution and law provide for freedom of speech and freedom of the press. In practice, these rights are not respected. Authorities warn critics against discussing human rights problems with foreign journalists. There are reports that police harass and detain Turkmen journalists, activists and dissidents who have cooperated with foreign news agencies.

The government finances and controls nearly all the print media. The country has imposed severe restrictions on the importation of foreign newspapers (with the exception of the private, pro-government Turkmen newspaper "Zaman").

Authorities control the radio and local television stations, but satellite antennae with access to foreign programmes are available throughout the country. However, due to high costs not all residents have the opportunity to install them. Citizens have the opportunity to listen to a number of international radio programmes via satellite.

1.1 MTS Telecommunications Shut Down

On December 15, authorities closed down the private communications provider MTS, leaving almost half the population and 80 percent of mobile phone users without mobile phone and Internet access, dramatically reducing the opportunity for citizens to send and receive information.

1.2 Punishing Free Speech

Repeatedly authorities have detained, harassed and intimidated journalists and their families. According to Reporters Without Borders, journalists in Turkmenistan "were often called in for interrogation, threatened with prosecution and dismissed from their jobs, while their relatives were also subjected to reprisals." In particular, journalists working for RFE/RL (Radio Free Europe/Radio Liberty) reported frequent surveillance and harassment by the authorities.

There are stringent restrictions applied to the travel of independent journalists, individuals and their families who openly criticize the government. (It is possible to rank all the staff of RFE/RL in this group of restricted individuals). The authorities are monitoring the activities of RFE/RL reporters Halmyrata Gylychurdyeva and Soltan Achilova.

Reporters Without Borders documents how Prague-based RFE/RL reporter, Turkmen Allamuradu Rakhimov, was denied entry into Turkmenistan on 19 May 2010. After denying him entry, they put him on a flight returning to Prague without an explanation, although his visa was valid.

1.3 Forced Institutionalisation

The Soviet method of sending dissidents to mental hospitals is still used in Turkmenistan. History teacher Sazak Durdymuradov experienced systematic persecution for several years as a result of his active cooperation with Radio Liberty. After his release from an involuntary stay in a

psychiatric hospital, he was forced to sign a statement that he would cease to cooperate with RFE / RL.

On March 7, 2011 after repeated harassment by the authorities, the RFE/RL stringer Amangelen Shapudakov was institutionalised. After repeated statements by international organisations condemning the illegality of his institutionalisation, the authorities finally released him during the April 2011 visit of EU deputies. Gubandurdy Durdykuliev was also previously committed to a psychiatric ward by the authorities as well as repeatedly being subjected to insults. On the wall of his house, someone scrawled text calling him a traitor and his wife a prostitute. He often finds piles of garbage at his gate. A similar violation occurred when Gurbansoltan Achilova found the windows of his house broken.

Since 2006, RFE/RL reporter Osman Halliyev has remained under constant surveillance. His family members, blacklisted, cannot get jobs or leave the country. His colleagues Jumadurdy Ovezov and Meret Khommadov are in the same position. They have virtually ceased to work with RFE/RL because they cannot exercise their right to freedom of thought and fully do their jobs as members of the media.

The authorities have put relatives of a RFE/RL journalist on a blacklist, restricting their travel abroad. For several years, the mother of this journalist could not travel abroad. Enquiries to the authorities have not elicited an answer. The brother of the journalist has been forbidden to leave the country **until 2050**.

Soltan Achilova, an RFE/RL journalist working in Turkmenistan, has tried since 2009 to have her harassment case against employees of the Ministry of National Security (previously KGB) examined. Allegedly, they stole her bags containing her taped interviews, telephone and tape recorder. Despite the fact that she has evidence and witnesses, her case has not been reviewed. She has been threatened by the authorities, who demand she cease cooperation with RFE/RL. In the summer of 2010, her son Muhammet Achilov could no longer stand the constant interference of the authorities in his private life and committed suicide. His suicide directly followed the authorities' refusal to let him go abroad on the eve of his planned departure. After the authorities learned of his death, they mailed his family a document allowing his international travel. Experts believe that this was a hollow gesture delivered to avoid criticism.

Stringers at the Institute for War and Peace and the Turkmenistan Helsinki Foundation for Human Rights have been subjected to systematic harassment by the authorities, demanding they halt cooperation with international organisations. They are included on the "blacklist" of those forbidden to travel.

All activists who try to cooperate with international organisations in order to describe the actual state of affairs in the country, the disconnection of telephones and Internet access and the constant surveillance, receive warnings that further cooperation will jeopardize the safety and well-being of their families.

1.4 Accreditation

There is no independent oversight of press accreditation in Turkmenistan. There are no criteria for the allocation of permits for journalists. There is no guaranteed provision for obtaining

accreditation. There is no protection against the cancellation of accreditation for political reasons. Authorities require all foreign correspondents to apply for accreditation. Visas are issued to some foreign journalists, only to cover specific events such as international conferences and summits where their activities can be monitored.

RFE/RL journalists are routinely denied accreditation, and even without accreditation journalists face harassment, detentions and threats. For several years, RFE/RL has not been able to receive a response from the government of Turkmenistan on the issue of accreditation of correspondents within the country.

Around 10-15 foreign journalists (pre-screened by the government) are routinely accredited. Eight of them are Turkish journalists. 11-12 journalists work without accreditation at their own risk. Visiting foreign journalists report harassment when they try to send messages and that they are denied freedom of movement. The authorities severely restrict the issuing of visas to foreign journalists.

1.5 Censorship

The government ban continues on subscriptions to foreign periodicals. Sometimes one can find a copy of the Russian newspaper "Arguments and Facts", crosswords, and other periodicals at the flea market.

Foreign independent journalists trying to interview senior officials of ministries and departments are refused access. More insistent journalists are referred for some reason to the Ministry of Foreign Affairs.

Authorities require all journalists, even those working in the state media, to obtain permission for the coverage of specific events as well as for the publication or transmission of reports.

Local journalists and foreign correspondents and news broadcasters engage in self-censorship out of fear of government reprisals. State agencies censor newspapers and forbid the publication of the political views of the opposition or any criticism of the president. The local media is occasionally not allowed to cover events of world importance occurring in other countries. These forbidden stories include those concerning epidemics and diseases in other parts of the world and the need for their prevention.

State agencies require that all publishers, printing and copying facilities obtain registration licences for their equipment. They require the registration of all photocopiers and insist that a single person be responsible for all photocopying per machine. All publishing companies are owned by the state. Authorities censor works of art, poems, songs and plays regularly performed at celebrations in the capital, in towns and regions, in educational institutions and child-care institutions.

1.6 Internet freedom

According to the International Telecommunication Union, approximately 80,000 people in Turkmenistan have Internet access. The main provider is a state-owned company called Turkmen. The authorities monitor and filter Internet services. They monitor e-mails of citizens

and their activities on the Internet. The MNS chief controls access, viewing user information, blocking access to objectionable web sites, in some cases terminating connections. MTS provides mobile access to the Internet, but the price is too high. According to Reporters Without Borders, the government monitors e-mails of citizens to identify potential dissidents.

2. Freedom of Speech in Uzbekistan

By Bakhadir Namazov, independent human rights activist-journalist and member of the committee for the release prisoners of conscience in Uzbekistan

Presented by Mutabar Tadzhibayeva, president of Flaming Hearts and recipient of the Martin Ennals Award for Human Rights Defenders

In Uzbekistan, freedom of speech has always been a natural deficit. Even during the Soviet period in the country, freedom of speech or criticism of state institutions was much less frequent than in other Soviet republics. With the advent of Independence in 1991, it only changed for the worse. Uzbek authorities fully began to control all types of media.

The country has adopted several laws to "resolve" this issue.

2.1 Bogus Laws

The Law of the Republic of Uzbekistan on the Media

The Law of the Republic of Uzbekistan on protection of the professional activities of journalists

The Law of the Republic of Uzbekistan on principles and guarantees of freedom of information

Although these laws have a democratic platform, none of them works in full measure. They are populist in nature and remain only on paper. In May 2002, Uzbekistan officially abolished censorship, but it did not make any positive changes and the status quo remained.

The media continued to be used by the authorities as a sounding board for official propaganda, spreading mainly positive accounts of events in the country. All achievements were attributed to the president, and failure was attributed to other individuals and representatives. Authors, writers and journalists engaged in the unbridled praise of government, especially the president and any and all of his actions and utterances, were praised.

Local media creates a screen completely overshadowing the true situation in the country. Nevertheless, until mid-2005 there was a stream of foreign media setting up offices in the country. This provided a flow of free information, but these slight improvements were destroyed after the violent Andijan events of 13 May 2005.

2.2 The Closure of Organisations and News Agencies

In June 2005, the Tashkent branch of the British Institute for War and Peace Reporting (IWPR) was closed. Its director and eyewitness to the Andijan events, Galima Bukharbaeva, was forced to flee Uzbekistan.

On 9 September 2005 non-governmental organisations who supported the electronic media news were closed.

On 27 October 2005 the office of BBC World Service radio was shut down. On 12 December the Tashkent radio studio of Ozodlik (the Uzbek Service, Radio Free Europe) was shut down. This event was presaged by a refusal to extend accreditation to reporters of that channel.

Deutsche Welle had to stop broadcasting television programmes in the Uzbek language. Tsentraziya.Ru and Fergana.Ru and others, publishing critical articles about events in Uzbekistan, were blocked.

Within Uzbekistan, witch hunts persist against writers and journalists regarded as dissidents where they are brought up on spurious charges by the authorities.

Listed below are well-known writers and journalists under extended detention on trumped-up charges.

2.3 Well-Known Cases

1. Muhamadzhon Bekzhanov, born in 1954 and a member of the opposition party, was sentenced in 1999 to 12 years imprisonment. Severely ill from tuberculosis, he is currently in the colony UYA 64/61 (g. Kasan Kashkadarya).

2. Mamadali Mahmudov, born in 1940, a writer and chairman of the Culture Foundation of Uzbekistan was convicted for the first time on 30 December 1994 and sentenced to a period of 4 years imprisonment. He was released under an amnesty in 1996 and rearrested on 19 February 1999. The Tashkent Regional Court sentenced him to 14 years imprisonment on 18 August 1999 in colony UYA 64/6 (Chirchik Tashkent area). Information pertaining to his case is secret. His state of health is unknown.

3. Solidzhon Abdurakhmanov, born in 1950, a human rights activist and journalist, was sentenced to 10 years imprisonment in 2008. He is currently in the UYA 64/49 prison colony in Karshi.

4. Dilmurod Syed (Saidov), a journalist, human rights activist and member of Ezgulik (one of only two real human rights organisations currently registered in Uzbekistan) was sentenced to 12.5 years imprisonment by the Tailak District Court on 30 July 2009.

5. Yusubboy Ruzimurodov, born in 1958, a journalist and member of the opposition party, was sentenced to 15 years imprisonment by the Tashkent Regional Court on 18 August 1999 and is currently in colony UYA 64/46 (Navoi).

6. Hayrullo Khamidova, born in 1975, a journalist, popular sports commentator and poet was sentenced on 27 April 2010 by the district court of Yangiyul, Tashkent Region, to six years imprisonment.

2.4 Jamshid Karimov

The fate of independent journalist Jamshid Karimov, nephew of president Islam Karimov, is also tragic. He was a free and independent journalist working on an IWPR international publication and on other independent publications. On 12 September 2006 he disappeared after being visited by his mother, who was in the hospital.

On 26 September 2006 it became known that Jamshid Karimov was being held in a special psychiatric hospital in Samarkand.

Jamshid Karimov has tried to leave the country, but influential relatives were allegedly concerned that he would carry family secrets abroad. His fate remains a deep mystery to all. All requests for information by local human rights advocates and international organisations remain unanswered. His health and current location are unknown. Jamshid Karimov became the secret prisoner of the regime and of his uncle.

Jamshid Karimov's mother, Margarita Karimova, died in March 2008. Nervous stress relating to her concern over the fate of her son possibly contributed to her death. Under duress, Jamshid Karimov's wife was forced to denounce him.

2.5 2010

In 2010, a new surge of campaigning began against freedom of speech. Several independent journalists were invited to the prosecutor's office where they were warned by authorities. The trial of documentary filmmaker and photographer Umida Akhmedova, who was accused of libel and insulting the Uzbek people, began. On 12 February 2010 the court found her guilty on both counts but applied the amnesty which was announced in August 2009 on the 18th anniversary of Uzbekistan's independence.

During 2010, the trial of Russian journalist Vladimir Berezovsky took place. He was convicted of distributing defamatory information.

In Autumn 2010, independent journalist and correspondent for the Voice of America, Abdumalik Boboyev, was put on trial, charged with "slandering" and "insulting" the state. On 15 October 2010 the court found him guilty and sentenced him to a heavy fine (about eight thousand dollars, a lot of money for Uzbekistan). The appellate court upheld the sentence unchanged. Abdumalik Boboyev appealed to the supreme court to overturn the verdict. He has not yet received any response.

2.6 The Persecution of Religious People

Since the collapse of the Soviet Union and during the late 80s, 'religious extremism' has been used as an official excuse for arbitrary detentions and long prison sentences. Accusations range from participating in religious extremist organisations, terrorism, aiding terrorism, participating in a religious movement which undermines the state, distributing materials that threaten public security, etc. Generally, these categories overlap. The difference between committing an act of terrorism, being an accessory to an act or merely possessing a forbidden text is often unclear or non-existent.

Possessing religious instructional material widely available is often used to convict people.

Among other cases, is that of the 2009-2010 mass arrests of followers of Turkish Islamic thinker Said Nursi. The arrests were often justified on the basis that the accused possessed banned religious materials, such as pamphlets and video recordings widely available in Turkey.

2.7 Maxim Popov

Occasionally, censorship takes a totally incomprehensible form, as in the case of Maxim Popov, head of the non-governmental organisation IZIS. Popov was arrested in January 2009 in connection with his distribution of the book "Healthy Lifestyles" and other material geared toward preventing the spread of HIV/AIDS. He was sentenced to 7 years imprisonment on trumped up charges of tax evasion and embezzlement.

Reporters Without Borders concludes that two of the most repressive countries from Central Asia - Turkmenistan and Uzbekistan, ranked 173rd and 160th in the world in terms of freedom of speech - remain among the worst persecutors of the free press in the world and make no moves to change the situation for the better.

Recommendations

Partners in civil society from Turkmenistan and Uzbekistan offer these recommendations to the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression:

- To continue pressing both Turkmenistan and Uzbekistan for in-country visitations
- To continue to put these issues forward within the Human Rights Council (HRC), even as both Uzbekistan and Turkmenistan deny there is a problem
- To continue to work with other special rapporteurs and working groups on areas of synergy and overlap assessing the practice of torture, arbitrary detention and freedom of religious belief in Turkmenistan and Uzbekistan
- To continue to work closely with real Uzbek and Turkmen civil society representatives
- To help press for an individual monitoring mandate and other available means of leveraging Central Asian regimes, such as an HRC resolution condemning the practice of mass media blackouts, torture, arbitrary detention and the abuse of free speakers in Turkmenistan and Uzbekistan
- In putting forward information to the HRC,, to note the dark absurdity constituted by censorship and the accompanying punishments for exercising the natural human inclination to speak freely