



Central Asia: Tightening the screws on government critics during the Covid-19 pandemic

Briefing paper by International Partnership for Human Rights (IPHR); Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR); the Legal Prosperity Foundation (LPF); Turkmen Initiative for Human Rights (TIHR); and the Association for Human Rights in Central Asia (AHRCA)

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Summary

The global Covid-19 pandemic has reinforced pre-existing, negative human rights trends in Central Asia. While the Central Asian governments have adopted different approaches to the pandemic¹, the protection of fundamental rights and freedoms has deteriorated across the region because of measures taken in response to the pandemic or pushed through in its shadow. The Central Asian authorities have used the pandemic as a pretext to suppress criticism of government policies and tighten the screws on independent media, civil society and social media users at a time when such actors have a crucial role to play, including by supporting vulnerable groups and contributing to the development of crisis recovery strategies.

Key concerns regarding the protection of the freedoms of expression, association and assembly across the region include:

Failure to ensure access to information, misguided efforts to combat misinformation

The governments of Tajikistan and Turkmenistan initially adopted a policy of denial in response to the global Covid-19 pandemic, claiming that the pandemic had not reached their countries, despite independent reports to the contrary. The authorities of these countries pressured doctors to participate in covering up Covid-19 cases and sought to obstruct discussion on such issues, arguing that these measures were needed to prevent “panic”. To date, the government of Turkmenistan has continued to deny and conceal the evident Covid-19 outbreak in the country, using ludicrous explanations to justify the adoption of Covid-19 preventive measures, while restricting access to exile-based, independent sources of information. Tajikistan’s government eventually acknowledged the spread of Covid-19 in the country, but lack of government transparency in relation to the pandemic remains of serious concern.

While the governments of the other Central Asian countries quickly acknowledged and responded to the national Covid-19 outbreaks, the reliability of official Covid-19 statistics has been questioned and independent media and civil society have experienced restrictions on accessing information. Across the region, the authorities have engaged in misguided efforts to prevent the spread of “false” information about the pandemic, adopting and implementing vaguely worded legislation to this end that carries heavy penalties and lends itself to implementation stifling the legitimate exercise of freedom of expression. In the name of combating “false” information, the authorities of the region have also attempted to silence social media users and others critical of the governments’ Covid-19 response. These measures have contributed to growing online censorship and reduced discussion of Covid-19 related issues in particular on social media platforms (see more in the next section).

Persecution of government critics across the region

In the context of the Covid-19 pandemic, the Central Asian authorities have further stepped up pressure on government critics. Journalists, bloggers, civil society activists, human rights defenders, protest participants and opposition supporters have been subjected to intimidation and harassment for challenging the governments’ handling of the Covid-19 pandemic, as well as other aspects of current government policies. In

¹ For more information about the different approaches adopted by the Central Asian governments, see the report, *Central Asia: Human rights protection during the Covid-19 pandemic – key trends*, which was published by IPHR and partners in October 2020, <https://www.iphronline.org/wp-content/uploads/2020/10/Covid-19-CA-regional-report-final.pdf>

a persistent pattern, government critics have been threatened, questioned, detained, prosecuted and convicted on charges initiated in retaliation for their peaceful exercise of the freedoms of expression, association and assembly. In a trend seen across the region, the authorities have used charges of overly broad criminal offenses such as “extremism”, “incitement to hostility” and “spreading false information” against individuals voicing misgivings about the actions of those in power. The authorities of Turkmenistan have targeted activists involved in a growing protest movement abroad, as well as individuals inside the country who have dared to openly criticise the authorities or communicate with foreign-based activists.

During the Covid-19 crisis, social media have become increasingly important platforms for discussion due to lockdown measures and the lack of alternative space. At the same time, the Central Asian authorities have particularly targeted social media users who have posted information critical of government policies, thus obstructing the exchange of information on such platforms. Among those singled out for intimidation are medical workers who have used social media channels to speak out about the shortcomings of the governments’ responses to the Covid-19 pandemic.

The situation of those detained and imprisoned on politically motivated charges in the region is of particular concern at this time given the elevated risk of contracting Covid-19 that prisoners face, combined with their frequent lack of access to adequate medical diagnosis and treatment. Human rights defender Azimjan Askarov died in prison in Kyrgyzstan due to pneumonia, known as a serious complication of Covid-19. It is imperative that the circumstances of his death are promptly, thoroughly and impartially investigated with a view to holding accountable those responsible for failing to grant him necessary medical attention and to release him when his condition seriously deteriorated.

Restrictive operating environment for civil society and problematic legislative initiatives

Across Central Asia, civic space is limited due to restrictive legislation and practice. During the Covid-19 pandemic, the authorities of the region have pushed ahead with new legal initiatives negatively affecting civil society engagement without ensuring adequate opportunities for public discussion and meaningful consultation with experts and members of civil society.

The authorities of Kazakhstan rushed through a new law on assemblies, which retains serious restrictions on the right to protest, despite widespread criticism by civil society and national and international experts. Following the entry into force of the law in June 2020, the authorities have continued to detain and penalise participants in peaceful, unsanctioned protests, especially rallies initiated by opposition movements. The most recent version of the draft law on assemblies in Uzbekistan also requires pre-approval of protests in violation of international standards, and human rights NGOs are concerned that it will consolidate the practice of arbitrary refusals of assemblies.

The parliament of Kyrgyzstan moved ahead with a widely criticised draft law on NGOs, without ensuring broad consultation with civil society organisations. This draft law increases the already heavy reporting burden for NGOs, and civil society organisations fear that it will be used as a tool of intimidation against NGOs that are “inconvenient” to the authorities. It currently remains under consideration.

In Tajikistan and Uzbekistan, the ongoing processes of elaborating new draft laws on non-commercial organisations have been non-transparent and offered few opportunities for civil society organisations to provide input. Civil society representatives have expressed concern that draft versions of the laws, which have been made available, provide for excessive restrictions on the freedom of association.

In spite of their proclaimed commitment to promoting civil society development, the authorities of Uzbekistan have continued to deny compulsory state registration to newly founded, independent human rights NGOs on arbitrary grounds. For example, the NGO “Human Rights House” founded by former political prisoner Agzam Turgunov was refused registration for the sixth time in October 2020. In Turkmenistan, no independent human rights NGOs can still operate inside the country, and exile-based groups have been subjected to interference with their website operations in apparent retaliation for their criticism of the government, including its flawed Covid-19 response. Across the region, human rights NGOs continue to face widespread negative attitudes and their leaders have been the targets of new smear campaigns.

In the following sections of this briefing paper, the key trends summarised above are described in more detail for each of the Central Asian countries. The country sections also provide recommendations to the authorities of these countries.

Kazakhstan

In the context of the Covid-19 pandemic, the long-term pattern of persecution of government critics has been reinforced in Kazakhstan, as the authorities have used the pandemic as an excuse to justify repression.

Numerous civil society activists, journalists, bloggers, medical workers and other citizens have been subjected to **retaliatory measures for publishing social media posts challenging the government’s handling of the Covid-19 crisis**. They have been questioned, warned and held to account under legal provisions that penalise violations of emergency regulations or provide for harsher penalties for offenses committed during emergencies.² A number of bloggers and activists have faced charges of “knowingly disseminating false information”, a broadly worded criminal offense (under Criminal Code article 274) that carries a penalty of up to seven years in prison when perpetrated during a state of emergency. Among others, well-known civil society activist **Alnur Ilyashev** was convicted on such charges in June 2020 because of social media posts in which he criticised those in power and their Covid-19 response. He was sentenced to three years’ restricted freedom – a non-custodial sentence that entails court-imposed restrictions on his movement – and banned from civic engagement for five years.

KIBHR’s monitoring shows that **charges of “knowingly disseminating false information” are increasingly being used to stifle the legitimate exercise of freedom of expression**. According to official information, in the first eight months of 2020, more than 80 cases were initiated under this criminal provision, five of which had been submitted to court as of the end of August.³ This development overshadows the impact of the positive step of the de-criminalisation of “slander” in June 2020. It is worth noting additionally that while “slander” was transferred to the Administrative Code, the offenses of “insult” and “insulting a government representative” remain subject to criminal penalty (articles 131 and 378 of the Criminal Code). Journalists and activists also continue to face **punitive defamation lawsuits** because of their criticism of the authorities. For example, in recent months, prison rights activist **Elena Semenova** has lost several defamation lawsuits brought against her by prison authorities because of her reports about torture and unlawful treatment of prisoners.

² See more in *Human rights impact assessment of the Covid-19 response in Kazakhstan*, published by IPHR and KIBHR in July 2020, <https://www.iphronline.org/wp-content/uploads/2020/07/REV-HUMAN-RIGHTS-IMPACT-ASSESSMENT-OF-THE-COVID-19-RESPONSE-IN-KAZAKHSTAN.pdf>

³ Figures quoted in the following article published by the Central Asian Bureau for Analytical Reporting in October 2020: <https://cabar.asia/en/kazakhstan-emergency-triggered-witch-hunting>

In recent months, the authorities have also continued their **crackdown on people accused of participating in or supporting political opposition movements branded as “extremist”**. Those targeted include members and supporters of the Democratic Choice of Kazakhstan (DVK) – a movement created by the exiled oligarch and government critic Mukhtar Ablyazov, which was banned as “extremist” by court in 2018, and those of the Street Party – a new movement that was banned by court in May 2020 as an alleged successor to the DVK⁴.

Since the beginning of 2020, dozens of people accused of being associated with the two movements have been threatened, detained, interrogated, as well as investigated and prosecuted on criminal charges of involvement in an organisation that has been banned or liquidated by court as “extremist” or “terrorist” (under Criminal Code article 405⁵), which carry a penalty of fines or restriction of freedom or imprisonment for up to two years for participants and for up to six years for organisers of the activities of such an organisation. In one recent example, in mid-September 2020, police detained blogger and journalist **Aigul Utepova** on charges initiated under this Criminal Code provision in relation to her social media posts. As of the end of October 2020, she remained under house arrest as the investigation continued.⁶ The three civil society activists and protest participants **Askhat Zheksebaev, Abai Begimbetov** and **Kairat Kylyshev**, who were placed in pre-trial detention in August 2020, have reportedly been charged with the more serious criminal offense of creating, leading or participating in an “extremist” organisation (under Criminal Code article 182) because of their alleged support for the Street Party. These charges carry a penalty of imprisonment for ten to 17 years for organisers and leaders of an “extremist” organisation, and of imprisonment for eight to 12 years for participants in such an organisation.

Because of the current lack of space for political opposition groups, there will be **no genuine competition** in the national and local parliamentary elections scheduled for January 2021. The only registered opposition party (the Social Democratic Party) has been marginalised, while other **opposition parties trying to register have been unable to do so**. In February 2020, the newly created opposition Democratic Party was forced to cancel its founding congress (required by law in order to apply for registration) due to pressure on its initiators and supporters.⁷ In addition, the fact that the upcoming elections will take place in winter, during the ongoing pandemic will limit opportunities for engagement with voters. International observers have assessed previous parliamentary elections held in Kazakhstan as neither free nor fair.

In another worrying development, the Kazakhstani authorities **rushed through a new law on assemblies** during the Covid-19 lockdown, **in spite of widespread criticism** by civil society and the international community. Among others, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association expressed concern about the draft law.⁸ The president signed the new law in May 2020, ignoring calls to reopen public consultation about it and revise it based on the advice of international human rights experts. The new law falls short of international human rights standards in a number of respects. In particular,

⁴ For more information, see the following article published by KIBHR (in Russian) on 31 May 2020:

<https://bureau.kz/novosti/dvorczy-protiv-uliczy/>

⁵ This article bans “the organisation or participation in the activities of a public or religious association or another organisation following a court decision about its banning or liquidation for extremist or terrorist activities”.

⁶ For more information, see the following articles published by *Radio Azattyk* (in Russian) on 18 and 21 September 2020:

<https://rus.azattyq.org/a/30846274.html>; <https://rus.azattyq.org/a/30850128.html>

⁷ RFE/RL, “Amid Pressure From Authorities, New Kazakh Opposition Party Cancels Founding Congress,” 19 February 2020, <https://www.rferl.org/a/new-kazakh-opposition-party-cancels-founding-congress-pressure-authorities/30443364.html>

⁸ His comments, expressed in a letter to Kazakhstan’s government dated 21 April 2020, are available at:

https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25194&fbclid=IwAR0wgP6KZZaU6_zXArLAz7UJ9VGDN-m-yflfC6fVpOntLsSTuL70nBj5kQ

it de-facto retains the requirement to obtain approval from local authorities prior to protests, grant authorities wide discretionary powers to refuse to allow assemblies to take place, only permits assemblies (with the exception of single pickets) in venues specially designated for this purpose, and bans spontaneous protests.⁹ It is of further concern that KIBHR's director, prominent human rights defender **Yevgeniy Zhovtis** was the target of a well-orchestrated smear campaign due his criticism of the draft law and its incompatibility with international standards. This campaign was conducted mainly through pro-government online media and social media accounts and was allowed to take place with impunity.¹⁰

In recent months, the authorities have continued to disperse peaceful, unsanctioned protests, detaining and penalising the participants. For example, according to human rights groups, more than 200 people were subjected to such measures when attempting to participate in peaceful rallies called for by opposition movements in Almaty and other cities on 6 June 2020.¹¹ Among those targeted was civil society activist **Asya Tulesova**, who faced criminal charges for knocking the hat off a police officer in protest against police brutality against rally participants in Almaty. She was held in pre-trial detention for two months, a measure that human rights defenders criticised as disproportionate and unjustified in particular at this time of Covid-19 pandemic when detainees are at heightened risk. She was finally given a 1.5-year non-custodial, restricted freedom sentence and released in August 2020. Dozens of people were also detained on and prior to 25 September 2020, when new opposition rallies were planned to be held in different cities of the country.¹² Others targeted for exercising their right to freely assemble include people gathering to commemorate civil society activist **Dulat Agadil**, who died in police custody under unclear circumstances in February 2020. His death sparked outrage within civil society and there was widespread mistrust of the official claim that he died due to acute heart failure.¹³

A number of people are currently **servicing prison sentences on charges that human rights defenders consider politically motivated**. Their situation is of particular concern at this time of Covid-19 pandemic, when prisoners do not have access to the same level of protection as the general population and their contacts with the outside world has been seriously restricted.¹⁴ Those considered political prisoners include, among others, **Max Bokayev**, **Erzhan Elshibaev**, **Aset Abishev**, **Sanavar Zakirova** and **Aron Atabek**.¹⁵ Max Bokayev is serving a five-year prison sentence handed to him in 2016 on charges directly related to his involvement in peaceful

⁹ For more information, see the following statements issued by IPHR, KIBHR and partners in April 2020: <https://www.iphronline.org/wp-content/uploads/2020/04/Statement-Draft-Law-FoA.pdf>; and <https://www.iphronline.org/wp-content/uploads/2020/05/Open-Letter-to-Tokayev-for-signing-with-logos-final-1.pdf>

¹⁰ For more information about the smear campaign, see the following statements issued by the International Federation for Human Rights (FIDH) and Frontline Defenders in May 2020: <https://www.fidh.org/en/issues/human-rights-defenders/kazakhstan-nothing-new-under-the-kazakh-sun-president-signs-new-law>; <https://www.frontlinedefenders.org/en/case/smear-campaign-against-human-rights-defender-yevgeniy-zhovtis>

¹¹ A detailed KIBHR report about the law enforcement response to the planned rallies is available (in Russian) at: <https://bureau.kz/goryachee/korona-prikryvaetsya-virusom/>

¹² KIBHR's report about the response to the rallies planned on this day is available (in Russian) at: https://bureau.kz/novosti/sobstvennaya_informaciya/ispytanie-strahom/

¹³ More information on this case is available in the following IPHR-KIBHR update published in May 2020: <https://www.iphronline.org/systematic-persecution-of-cso-activists-attacks-on-freedom-of-expression-and-assembly-continue.html>

¹⁴ These concerns are highlighted in the following RFE/RL article: "Kazakh Prisoners Packed In Cells, Endure 'Degrading' Conditions In Coronavirus Lockdown", 14 September 2020, <https://www.rferl.org/a/kazakh-prisoners-packed-in-cells-endure-degrading-conditions-in-coronavirus-lockdown/30838547.html>

¹⁵ For a more comprehensive list of individuals that civil society considers political prisoners, see http://tirik.info/dir/wpbdp_category/list01/

countrywide land reform protests¹⁶, while Erzhan Elshibaev was handed a similar prison term in 2019 on charges believed to have been filed in retaliation for his engagement in support of the rights of the unemployed¹⁷. Aset Abishev was sentenced to four years in prison in 2018 on charges of participating in and financially supporting the banned DVK movement because he had posted and promoted material about this movement on his Facebook page. Sanavar Zakirova was again sentenced to one year in prison in July 2020 on charges believed to be retaliation for her efforts to register a new opposition party, as well as her criticism of the ruling Nur Otan party for obstructing these efforts.¹⁸ Aron Atabek, a poet and activist who now is Kazakhstan's longest serving political prisoner, was sentenced to 18 years in prison in 2007 because of his alleged role in clashes with the police during protests against house demolitions in an Almaty district. He was convicted, although his guilt was not proven, at a trial that did not meet international fair trial standards. Several of the activists mentioned have reported being subjected to pressure in detention, including by being held in solitary confinement for prolonged periods.

Recommendations to the authorities of Kazakhstan:

- Stop persecuting civil society activists, journalists, bloggers and other citizens for the legitimate exercise of the freedoms of expression, assembly and association to communicate concerns about current government policies, including those related to the Covid-19 pandemic.
- In particular, ensure that no one is criminally charged, convicted and imprisoned on such grounds and release all those who are currently serving prison sentences on politically motivated charges. As long as these prisoners are held in detention, protect their health and well-being and ensure that they are not subjected to pressure.
- Fully decriminalise defamation by abolishing the remaining criminal code provisions on such offenses and amend the broadly worded criminal code provision on “knowingly disseminating false information” to ensure that it does not lend itself to implementation restricting free speech in violation of international standards.
- Welcome the political activism of citizens, grant political opposition parties registration, and stop misusing “extremism” charges against people accused of leading, participating in or supporting political opposition movements, who have not endorsed or advocated violence in any way.
- Initiate further revisions of the recently adopted law on assemblies, in accordance with the advice of national and international experts, to bring it into compliance with international standards and to ensure that it will contribute to improving the protection of the freedom of assembly, as initially set out as the objective of the reform process.

Kyrgyzstan

The 4 October 2020 parliamentary elections in Kyrgyzstan, which were marred by widespread irregularities, resulted in a landslide victory for pro-government parties. This prompted mass protests by opposition members and supporters. What began as peaceful demonstrations in the capital Bishkek evolved into clashes

¹⁶ The case against him is summarised in the following statement issued by members of the Civic Solidarity Platform on 1 December 2016, <https://www.iphronline.org/kazakhstan-ruling-cs-activists-20161201.html>

¹⁷ For more information on his case, see the following RFE/RL article: “Kazakh Protest Leader In Restive Town Jailed On Hooliganism Charge”, 18 October 2020, <https://www.rferl.org/a/kazakh-protest-leader-in-restive-town-jailed-on-hooliganism-charge/30223106.html>

¹⁸ More information about the case is available in the following KIBHR report published (in Russian) on 30 September 2020: <https://bureau.kz/novosti/opponentka-nur-otana-iz-kamery-sizo-vzyvaet-k-spravedlivosti/>

between protesters and law enforcement authorities in the evening of 5 October when the latter resorted to force after an attempt by some protesters to break through the gates of the White House, the seat of the president and parliament. During the clashes, hundreds of people were injured and one person died. The clashes ended with groups of protesters seizing the White House and freeing high-profile political figures from prison. In the following days, the election results were cancelled, and as different political groups were staking claims on power, the country was thrown into insecurity and instability. After the government and president resigned, former MP Sadyr Japarov – one of those freed in the night of 5-6 October - assumed the responsibilities of both prime minister and president, thus concentrating executive powers in his hands during a transition period.¹⁹ As of the end of October 2020, the situation in the country remained uncertain pending new presidential and parliamentary elections.²⁰

The post-election developments in Kyrgyzstan entailed **serious threats to democratic principles, the rule of law and human rights protection**. It is of particular concern that democratic processes were set aside and political measures taken outside the legal framework; decision-makers reported being subjected to pressure by organised criminal groups; journalists covering the post-election events were threatened and attacked; and peaceful protesters were subjected to violence by law enforcement authorities and non-state actors in circumstances that have yet to be investigated.²¹ At the same time, the post-election developments took place against the background of negative human rights trends seen during the Covid-19 pandemic, in particular growing pressure on those critical of the authorities.

For weeks, after emergency measures were introduced in response to the pandemic in late March 2020, **journalists from non-state outlets were prevented from effectively carrying out their professional activities** due to restrictive policies on accreditation and information. During the pandemic, law enforcement authorities have also targeted social media users exercising their freedom of expression. Early on, reports emerged about security services **detaining and pressuring social media users to “publicly apologise”** for posts allegedly containing “false” information about the pandemic. Those targeted included medical professionals drawing attention to the lack of appropriate means of protection against Covid-19 at medical facilities.²² In response to growing criticism of the authorities’ handling of the pandemic in the summer, when the number of Covid-19 cases peaked and the health care system was seriously overstrained, law enforcement authorities **stepped up their campaign against outspoken social media users**. Bloggers reported having their social media sites hacked and being summoned for questioning, warned and threatened with criminal responsibility because of social media posts critical of those in power.

In an example of the campaign against social media users, police summoned the administrator of the satirical “Memestan” Facebook group, **Argen Baktybek** and his wife **Erkina Asanbayeva** for questioning in July 2020,

¹⁹ For more information, see special update on the post-election crisis prepared by IPHR and LPF: <https://www.iphronline.org/post-election-protests-plunge-kyrgyzstan-into-crisis.html>

²⁰ New presidential elections have been scheduled for 10 January 2021. However, while first announced for 20 December 2020, the conduct of new parliamentary elections was postponed pending the implementation of a constitutional reform, in accordance with a law adopted by parliament on 22 October 2020 and subsequently signed by the president. The law is available (in Russian) at:

http://www.president.kg/ru/sobytiya/18083_podpisan_konstitucionnyy_zakon_o_priostanovlenii_deystviya_nekotorih_norm_konstitucionnogo_zakona_kirgizskoy_respubliki_o_viborah_prezidenta_kirgizskoy_respubliki_i_deputatov_ghogorku_kenesha_kirgizskoy_respubliki

²¹ See the previous footnote.

²² For more information, see report on the human rights impact of the Covid-19 response in Kyrgyzstan, published by IPHR and LPF in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>

saying they had posted information “humiliating” the authorities.²³ According to Baktybek, the following month the “Memestan” page was hacked and he temporarily lost access to it.²⁴ Facebook blogger **Eldiyar Zholdoshev** reported being summoned twice by police and pressured to apologise for a video appeal in which he criticised the authorities for their response to the Covid-19 pandemic. Zholdoshev said that, when he refused to apologise, police opened an investigation on charges of “inciting hostility”, a broadly worded criminal code provision that has repeatedly been used against government critics.²⁵ Journalist **Aydanbek Akmatov** was summoned for questioning by police in August 2020 in relation to a Facebook post in which he lamented the political influence of oligarchs in the country and accused both then President Sooronbay Jeenbekov and his predecessor of using their ties to oligarchs for political purposes. The journalist said that a criminal investigation had been opened in his case.²⁶ These and others subject to investigation because of their social media posts have typically had to sign non-disclosure agreements, as a result of which they have not been able to share any detailed information about the cases against them.²⁷

During the pandemic, the authorities have also adopted new problematic legislation argued to be aimed at fighting misinformation. In particular, media watchdogs and civil society raised the alarm about a **new law on “manipulation of information”, which sets out a broadly worded ban on disseminating “false” information** through the internet and grants authorities the power to block access to such information without a court decision.²⁸ The OSCE Representative on Freedom of the Media cautioned that this law “will not provide media and social media users with the necessary legal certainty” and stressed that the regulation of online content “may, in the absence of a clear mechanism and due process, seriously restrict freedom of expression”.²⁹ In an expedited process, parliament passed the draft law on all three required readings in June 2020. However, following a campaign calling for a veto of the law, the then president sent it back to parliament for revision in August 2020. Previously, in April 2020, a new provision was introduced to Kyrgyzstan’s Code of Violations (article 82-2) that penalises the dissemination of “false information” during emergency regimes by fines of up to 17 000 Som (about 200 EUR) for legal entities.³⁰ Civil society representatives also criticised this provision because of its vague wording, warning that it might result in arbitrary enforcement restricting freedom of expression.³¹

²³ “Создателя сатирической группы «Меместан» в соцсетях вызвали на допрос”, 16 July 2020, <https://24.kg/obschestvo/159739/>

²⁴ “Прощайте, мемы». Неизвестные взломали юмористический паблик «Меместан» с сатирой на кыргызскую власть”, 3 August 2020, <https://kloop.kg/blog/2020/08/03/proshhajte-memy-neizvestnye-vzломali-yumoristicheskij-pablik-memestan-s-satiroj-na-kyrgyzskuyu-vlast/>

²⁵ “«Любовь к извинениям». Силовики КР продолжают «работать» с гражданами”, 28 July 2020, <https://rus.azattyk.org/a/30752897.html>

²⁶ “Журналиста Айданбека Акматова вызвали на допрос в МВД из-за поста в «Фейсбуке», 12 August 2020, https://rus.azattyk.org/a/30779494.html?fbclid=IwAR1eBrWBt7a3TFgvsqKX7t3Zc6-4jni_ztRaH89TldP2cNHAvJeahwZggQ4

²⁷ “Допросы, задержания, извинения. Как покушаются на свободу слова в Кыргызстане”, 19 July 2020, https://24.kg/obschestvo/159886_doprosyi_zaderjaniya_izvinieniya_kak_pokushayutsya_nasvobodu_slova_v_kyrgyzstane/

²⁸ For more information, see report on the human rights impact of the Covid-19 response in Kyrgyzstan, published by IPHR and LPF in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>

²⁹ “OSCE media representative concerned by restriction to media freedom in the law on Manipulation of Information in Kyrgyzstan”, 29 June 2020, <https://www.osce.org/representative-on-freedom-of-media/455836>

³⁰ Law on amendments to some legislative acts of the Kyrgyz Republic, including the Criminal Code, the Code of Offenses and the Code of Violations, 3 April 2020, <http://cbd.minjust.gov.kg/act/view/ru-ru/112024?cl=ru-ru>

³¹ For more information, see report on the human rights impact of the Covid-19 response in Kyrgyzstan, published by IPHR and LPF in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>

Another piece of draft legislation that is of serious concern to civil society is a **bill that increases the already heavy reporting burden for NGOs**.³² Civil society organisations also fear that this draft law will be used as a tool of intimidation against NGOs that are “inconvenient” to the authorities.³³ UN human rights experts have concluded that, if adopted, the draft law “would unnecessarily and disproportionately restrict the right to freedom of association” and “may have a significant and detrimental impact on the operations of all civil society organisations in Kyrgyzstan”.³⁴ Parliament passed the draft law on second reading in June 2020, without ensuring broad consultation with NGOs. Because of Covid-19 restrictions, only a few NGOs critical of the initiative were invited to a parliament hearing in May 2020. The discussion surrounding the draft law has reinforced suspicion against NGOs, with its proponents accusing NGOs of threatening national security.

It is expected that the consideration of the two draft laws will continue after new parliamentary elections have been held.

In the recent period, civil society representatives have also been subjected to growing pressure in Kyrgyzstan. Human rights defender **Kamil Ruziev** is facing forgery charges believed to have been filed in retaliation for his efforts to hold security service officials accountable for torture and for threats that he has faced because of these efforts.³⁵ He was detained by security services in late May 2020, held under house arrest for three weeks and thereafter ordered to regularly report to the police while the investigation continues.³⁶

The **struggle for justice for** human rights defender **Azimjan Askarov** continues following his tragic death in prison in July 2020 due to pneumonia, known to be a serious complication of Covid-19. There are serious concerns about the impartiality of the investigation into the defender’s death, which is still under way.³⁷ The authorities must hold accountable those who are responsible for the failure to grant the elderly, ailing defender necessary medical attention and to release him when his condition seriously deteriorated.

³² The draft law, which introduces amendments to the law on non-commercial organisations and the law on the registration of legal entities and branches, is available (in Russian) at: <http://kenesh.kg/ru/article/show/6241/na-obshtestvennoe-obsuzhdenie-s-31-dekabrya-2019-goda-vinositsya-proekt-zakona-kirgizskoy-respubliki-o-vnesenii-izmeneniy-v-nekotorie-zakonodatelynie-akti-kirgizskoy-respubliki-zakoni-kirgizskoy-respubliki-o-nekommercheskih-organizatsiyah-o-gosudarstvennoy-registratsii-yuridicheskikh-lits-filialov-predstavitelystv>

³³ For more information, see report on the human rights impact of the Covid-19 response in Kyrgyzstan, published by IPHR and LPF in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>

³⁴ Letter to the government of Kyrgyzstan from the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association and the UN Special Rapporteur on the situation of human rights defenders, dated 6 March 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=25115>

³⁵ For more information, see joint statement issued by the Association for Human Rights in Central Asia, Civil Rights Defenders, IPHR, the Norwegian Helsinki Committee and School of Law on 12 June 2020: <https://www.iphronline.org/kyrgyzstan-drop-charges-against-human-rights-defender.html>

³⁶ Initially Ruziev was also not allowed to leave his home city Karakol during the investigation. However, in late October 2020, a local court allowed him to do so, while retaining the obligation for him to regularly report to the police. See more in this Kloop article published (in Russian) on 22 October 2020: <https://kloop.kg/blog/2020/10/22/delo-bortsa-v-pytkami-pravozashhitniku-kamilyu-ruzievu-razreshili-pokidat-karakol-on-smozhet-prodolzhit-lechenie-i-provesti-ekspertizu/>

³⁷ For more information about the concerns about the investigation into Askarov’s death, see the following press releases issued by the Bir Duino Human Rights Movement in September–October 2020: <http://birduino.kg/pressaru/o-vazhnosti-vyipolneniya-kyrgyzskoj-respublikoj-soobrazhenij-komiteta-oon-po-prvam-cheloveka-po-delu-pravozashhitnika-azimzhan-askarova;> <http://www.birduino.kg/pressaru/%C2%ABstrategiya-dejstvuj-pd-%C2%ABbir-dujno-kyrgyzstan%C2%BB-po-zashhite-prav-zhertvy-pytok-i-zhestokogo-obrashheniya,-razrabotannaya-na-sovmestnoj-vstreche-21-24-avgusta-2020%C2%BB>

Recommendations to the authorities of Kyrgyzstan:

- At this time of turmoil, ensure that respect for human rights, the rule of law and democratic principles are respected as utmost priorities; take effective measures to combat the influence of organised crime and corruption in politics; and ensure that new parliamentary and presidential elections fully meet international standards.
- Investigate all allegations of excessive use of force by law enforcement officials, and of violence by non-state actors in connection with the post-elections protests and bring those responsible for unlawful actions to justice.
- Protect the right of journalists and media to carry out their professional work without hindrance and fear, and ensure that social media users are not arbitrarily detained, threatened or criminally prosecuted for posting information critical of the authorities and their Covid-19 response.
- Abandon the draft legislation on “manipulation of information” or ensure that it is thoroughly revised in accordance with the recommendations of national and international experts prior to any further consideration in parliament.
- Take due account of the views of civil society on the current draft legislation on NGOs and ensure that any additional oversight and reporting obligations introduced for NGOs are necessary, proportionate and fully consistent with national and international law.
- Protect civil society groups and activists against intimidation and harassment and ensure that no one is criminally charged or convicted in retaliation for efforts to fight against injustice, corruption and impunity.
- Ensure that the circumstances of Azimjan Askarov’s death are investigated in a prompt, thorough and impartial manner and hold accountable those responsible for failing to grant him access to life-saving medical care.

Tajikistan

At the beginning of the global Covid-19 pandemic, **the authorities of Tajikistan denied that Covid-19 had spread to Tajikistan**, despite media reports and social media accounts indicating that it was already progressing rapidly across the country. While state media backed up the government’s narrative of Tajikistan being a Covid-19 free country, **the bearers of bad news** – doctors and independent journalists and media outlets – **became targets of intimidation and harassment**.³⁸

Medical doctors reported being pressured by health officials not to refer suspected Covid-19 cases for testing or to disclose any information about such patients, and journalists were warned that they might face liability for publishing “false” information on Covid-19 related issues. For example, on 24 April 2020, the Ministry of Health criticised journalists for reporting cases of death due to Covid-19 like symptoms, warning them that anyone who “publishes incorrect and false information” about the Coronavirus “will be brought to account.”³⁹ When independent journalists, media outlets or civil society activists tried to obtain information and clarification from the health authorities in relation to Covid-19, they usually received no response and were excluded from press briefings in some cases. As a result, **citizens were left with pressing unanswered**

³⁸ For more information, see report on the human rights impact of the Tajikistani government’s Covid-19 response, issued by IPHR in September 2020: <https://www.iphronline.org/wp-content/uploads/2020/09/Covid-19-TAJ-final-upd.-2.09-1.pdf>

³⁹ “Минздрав Таджикистана обеспокоен ложными новостями о коронавирусе в СМИ”, 26 April 2020, <https://tj.sputniknews.ru/country/20200426/1031133615/minzdrav-tajikistan-obespokoen-lozhnye-novosti-koronavirus-smi.html>

questions about the pandemic, even if the authorities made available general information about the Coronavirus.⁴⁰

The authorities only confirmed the first Covid-19 cases on 30 April 2020, on the eve of the visit of a World Health Organisation (WHO) delegation to the country. Even after the authorities acknowledged the Covid-19 outbreak, **concerns remain about the lack of government transparency with respect to the pandemic**. The number of officially confirmed Covid-19 cases has been consistently lower than civil society estimates, and an independent, foreign-registered website recording alleged Covid-19 deaths (kvtj.info) was blocked in Tajikistan only days after it was launched in May 2020.⁴¹ In another example of how government information has contradicted that provided by non-state sources, the health minister insisted in late July 2020 that not a single doctor had died after contracting Covid-19 at work⁴², despite numerous independent reports about such cases.

The authorities have continued to accuse independent media outlets of “spreading panic” because of Covid-19 coverage, and they have adopted **new broadly worded legislation on “false” information**. This legislation, which entered into force on 7 July 2020, introduced amendments to the Code on Administrative Offenses that penalise the distribution of “inaccurate” and “untruthful” information on issues concerning the emergence and spread of diseases through the press or social and electronic networks. The new provisions establish heavy fines for violations, especially for legal entities. Civil society groups and media representatives had called for the rejection of the new provisions⁴³, fearing that they might be used to intimidate and silence media outlets, NGOs and others who share or quote unofficial reports and experiences on Covid-19 related issues, thus challenging official accounts. Since the provisions entered into force, **the information flow on the pandemic has greatly decreased on media and social media platforms**, and reports have emerged about **individuals being subjected to pressure after publishing information inconsistent with official Covid-19 reports**.⁴⁴

The practice of **arbitrary blocking of websites** also remains of concern, with news sites that carry reports critical of the authorities regularly being inaccessible in the country. A new anti-extremism law, which entered into force earlier this year, allows a number of state bodies to initiate the blocking of websites deemed “extremist” without any court decision.⁴⁵

As in the other countries of the region, **prisoners are at increased risk** during the Covid-19 pandemic. Among the prisoners reported to have contracted respiratory illnesses, with symptoms indicative of Covid-19 are journalist **Daler Sharipov** and independent lawyer **Buzurgmehr Yorov**. Daler Sharipov was detained in January 2020 on charges of “inciting religious hatred” widely regarded to be retaliation for his legitimate journalistic

⁴⁰ For more information, see report on the human rights impact of the Tajikistani government’s Covid-19 response, issued by IPHR in September 2020: <https://www.iphronline.org/wp-content/uploads/2020/09/Covid-19-TAJ-final-upd.-2.09-1.pdf>

⁴¹ “В Таджикистане стал недоступен портал с альтернативным списком погибших от COVID-19”, 11 May 2020, <https://rus.ozodi.org/a/30606373.html>

⁴² “Министр здравоохранения Таджикистана: «Ни один врач не скончался в результате заражения в медучреждениях»”, 24 July 2020, <https://www.asiaplustj.info/ru/news/tajikistan/society/20200724/ministr-zdravoohraneniya-tadzhikistana-ni-odin-vrach-ne-skonchalsya-v-rezultate-zarazheniya-v-meduchrezhdeniyah-ispravleno>

⁴³ A joint appeal by a number of civil society organisations, media outlets and individual, independent journalists was issued in June 2020. See:

<https://asiaplustj.info/ru/news/tajikistan/power/20200623/povod-dlya-presledovaniya-emomali-rahmona-i-rustam-emomali-prizvali-ne-prinimat-popravki-k-koap>

⁴⁴ For more information, see the briefing paper on fundamental rights prepared by IPHR for the EU-Tajikistan Human Rights Dialogue in November 2020: <https://www.iphronline.org/wp-content/uploads/2020/11/Briefing-paper-FR-Tajikistan.pdf>

⁴⁵ See more in report on media freedom in Tajikistan published by IPHR and Article 19 in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/ENG-Media-Report-TJ.pdf>

work, in particular his coverage of human rights, religion related and other controversial issues, as well as his criticism of government policies in these areas.⁴⁶ On 16 April 2020, he was sentenced to one year's imprisonment. Buzurgmehr Yorov was detained in September 2015 after providing legal assistance to members of the banned Islamic Renaissance Party of Tajikistan (IRPT) and the following year he was sentenced to 23 years in prison on extremism, "incitement" and other charges following a closed, unfair trial. His sentence was later increased to 28 years on additional politically motivated charges; however, in 2019, it was again reduced by six years under a general amnesty. The UN Working Group on Arbitrary Detention has found Yorov's detention to be in violation of international human rights law. He has reportedly been tortured in prison.⁴⁷

The authorities continue to **use accreditation requirements for foreign media as a means to discourage critical reporting**.⁴⁸ In August 2020, the foreign ministry refused to extend the accreditation of **Anushervon Aripov**, a journalist from Current Time (a Russian-language TV broadcaster operated by RFE/RL) after voicing discontent about a report by the journalist on the premature start of President Emomali Rahmon's campaign ahead of the October 2020 presidential elections.⁴⁹ The foreign ministry has also repeatedly withheld accreditation for journalists from Radio *Ozodi*, the Tajik service of RFE/RL. In a letter dated 30 March 2020, RFE/RL President Jamie Fly criticised the attempts of the foreign ministry to interfere with the service's operations, including its Covid-19 coverage. He said that the ministry "persists in refusing to accredit our journalists in what can only be understood as an effort to control who works for *Ozodi* and what they report".⁵⁰ The Central Commission on Elections and Referendums denied journalists from the locally based, independent Asia Plus media outlet special accreditation needed to cover the presidential elections, citing a technical reason.⁵¹

A **new law on non-commercial organisations** is currently being drafted, but **civil society organisations have not been invited to participate in this process**, although the law will directly affect them. NGOs were invited to comment on an earlier version of the draft law in May 2019, but it is not clear whether their comments were taken into account. At the time, they raised concerns, among others, about certain aspects of new registration requirements foreseen. NGOs continue to be subjected to **intrusive inspections** by various state bodies and **risk fines and other repercussions** for any violations of applicable regulations detected in the course of such inspections.

⁴⁶ For more information about Sharipov's case, see the following statement issued by IPHR, members of the Coalition against Torture and Impunity in Tajikistan and other local civil society groups and activists in April 2020: <https://www.iphronline.org/wp-content/uploads/2020/04/Statement-Sharipov-17.04.pdf>

⁴⁷ For more information about Yorov's case, see, for example, the description on the CIVICUS "Stand as My Witness" campaign site, where his case currently is featured: <https://www.civicus.org/index.php/involved/support-campaigns/stand-as-my-witness#spbb-modal-1594712756469>

⁴⁸ See more in report on media freedom in Tajikistan published by IPHR and Article19 in June 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/ENG-Media-Report-TJ.pdf>

⁴⁹ Reporters without Borders, "Journalist loses accreditation over report about Tajikistan's president", 25 August 2020, <https://rsf.org/en/news/journalist-loses-accreditation-over-report-about-tajikistans-president>

⁵⁰ The letter is available at: <https://pressroom.rferl.org/a/rferl-president-jamie-fly-letter-to-tajik-minister-of-foreign-affairs-sirojiddin-muhriddin/30520646.html>

⁵¹ The commission denied accreditation because a request from Asia Plus to the Ministry of Culture to renew its registration was pending. This type of registration is separate from the registration of media outlets as legal entities and is only meant to help the Ministry of Culture keep track of the number of media outlets operating in the country. See more at: <https://asiaplustj.info/en/news/tajikistan/society/20200929/ccer-of-tajikistan-denies-accreditation-to-journalists-of-asia-plus-for-presidential-elections>, <https://newreporter.org/2020/10/09/zhurnalistam-v-tadzhikistane-meshayut-rabotat-chto-delat/>

Recommendations to the authorities of Tajikistan

- Promote transparency and access to information on issues relating to the Covid-19 pandemic, and ensure that media, journalists, civil society organisations and individual social media users are not subjected to intimidation and harassment in retaliation for publishing or sharing such information.
- Ensure that the recently adopted legal provisions prohibiting the distribution of “inaccurate” and “untruthful” online information on the emergence and spread of diseases are not implemented in ways that stifle the legitimate exercise of freedom of expression.
- Take adequate measures to protect the health of prisoners at this time of Covid-19 pandemic and release prisoners who have been convicted in violation of international human rights standards, as highlighted by human rights organisations and international human rights bodies.
- Refrain from misusing accreditation requirements to punish media outlets for reporting that is critical or perceived as critical of the authorities, including in relation to the Covid-19 pandemic.
- Ensure that websites are not blocked as a form of reprisal for the publication of information that does not please the authorities.
- Take due account of the views of civil society in the elaboration of the draft law on non-commercial organisations and ensure that the provisions of this law are fully consistent with Tajikistan’s international human rights obligations.
- Ensure that inspections of NGOs carried out by state bodies do not result in undue interference into the activities of the organisations targeted and that NGOs do not face unfounded or disproportionate penalties for alleged violations of a technical nature.

Turkmenistan

Turkmenistan’s government tightly controls the flow of information, suppresses dissent and covers up developments that may reflect badly on those in power. Its approach to the global Covid-19 pandemic fits into this pattern: it has **responded with denial, lack of transparency and attempts to hide the truth**.

Thus, the government has **continued to insist that there are no cases of Covid-19 infections** in the country, although independent, exile-based sources have reported about a widening outbreak of Covid-19, with hospitals being strained by the influx of people with acute respiratory conditions classified as pneumonia – known as a serious complication of Covid-19 – and growing mortality rates.⁵²

The authorities have **pressured doctors to participate in covering up the Covid-19 outbreak** by disguising such cases and refraining from sharing information about them. Medical workers have been prohibited from using their cell phones at work in an apparent attempt to prevent them from documenting Covid-19 cases. In one case, a doctor working in a quarantine zone, who forgot to remove his phone from his pocket during his shift, was detained by security services, questioned and warned that he might be criminally charged if found to have shared photo or video material with foreign media.⁵³ Medical professionals have also been **intimidated for raising concerns about the lack of adequate resources for the diagnosis and treatment** of people with acute respiratory conditions. For example, after more than 100 medical workers in Turkmenabat appealed to

⁵² For more information, see report on the human rights impact of the government’s response to the Covid-19 pandemic in Turkmenistan, published by IPHR and TIHR in July 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-Turkmenistan-report.pdf>

⁵³ TIHR, “В Туркменабате допросили врача, у которого нашли мобильный при входе в карантин”, 17 April 2020, <https://www.hronikatm.com/2020/04/mobile/>

the regional authorities to provide hospitals with more means of personal protection, medicine and equipment, they were warned that the appeal was “contradictory to the president’s policies” and that they might be held accountable.⁵⁴

In addition, the authorities have **sought to stifle discussion about the Covid-19 pandemic among residents** and supposedly prevent “panic”, including by detaining and threatening people speaking about Covid-19 related issues in public places. While national state-controlled media outlets have only communicated state-endorsed messages on Covid-19, the authorities have **continued their attempts to impede the work of independent Turkmenistan-covering outlets based abroad**. TIHR has been subjected to **intensified cyberattacks** on its website, which it believes have been initiated by the Turkmenistani security services in retaliation for its independent coverage of Covid-19 related and other recent developments in Turkmenistan. Like other independent websites covering Turkmenistan, TIHR’s website is only accessible to people living in Turkmenistan with the help of censorship circumvention tools such as VPNs (Virtual Private Networks).

In spite of their policy of Covid-19 denial, the authorities stepped up Covid-19 preventive measures in the summer. However, they **did not explain the real purpose of these measures** to citizens, referring instead to an allegedly increased level of dust in the air and the supposedly documented risk of viruses being born by air currents from abroad. Moreover, in addition to obstructing the visit of a WHO mission to the country for weeks, the authorities reportedly transferred patients with Covid-19 like symptoms out of hospitals, which the WHO experts were due to visit and took other steps to **prevent the experts from finding out the real Covid-19 situation**. At the end of their visit, the WHO experts flagged concerns about the increase in cases of acute respiratory infections and called on the authorities to act as if Covid-19 had begun to spread in the country. However, they stopped short of saying that the Covid-19 pandemic already was affecting the country, and the Turkmenistani authorities have continued to maintain that there are no Covid-19 cases. While the WHO announced in early August 2020 that the president of Turkmenistan had agreed to a new WHO mission to the country for the purpose of independently sampling suspected Covid-19 patients, this mission had yet to take place as of late October 2020.⁵⁵

The failure of the Turkmenistani authorities to respond appropriately to the Covid-19 pandemic has contributed to reinforced resentment with the government, at a time when citizens also are suffering from the fallout of a protracted economic crisis. Recent months have seen **growing expressions of discontent on social media, several spontaneous protests inside the country and a wave of anti-government rallies staged by diaspora communities abroad**. These developments have prompted the authorities to step up pressure on critical voices.⁵⁶

National **security services have targeted activists based abroad both directly and through their relatives** in Turkmenistan. **Dursoltan Taganova**, an activist of the newly created opposition initiative “Democratic Choice of Turkmenistan”, was detained by Turkish police ahead of a planned rally outside Turkmenistan’s consulate in Istanbul in mid-July 2020 and placed in a migration centre pending deportation in apparent retaliation for her

⁵⁴ TIHR, “Врачи Туркменабата потребовали обеспечить их средствами защиты, в ответ прокуратура пригрозила им уголовной ответственностью”, 4 August 2020, <https://www.hronikatm.com/2020/08/medics-demands/>

⁵⁵ See more in this TIHR news update (in Russian) from 20 October 2020: <https://www.hronikatm.com/2020/10/who-where-when-2/>

⁵⁶ For more information, see the following IPHR-THR update published in September 2020: <https://www.iphronline.org/turkmenistan-wave-of-protests-prompts-growing-pressure-on-activists-as-government-continues-covid-19-denial.html>

civic engagement.⁵⁷ If sent back to Turkmenistan, Taganova would be at serious risk of arbitrary detention, torture and politically motivated imprisonment. On 12 October 2020, she was released from detention, and her application for asylum in Turkey is currently under consideration.⁵⁸ However, she remains at risk and her family has been informed that she has been declared wanted in Turkmenistan and will be arrested if she returns.⁵⁹ In addition, the authorities have initiated a defamation campaign against her.⁶⁰ Taganova's relatives in Turkmenistan have been subjected to ongoing intimidation and harassment since the activist first appeared in video appeals critical of the government without hiding her face in mid-June 2020.⁶¹

Relatives in Turkmenistan of Turkey-based **Khamida Babadjanova** and Russia-based **Azat Isakov** have also been subjected to intimidation and warned that these activists will be held accountable unless they stop appearing on YouTube.⁶² Like Taganova, these activists have posted videos critical of the government without hiding their faces.

In addition to activists based abroad and their relatives, **Turkmenistan-based individuals have also been targeted for using social media platforms to speak out against the government** or for allegedly having contacts with exile-based opposition activists. In some cases, such individuals have been detained. For example, the national security services detained **Murad Dushemov** and his mother in Ashgabat on 16 June 2020, two days after he published a YouTube appeal, in which he criticised the government and the exile-based opposition and called on political movements to work together with people in the country. The activists did not hide his face in the appeal. Dushemov's mother was released later the same day, while Dushemov was held for ten days before being transferred to house arrest. It is not known what charges were levelled against him.⁶³ In another case, in a closed trial held on 29 September 2020, a court in Balkanabad sentenced **Pygambergeldy Allaberdyev** to six years in prison on charges believed to have been brought in retaliation for his alleged ties to activists abroad.⁶⁴

At this time, there are also **serious reasons to fear for the health, well-being and lives of those within the Turkmenistan's secretive prison system**, in particular those held on politically motivated grounds.

⁵⁷ The formal ground for the order for Taganova's deportation was a visa violation. As many fellow citizens living Turkey, Taganova has been unable to renew her Turkmenistani passport through the embassy there and, thus, to renew her Turkish visa.

⁵⁸ Memorial Human Rights Centre, "Туркменскую активистку Дурсолтан Таганову, освобождённую из депортационного центра в Турции, на родине объявили «мошенницей»", 26 October 2020, https://memohrc.org/ru/news_old/turkmenskuyu-aktivistku-dursoltan-taganovu-osvobozhdyonnuyu-iz-deportacionnogo-centra-v

⁵⁹ See the previous footnote.

⁶⁰ ТИHR, "Власти Туркменистана развернули кампанию по дискредитации активистки Тагановой", 30 October 2020, <https://www.hronikatm.com/2020/10/dursoltan-d-ark/>

⁶¹ See the previous footnote.

⁶² For more information, see the following IPHR-THR update published in September 2020:

<https://www.iphronline.org/turkmenistan-wave-of-protests-prompts-growing-pressure-on-activists-as-government-continues-covid-19-denial.html>

⁶³ For more information, see the following IPHR-THR update published in September 2020:

<https://www.iphronline.org/turkmenistan-wave-of-protests-prompts-growing-pressure-on-activists-as-government-continues-covid-19-denial.html>

⁶⁴ See statement issued by Human Rights Watch and nine other NGOs on 22 October 2020,

<https://www.hrw.org/news/2020/10/22/turkmenistan-drop-charges-free-wrongfully-imprisoned-lawyer>; and update published by the Memorial Human Rights Centre on 28 September 2020, https://memohrc.org/ru/news_old/turkmenistan-naznachena-data-suda-nad-yuristom-v-balkanabade-podozrevaemym-v-svyazyah-s

Recommendations to the authorities of Turkmenistan:

- Put an end to the policy of denial and cover-up in relation to Covid-19 and acknowledge the current public health crisis in the country.
- Take adequate measures to inform the public about this crisis and to protect the health of citizens at this time, in accordance with the recommendations of the WHO.
- Stop pressuring medical workers to participate in covering up the Covid-19 outbreak in the country and ensure that no one is subjected to retaliatory measures for documenting, sharing and discussing information on Covid-19 related issues.
- Put an end to intimidation and harassment of individuals residing in Turkmenistan and abroad who are exercising their freedoms of expression, association and assembly in peaceful and legitimate ways to communicate their concerns with respect to the current situation in Turkmenistan, including the public health crisis.
- Ensure, in particular, that no one is criminally charged, arrested or imprisoned on the grounds just mentioned.
- Refrain from measures restricting the access of citizens to foreign sources of information and ensure that TIHR and other Turkmenistan-covering organisations based abroad are not subjected to government-initiated interference with their website operations.

Uzbekistan

In the context of the Covid-19 pandemic, the Uzbekistani authorities have continued to restrict the exercise of fundamental freedoms and suppress criticism of those in power.

Newly introduced restrictions on freedom of expression are of particular concern. Amendments to the Criminal Code adopted in March 2020 **punish the dissemination of “false” information about the spread of Covid-19 and other infectious diseases** by fines or up to three years’ imprisonment. Human rights defenders have criticised these provisions as another tool of repression and their adoption appears to have **discouraged online posts and discussions on Covid-19 related issues**.

During the Covid-19 pandemic, independent journalists, bloggers and others critical of the authorities have been subjected to growing pressure. As of the beginning of November 2020, the Justice for Journalists site had recorded more than 90 incidents involving **threats and attacks against media workers** since the beginning of the year. Eleven of these were directly related to the pandemic.⁶⁵

In a persistent pattern, journalists, bloggers, civil society activists and human rights defenders are subjected to **state surveillance, unofficial “blacklisting” by the security services, smear campaigns, arbitrary detention and other measures aimed at deterring them from carrying out their work**.⁶⁶ In examples of harassment seen in recent months, blogger **Miraziz Bazarov** was summoned for questioning by the state security services after posting a Facebook message critical of the authorities in late July 2020,⁶⁷ while journalists **Vlad Avdeev** and

⁶⁵ See <https://jff.fund/>

⁶⁶ For more information, see IPHR-ACHRA briefing paper for EU-Human Rights Dialogue, September 2020, <https://www.iphronline.org/wp-content/uploads/2020/10/Briefing-UZB-6.10-final.pdf>

⁶⁷ Radio Ozodlik, “Ташкентского блогера вызвали на допрос в спецслужбы после постов в соцсетях, в которых он обратился к руководствам МВД и АБП”, 30 July 2020, <https://rus.ozodlik.org/a/30755833.html>

Darina Solod from Hook.report became victims of online defamation after publishing information about Bazarov's case⁶⁸.

In September 2020, long-time human rights defender **Tatyana Dovlatova**, leader of the Open Line initiative group, learned that a criminal case had been opened against her in a move that appeared intended solely to disrupt her legitimate human rights work.⁶⁹ Two prisoners had allegedly filed a complaint against Dovlatova, accusing her of photographing them and posting the pictures on social media without their consent. There are credible allegations that these prisoners were forced to lodge the complaints under duress. Dovlatova regularly monitors conditions in prison settlement colonies (which are open to visitors), assist prisoners with defending their rights and documents allegations of torture and other violations. The exact charges against the defender are not known, as Dovlatova's lawyer has not received answers to her requests for information about the criminal case against her client.

Former political prisoners who have been released since President Shavkat Mirziyoyev came to power are among those targeted for persecution.⁷⁰ In a recent example, IPHR and AHRCA received credible reports that the house of religious scholar **Rukhiddin Fahriddinov**, who was released in an amnesty in August 2020, was put under surveillance after his release and that plainclothes officers stationed there took photos of his visitors. Fahriddinov was imprisoned as part of a state crackdown on independent religious figures and spent 15 years behind bars on extremism charges considered politically motivated.⁷¹ He has so far been unable to challenge his conviction, and thus to seek legal rehabilitation. Human rights defender **Agzam Turgunov**, who was released in 2017 after serving nine years of a ten-year prison sentence handed to him on trumped-up charges, has also been denied the possibility to legal rehabilitation. He has reported ongoing surveillance and online defamation, and his applications for registration of a new NGO have been rejected (see more below).

The government continues to seek the extradition of government critics on politically motivated charges. In a recent example, independent journalist **Bobomurod Abdullayev** (another former political prisoner) was arrested in Kyrgyzstan on 9 August 2020 and subsequently extradited to Uzbekistan on anti-constitutional charges, which were believed to constitute retaliation for his journalistic work. Immediately after his arrival in Tashkent, he was interrogated by the state security services for several hours before being released, while the investigation against him continued. However, in late October 2020, he reported that the criminal case against him had been closed.⁷² While this outcome was a relief, the case against Abdullayev illustrates the dangers that independent journalists continue to face in Uzbekistan, and there are concerns that Abdullayev remains under close state surveillance and control.

The authorities **obstruct the attempts of independent human rights organisations to obtain mandatory state registration** by returning or denying their applications for registration on spurious grounds.⁷³ For example,

⁶⁸ ACCA Media, "Узбекистан: власти продолжают дискредитировать журналистов", 4 November 2020, <https://acca.media/uzbekistan-vlasti-prodolzhayut-diskreditirovat-zhurnalistov/>

⁶⁹ See joint statement issued by AHRCA, IPHR and the Norwegian Helsinki Committee, 29 September 2020, <https://www.iphronline.org/uzbekistan-cease-legal-harassment-of-human-rights-defender.html>

⁷⁰ For more information, see IPHR-ACHRA briefing paper for EU-Human Rights Dialogue, September 2020, <https://www.iphronline.org/wp-content/uploads/2020/10/Briefing-UZB-6.10-final.pdf>

⁷¹ "Popular Ex-cleric Freed In Uzbek Amnesty After 15 Year-term", 28 August 2020, <https://www.barrons.com/news/popular-ex-cleric-freed-in-uzbek-amnesty-after-15-year-term-01598627705>

⁷² "В Узбекистане завершено уголовное дело в отношении журналиста Бобомурода Абдуллаева", 24 October 2020, <https://rus.azattyk.org/a/30910050.html>

⁷³ For more information about the obstacles related to NGO registration in Uzbekistan, see the following publications: <https://www.gazeta.uz/ru/2020/01/27/ngo/>; <https://www.gazeta.uz/ru/2020/02/12/answer/>; <https://dilmurad.me/category/civil-society/>

since February 2019, the Ministry of Justice has rejected the request of human rights defender and former political prisoner Agzam Turgunov to register a human rights organisation six times on various pretexts. The **latest refusal to register his NGO “Human Rights House” was received in October 2020**. Tatyana Dovlatova is currently in the process of seeking registration for her human rights initiative group “Open Line”.⁷⁴

Human rights activists from Uzbekistan who live **in exile** also continue to face intimidation and harassment, including attempts to discredit them.

The new version of the **draft law on assemblies**, which was put forward for public consultation in August 2020⁷⁵, **retains the problematic requirement for** the organisers of protests to obtain **advance permission** from the authorities rather than providing for a notification procedure. Human rights NGOs are concerned that this will enable the authorities to refuse to allow assemblies to take place on arbitrary grounds. In addition, the draft law prohibits holding assemblies in a number of places, such as near government buildings, courts, and monuments, which limits opportunities to hold protests within the sight and sound of target audiences. The changes made to the relevant provisions compared to the earlier version of the draft law, which was put forward last year, do not address the basic problematic nature of these provisions.⁷⁶

A new **draft law on non-governmental non-commercial organisations** is also being elaborated. There are serious concerns about the **lack of transparency of this process** and the failure to involve a wide range of civil society actors in it. Experts have criticised the first version of the draft law for retaining provisions that establish excessive state control over the activities of NGOs.⁷⁷

Recommendations to the authorities of Uzbekistan:

- Refrain from implementing the legal provisions prohibiting the distribution of “false” information about infectious diseases in ways that suppress legitimate free speech.
- Ensure that independent civil society activists, human rights defenders, journalists, bloggers, social media users and former political prisoners are not subjected to intimidation and harassment, including trumped-up criminal charges in retaliation for their professional activities and peaceful exercise of fundamental freedoms.
- Clarify the requirements for civil society groups to obtain state registration, publish this information, and ensure that requests for registration are not rejected or obstructed on arbitrary grounds. Swiftly register the “Human Rights House” NGO headed by Agzam Turgunov and the “Open Line” initiative group led by Tatyana Dovlatova.
- Ensure that the new law on assemblies that is being elaborated is consistent with Uzbekistan’s international human rights obligations, in particular article 21 of the ICCPR.

⁷⁴ For more information, IPHR-ACHRA briefing paper for EU-Human Rights Dialogue, September 2020, <https://www.iphronline.org/wp-content/uploads/2020/10/Briefing-UZB-6.10-final.pdf>

⁷⁵ This version of the draft law is available at: <https://www.gazeta.uz/ru/2020/08/20/rallies/>

⁷⁶ In the new version of the draft law, the period for submitting applications to hold assemblies has been shortened from 30 to 15 days ahead of events, while the distance within which assemblies are not allowed near government buildings and other relevant places has been shortened from 500 to 300 meters.

⁷⁷ See expert comments in the following article published by the Central Asian Bureau for Analytical Reporting in October 2020: <https://cabar.asia/en/regulation-of-ngos-in-uzbekistan-control-or-partnership>

- Increase transparency around the draft code on non-governmental non-commercial organisations, encourage meaningful input from a wide range of civil society actors and ensure that the law does not restrict the right to freedom of association in violation of international standards.