



No space for criticism: Excessive restrictions on fundamental freedoms across Central Asia

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

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AHRCA - Association for Human Rights in Central Asia

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Contents

- Introduction 1
- Kazakhstan 1
- Kyrgyzstan 5
- Tajikistan 9
- Turkmenistan 14
- Uzbekistan 19

Introduction

The countries of Central Asia currently battle with the fallout of the Covid-19 pandemic, serious economic and social problems, and renewed security concerns arising due to the recent developments in Afghanistan. In their attempts to hold on to power in this complex situation, the region's leaders **continue to impose wide-ranging restrictions on fundamental freedoms and to implement harsh measures to prevent scrutiny and criticism of their policies.**

Major, alarming trends include:

Persecution of government critics: Across the region, government critics are subjected to intimidation and harassment ranging from orchestrated online attacks, anonymous threats and surveillance to being summoned, prosecuted and convicted on trumped-up charges.

As **Kyrgyzstan** has taken an increasingly authoritarian turn following last year's political crisis and President Sadyr Japarov's rise to power, outspoken activists, journalists and lawyers have faced increased threats and harassment. Those targeted particularly include critics of the new controversial constitution, which significantly increased the president's powers without providing for adequate checks and balances and reduced the role of parliament, due to be elected this month, more than a year after the cancellation of the results of the previous elections.

Despite President Shavkat Mirziyoyev's pledges to promote democratic reform, the October 2021 presidential elections in **Uzbekistan** featured no genuine competition. Prior to the elections, opposition parties were denied registration and opposition members, bloggers and other government critics faced renewed pressure and harassment. This worrisome development continues after the elections, in which Mirziyoyev, as expected, was re-elected for a second term.

Under President Kassym-Jomart Tokayev, who came to power in 2019, the authorities in **Kazakhstan** continue to suppress political opposition and crack down on government critics. The authorities have particularly stepped up their campaign against people accused of participating in or supporting opposition movements banned as purportedly "extremist", holding them to account for peaceful actions of expression and protest.

The authorities of **Turkmenistan** have targeted dissidents both at home and abroad as part of a widening crackdown unleashed in response to growing expressions of discontent on social media and during protests held by diaspora communities. Any citizen who openly criticises the situation in the closed country, ruled by President Gurbanguly Berdimukhamedov, risks repercussions, as do their relatives.

Under the entrenched authoritarian rule of President Emomali Rahmon in **Tajikistan**, persecution of members of the political opposition is ongoing. Independent journalists, and lawyers continue to be targeted by intimidation and reprisals for their work on politically sensitive issues and cases.

Pattern of politically motivated persecution and imprisonment: The ongoing pattern of politically motivated prosecution and imprisonment of activists, journalists and lawyers following unfair trials is of serious concern across the region.

In **Kazakhstan**, a prominent victim of this practice, poet-dissident Aron Atabek was released in October 2021 after spending more than 15 years in prison. His harsh prison experience has taken a heavy toll, leaving him seriously debilitated, and shortly after his release he was hospitalised in intensive care due to Covid-19 related pneumonia. He remains in a critical condition.

The authorities of **Kyrgyzstan** have to date failed to ensure an impartial and effective investigation into last year's death in prison of human rights defender Azimjan Askarov, and no one has been held accountable for this tragic outcome. Askarov died due to Covid-19 related pneumonia after unjustly spending ten years behind bars. The authorities recently reopened the investigation into his death, but serious concerns about its nature remain.

In **Tajikistan**, lawyer Buzurgmehr Yorov continues to serve a lengthy prison sentence, which was handed down to him in closed and unfair proceedings after he defended high-ranking opposition members in 2015. His co-defendant, lawyer Nuriddin Mahkamov also remains in prison on charges considered politically motivated.

In **Turkmenistan**, journalist Nurgeldy Khalykov was imprisoned last year in retaliation for his cooperation with a Turkmenistan-covering organisation based in exile, while doctor Khursanai Ismatullaeva was prosecuted this summer after seeking help from exile-based human rights groups in her struggle to obtain justice for her unfair dismissal from a medical clinic. The authorities have also sought the return of activists based abroad, who if sent back would be at serious risk of prosecution and imprisonment on trumped-up charges and other rights violations.

In **Uzbekistan**, blogger Miraziz Bazarov is facing trumped-up criminal charges after criticising the lack of transparency in the government's use of Covid-19 related loans and the double standards amongst officials in relation to LGBTI people. Another blogger, Otabek Sattoriy was imprisoned earlier this year on charges believed to have been fabricated to punish him for speaking out on corruption among local officials.

The individuals mentioned above are only a few of those who have been prosecuted and imprisoned on politically motivated charges in the region; there are many other victims of this practice, too.

Withholding information of public interest and restricting free speech: The Central Asian authorities continue to **prevent access to information on issues of public importance, including public health issues in the context of the global Covid-19 pandemic.** This problem has been particularly prevalent in **Turkmenistan**, whose government has consistently denied and covered up the national Covid-19 outbreak throughout the pandemic. The **Tajikistani** government has also failed to adopt a transparent approach about the pandemic, claiming victory over it earlier this year and denying the occurrence of new Covid-19 cases for months before being forced to admit that there was a new wave.

The pattern of muzzling independent media continues and the Central Asian authorities use various tactics to **obstruct the dissemination and exchange of information critical of those in power on online platforms.** The authorities have **blocked access to independent news sites, social media and other internet resources** and initiated other measures restricting the operation of online resources, using arguments such as national security concerns, personal data considerations, and the protection of children.

The Central Asian authorities have also **misused the fight against “disinformation” to restrict legitimate free speech** on and offline. In **Kazakhstan**, a pre-existing criminal code provision on “knowingly disseminating false information” has been used to stifle criticism, along with other overly broad criminal charges. In **Kyrgyzstan, Tajikistan and Uzbekistan**, new vaguely worded legislation banning the dissemination of “false” information has been enacted with negative implications especially in relation to online discussions. The **Turkmenistani** authorities consider any information challenging the government narrative “false” and seek to prevent access to such information through internet censorship and intimidation.

Repressive civil society environment: The operating environment for civil society organisations remains highly challenging across the region. Excessive state oversight of NGOs is an ongoing problem, and it is of particular concern that legislation setting out financial reporting obligations might be implemented in a way that restricts the legitimate activities of NGOs. For example, ahead of the January 2021 parliamentary elections, leading human rights NGOs in **Kazakhstan** were threatened with suspension because of alleged minor, technical mistakes made when reporting about foreign grants. The recent adoption of legislation introducing a new financial reporting scheme for NGOs in **Kyrgyzstan** has prompted concerns that a similar scenario might occur there. The **Tajikistani** authorities have arbitrarily applied tax legislation to harass independent civil society organisations, requiring them to pay income tax on foreign grants, although this is not provided for by law.

Contrary to its commitment to improve the operating space for civil society, the **Uzbekistani** government continues to deny compulsory state registration to newly established, independent NGOs on technical and unsubstantiated grounds. For example, the NGO Human Rights House was denied registration for the eighth time in August 2021, and the following month a local court refused to review the group’s complaint against the government’s refusal to register it. No independent human rights NGOs are able to operate inside **Turkmenistan**, and the clandestine contributors of exile-based NGOs work at great risk. Exile-based groups have also been subjected to pressure, including inference with their website operations and social media content takedowns due to government abuse of mechanisms for reporting copyright violations.

Across the region, human rights NGOs face widespread mistrust, with **arguments about defending national security and so-called traditional values** being used by decisionmakers, aggressively-minded activists and online trolls to stigmatise, discredit and intimidate groups advocating for the rights of women, LGBT and other vulnerable groups.

Kazakhstan

Crackdown on government critics and politically motivated imprisonment

In the recent period, the Kazakhstani authorities have further stepped-up persecution of critics of the regime. In a pattern criticised by international human rights bodies,¹ the authorities are using **charges of overly broad criminal offenses** such as involvement in “extremist” groups (article 405 of the Criminal Code), “inciting discord” (article 174) and “disseminating false information” (article 274) **to target and penalise opposition supporters, civil society activists, bloggers, protest participants and others who are exercising their freedoms of expression, association and assembly in peaceful ways** to criticise those in power and demand democratic change.

The authorities have in particular **widened their crackdown on people accused of participating in or supporting two peaceful opposition movements, which have been banned as “extremist” through non-public court decisions: the Democratic Choice of Kazakhstan (known under its Russian abbreviation DVK) and the Street Party. Dozens of people have been detained, questioned and prosecuted for their alleged association with these two movements** because they have posted and reposted social media messages in support of them, participated in peaceful protests initiated by them and engaged in other peaceful activities that have nothing to do with violent extremism.

Most of those convicted on charges of participating in the DVK and the Street Party have been given non-custodial **restriction of freedom** sentences but have also typically been **banned from engaging in civic and political activities** for several years. In addition, they have had their **bank accounts frozen** and been prevented from conducting any bank operations for being convicted of “extremist” offenses, which has a serious impact on their lives and de-facto condemn them to poverty.² According to KIBHR’s information³, **more than 10 people have been imprisoned on charges relating to their involvement in the two banned groups** in the last few years, and **others are currently held in pre-trial detention** on such charges.

In a **high-profile court case**, which KIBHR called “the culmination to date of the campaign of politically motivated persecution of opposition supporters”, **13 activists went on trial in July 2021 for allegedly creating and participating in the Street Party**. The prosecution accused them of “transforming” the previously banned DVK into the Street Party.⁴ As highlighted by KIBHR, the prosecution failed to present any evidence that the defendants had committed unlawful actions, instead holding them to account for actions of peaceful expression and protest.⁵ In a ruling issued on 11 October 2021, an Almaty district court nevertheless convicted all of the defendants. Four of them -- Abay Begimbetov, Noyan Rakhimzhanov, Askhat Zheksebaev and Kairat Klyshev – received five-year prison terms, while the rest were sentenced to one to two years of restricted freedom. The court also imposed bans on engaging in political and public activities for the defendants.⁶ Five of the defendants had been held in detention for months pending trial.⁷

The campaign against the DVK and the Street Party is carried out in a context characterised by the **lack of genuine space for political opposition groups** in Kazakhstan and **the failure of opposition parties to obtain registration**. For example, the recently founded opposition Democratic Party was unable to participate in the January 2021 parliamentary elections after being prevented from holding its founding congress and applying for registration, and people associated with the party have been subjected to pressure.⁸

In addition to people accused of being associated with opposition movements, other critical voices also remain at the risk of prosecution on overly broad criminal charges. Civil society activist **Max Bokayev** is a prominent victim of prosecution on charges of “inciting discord” and “disseminating false information”. Following an unfair trial held in 2016, he was sentenced to five years in prison on these charges, as well as additional charges of violating the procedure for holding assemblies because of his involvement in nation-wide protests against controversial land reforms.⁹ Bokayev was released from prison after completing his sentence in February 2021, but **remains subject to restrictions**: in accordance with his original conviction, **he is prohibited from engaging in public activities** for three years upon release and additionally, based on a court order, he is now under “administrative supervision” involving **restrictions on his movement and a ban on “discussing socially important issues” and “expressing his views”** on such issues in public places.¹⁰ These restrictions are in direct violation of his right to freedom of expression, association and assembly.

In another recent, welcome development, 68-year-old poet and dissident **Aron Atabek was released after spending more than 15 years in prison** on charges considered politically motivated. On 1 October 2021, a Pavlodar court ruled to release Atabek and replace the remaining part of his prison sentence with one year of restricted freedom entailing probational control and restrictions on his movement. The ruling was made with reference to Atabek’s serious health condition.¹¹ Atabek’s prison experience has taken a heavy toll and in the months prior to his release he experienced severe spine-related pain and difficulties walking and lifting his hands.¹² Following his release, his health continued to deteriorate and in mid-October 2021 he was **hospitalised in an intensive care unit due to Covid-19 related pneumonia**.¹³ At the time of writing, his condition remains alarming.¹⁴ As regards the nature of his release, his family has stressed that he continues to seek full legal rehabilitation.¹⁵

While Max Bokayev, Aron Atabek and several others imprisoned on charges considered politically motivated have been released in recent months, **other names have instead been added to the list of those designated as political prisoners by local human rights defenders**. Currently this list features more than a dozen names, including both individuals serving prison sentences and those currently held in pre-trial detention on politically motivated charges.¹⁶ Among them are those convicted in the high-profile case against alleged DVK and Street Party supporters mentioned above.

Punitive use of psychiatric detention

Another issue of serious concern is the continued **use of psychiatric detention for punitive purposes**. In several recent cases, **individuals have been committed to psychiatric institutions under circumstances suggesting that this has been done in retaliation for their criticism of the authorities, in particular as none of them have had any previous known history of mental health issues**. For example, outspoken blogger and journalist **Aigul Utepova**¹⁷ and peaceful protester **Valikhan Sultanov**¹⁸ were both subjected to psychiatric examinations on unsubstantiated grounds, while civil society activist **Yerulan Amirov**¹⁹ was forcibly placed in a psychiatric institution in June 2021 to undergo treatment after having been criminally charged over a video in which he called on young people to speak out about government corruption. As of mid-October 2021, he remained in this institution.

Violations of the right to freedom of peaceful assembly

Although hailed as progressive by the authorities, the new law on organising and conducting peaceful assemblies adopted in Kazakhstan in May 2020 falls short of international human rights standards. In particular, it **de-facto** retains the requirement to obtain advance permission from authorities for holding assemblies, despite the fact that the wording has been changed. Following the entry into force of the new law, the authorities have continued to restrict the right to freedom of peaceful assembly: permission to hold peaceful protests has been denied on various pretexts, and the organisers and participants in “unsanctioned” protests – especially protests initiated by opposition movements -- have been detained, fined and sentenced to various terms of administrative arrest. Protests on issues that are not perceived as controversial by the government are typically allowed to take place, which shows a selective approach. Well-known civil society activists are often “preventively” detained ahead of planned peaceful protests.

Since summer 2020, law enforcement authorities have also actively used the tactic of “kettling” against participants in “unsanctioned” protests. This tactic involves the use of police cordons who contain peaceful protesters in small areas for several hours without allowing them to leave (unless they need to be hospitalised) or to get food, or go to the toilet. Kettling is meant to be used as a police strategy of crowd control when needed in exceptional situations to prevent violence during assemblies, but Kazakhstani authorities are using it to unlawfully detain people who have gathered without prior official permission but who protest entirely peacefully. Local human rights defenders have stressed that, when used this way, this tactic violates both national and international law.²⁰

Problematic financial reporting obligations for NGOs

In the run-up to the January 2021 parliamentary elections, more than a dozen Kazakhstani NGOs, including leading human rights organisations were subjected to pressure in a campaign carried out by the tax authorities. These NGOs faced heavy fines and the suspension of their activities for up to three months because of alleged minor, technical mistakes made in forms they are required to file with tax authorities to inform them about the receipt of funds from foreign sources and the use of such funds.²¹ Following a domestic and international outcry, the charges against the NGOs were dropped.²² However, although the campaign came to a halt this time, the problematic reporting requirements are still in place and the risk remains that alleged reporting allegations might be used as a pretext to put pressure on “inconvenient” NGOs, which document and seek accountability for human rights violations.

Online smear campaigns targeting human rights NGOs and defenders continue. Last year, prominent human rights defender and director of KIBHR, Yevgeniy Zhovtis was the target of a well-orchestrated smear campaign due to his criticism of the new draft law on assemblies (see more above about this law), which was conducted through pro-government online media and social media accounts and was allowed to take place with impunity.²³

Online censorship

In another development of concern, legislation currently under consideration in Kazakhstan could result in new restrictions on the operation of internet platforms, social media networks and messenger apps. A draft law passed by the lower house of parliament on first reading in mid-September 2021 requires foreign online platforms, social media and messenger apps to register with national authorities and set up offices in Kazakhstan in order to operate in the country. If they fail to comply, the online resources

could be blocked in the country.²⁴ The proposed provisions were introduced as part of a package to protect children and have been argued to be aimed at fighting cyber bullying. However, human rights defenders believe that this is used as a pretext to step up control over the use of online portals and networks²⁵, in particular given previous attempts of the authorities to stifle free speech online, including by prosecuting bloggers critical of the authorities and occasionally blocking and interfering with social media.

In a joint appeal, a number of **human rights defenders and journalists criticised the proposed provisions as “repressive” and concluded that they de-facto are aimed at “introducing censorship”**. They warned that there is a real risk that the new provisions could result in that foreign online platforms and networks refuse to register in Kazakhstan under the proposed conditions and that residents of the country therefore will be deprived of access to these resources. They called for the abolition of the proposed provisions and launched a petition to this end, which had gathered more than 10,000 signatures as of the end of October 2021.²⁶

In a further development, which also gave rise to concerns about growing internet censorship, the Kazakhstani government announced on 1 November 2021 that it had **obtained “direct” and “exclusive” access to Facebook’s internal content-reporting system**, saying that this would help ensure the removal of allegedly unlawful and “harmful” content posted on the platform.²⁷ A spokesperson of the company that owns Facebook, Meta Platforms, subsequently denied that the Kazakhstani government had been granted any privileged treatment, saying that Facebook follows “a consistent global process” to assess requests for the removal of content.²⁸ However, **the lack of transparency surrounding Facebook’s procedures for content removal**, as recently highlighted by its own Oversight Board²⁹, reinforces concerns about the potential negative implications of its increased cooperation with the Kazakhstani government in this area. Thus, there is reason to fear that the Kazakhstani government will attempt to use its cooperation with Facebook to censor content that is critical of the government and to stifle legitimate free speech.

Following the government’s announcement about its agreement with Facebook, one of the MPs supporting the legislative initiative on “cyberbullying” described above said that he was open to “softening” the language of this bill.³⁰ However, at the time of writing, no changes to the draft law are known to have been initiated.

Recommendations to the Kazakhstani authorities:

- Stop misusing broadly worded criminal code provisions to target people for their peaceful exercise of the freedoms of expression, assembly and association; and repeal or revise Criminal Code articles 405, 174 and 274 to bring them in line with international standards.
- Release all people imprisoned on politically motivated charges; and ensure that activists and journalists are not subjected to psychiatric examinations and treatment in retaliation for their civic and journalist activities and their criticism of those in power.
- Put an end to the practice of subjecting activists to restrictions on the exercise of their fundamental freedoms upon their release or as part of their non-custodial sentences; and lift the unjustified severe restrictions on financial transactions imposed on activists convicted of “extremist” offenses.
- Repeal the restrictions imposed on Max Bokayev following his release; and ensure that Aron Atabek is able to access any medical assistance he needs at this time, including abroad if relevant.

- Revise the law on assemblies, to bring it into compliance with international standards, including by providing for a simple notification procedure for assemblies; and ensure that citizens are not penalised for organising, calling for or participating in peaceful assemblies, even if these assemblies have not been pre-approved by authorities.
- Stop using the practice of kettling to contain the participants in peaceful protests, even if held without official sanction.
- Abolish the onerous reporting obligations for NGOs that receive grants from foreign donors and ensure that financial reporting schemes are not open to implementation that unduly restrict the freedom of association and result in heavy sanctions for minor, technical mistakes.
- Refrain from adopting the proposed legal amendments affecting foreign online platforms, social media and messenger apps and ensure that any restrictions enforced on freedom of expression online meet the strict requirements for permissible limitations set out by international law.

Kyrgyzstan

Threats to the rule of law, democratic governance, and human rights during post-crisis period

Mass protests against the official outcome of the parliamentary elections held in Kyrgyzstan in October 2020 brought down those in power, making it the third time a popular uprising has resulted in regime change in the country in the past two decades.³¹ The crisis saw the rise to power of Sadyr Japarov, who was subsequently elected president in January 2021 amid **concerns about the lack of a level playing field and the misuse of public resources** in his favour.³²

Major legal and political initiatives since the October 2020 crisis are highly worrying in the light of human rights, democratic governance, and the rule of law. The authorities pushed through **a controversial new constitution, which grants the president excessively broad powers without an effective system of checks and balances**, thereby paving the way for increasingly authoritarian rule. In accordance with the constitution, the president now heads the executive branch, and a new law signed by Japarov on 11 October 2021 grants the president the powers to dismiss and appoint new members of the cabinet of ministers at his own initiative, even if the parliament's approval formally is required.³³ Japarov immediately made use of these powers by initiating a government reshuffle.³⁴

Other **sweeping reforms of the country's legislation** have also been initiated. These include an inventory of the country's legal framework carried out in a rushed fashion, with critics raising the alarm that hundreds of laws are being re-assessed without sufficient time for comprehensive expert reviews and consultations with those affected by the laws.³⁵ A reform of the country's criminal law has also been implemented in a hurried manner, leaving no time for thorough discussions or assessments of the human rights impact of this reform, which civil society has warned will erode progress achieved in the area of criminal justice in recent years.³⁶

In addition, the current caretaker parliament, which has remained in office for months beyond its elected term following the cancellation of the results of the October 2020 elections, has passed **several new laws threatening the protection of fundamental freedoms** following **non-transparent processes without inclusive consultations** with civil society and others affected (see more below). New parliamentary elections have finally been scheduled for 28 November 2021. It is crucial for the international community

to insist that the new elections are conducted in full accordance with international standards and that all allegations of violations during the election process are promptly, thoroughly and impartially investigated.

In a development of concern, in early November 2021, the Central Electoral Commission (CEC) denied accreditation to independent media organisation Kloop to monitor the parliamentary elections. The CEC argued that the organisation's statutes do not specify that it will engage in election monitoring activities, and thus allegedly do not meet a requirement set out in recent amendments to the CEC's regulations on the procedure for registering election observers.³⁷ During recent elections, Kloop has deployed large teams of trained monitors who have documented numerous electoral violations, resulting in hundreds of complaints to the country's electoral commissions. The CEC's decision appeared aimed at preventing Kloop from repeating this experience during the upcoming elections, which gave rise to serious questions about the authorities' commitment to ensuring transparency of the elections.³⁸ Kloop filed a lawsuit against the CEC, saying its decision was unlawful.³⁹

New laws that restrict fundamental freedoms

Critics fear that a new law on **the protection from "false" ("inaccurate") information**, signed by the president in August 2021, might be used to **censor and silence online resources critical of those in power**. In accordance with this law, owners of web sites and pages are required to promptly remove any content based on complaints from officials or other individuals who claim that the content in question is defamatory. If the online resources fail to do so, they might be blocked. The adoption of the new law is particularly worrying as it came against the background of a law enforcement campaign against social media users implemented during the Covid-19 pandemic, during which bloggers were summoned, questioned, and pressured to "publicly apologise" for posting allegedly "false" information. Those targeted in this campaign also included medical professionals drawing attention to the lack of appropriate means of protection against Covid-19 at medical facilities.⁴⁰

At the beginning of November 2021, a government decree on the implementation of the new law was still under consideration. However, according to media reports, politicians and business representatives have **already started putting pressure on media and journalists** with reference to the new law, demanding the removal of content critical of them.⁴¹

Another new problematic law, which was passed by parliament and signed by the president in June 2021, **tightens control over NGOs by introducing a new scheme for them to report about their grants for publication on the website of the tax service.**⁴² The failure of NGOs to comply with the new reporting obligations may result in **serious penalties, including the closure of organisations**. The new reporting scheme has been justified with transparency considerations, but NGOs were **already previously required to regularly report to different state bodies** about their income and activities, which makes the new requirements unjustified. In addition, they are **discriminatory** as they only apply to NGOs, not to other non-profit or commercial organisations.

As the details of the new NGO reporting scheme are yet to be determined by the government, there is a **high level of uncertainty** for NGOs as to how the requirements will be implemented in practice. There are fears that it might be used to **put pressure on "inconvenient" NGOs** who challenge public policies and seek accountability for corruption and human rights violations. These fears are strengthened by the fact that proponents of the law have sought to **discredit and stigmatise human rights NGOs** by accusing them of threatening national security and undermining so-called traditional values because of their defence of

human rights, including women's, LGBT, and ethnic minority rights. When speaking at a government meeting in October 2021, President Japarov also suggested that some NGOs pose a security threat and said that he supported the new NGO law because of security issues and "over-politization" within the NGO sector.⁴³

In late October 2021, parliament passed a **new restrictive trade union law**. This was the second revised version of a law previously passed by parliament in March and June 2021, but vetoed by President Japarov both times. According to trade union representatives, parliament also this time failed to address key concerns raised about the law and to ensure adequate consultation with trade union representatives when revising it. They therefore called on the president to veto the law a third time.⁴⁴ Trade unions, human rights organisations and the International Labour Organisation have all criticised the trade union law for restricting independent trade union activities in violation of international standards, in particular by introducing a trade union monopoly.

Intimidation and harassment of government critics

President Japarov has insisted that Kyrgyzstan will remain "democratic" following the adoption of the new constitution and that there will be no politically motivated persecution under his rule.⁴⁵ However, recent months have seen a **growing number of cases of intimidation and harassment of civil society activists, journalists and others who have criticised the new controversial constitution and other policies of the current authorities**.⁴⁶ Government critics have been held under surveillance, summoned, questioned and detained by law enforcement authorities.

In a recent case, when opposition activist **Orozayym Narmatova** was detained in Osh at the beginning of September 2021, **the police even directly referred to her outspoken views as the ground for her detention**, accusing her of "voicing unfounded criticism of the country's political leadership".⁴⁷ Following an outcry, she was released, and police claimed that she had only been detained and questioned as a witness under an ongoing investigation.⁴⁸

Some activists have **faced criminal charges** under circumstances suggesting that these charges are politically motivated.⁴⁹ For example, activists **Tilekmat Kurenov and Zhenish Moldokmatov** were both prosecuted on charges they consider retaliation for their criticism of the new constitution and other initiatives of Japarov's administration.⁵⁰ Kurenov was detained a few days after a rally against the constitution he organised on 9 March 2021 and charged with allegedly calling for a violent overthrow of power through Facebook posts. In mid-August 2021, he was sentenced to 18 months in prison. Moldokmatov had his office searched by police shortly after the 9 March rally, which he co-organised, and was subsequently detained himself in May 2021, the day after he and Kurenov co-published an appeal criticising the actions of the authorities during the renewed hostilities at the Kyrgyzstan-Tajikistan border. He is facing multiple charges in relation to his alleged role in the post-election protests in October 2020,⁵¹ and the court proceedings against him and others charged in relation to these events began in October 2021.⁵² There are overall serious concerns about the thoroughness and impartiality of the ongoing investigation into the October 2020 events, during which prominent opponents of Japarov appear to have been selectively targeted for prosecution.

In another worrying development, it was revealed in August 2021 that police had **wiretapped dozens of opposition politicians, civil society activists, human rights defenders and others who have publicly challenged the new constitution and other political measures initiated since Japarov came to power**. As

part of the investigation into last year's post-election protests, a local judge in Bishkek issued a decision sanctioning the monitoring of the phone conversations of these individuals during the period from 6 January to 10 February 2021. A number of those targeted, including among others, Reform party leader Klara Sooronkulova, lawyer Nurbek Toktakunov, human rights defender Rita Karasartova and lawyer Saniya Toktogazieva issued an open appeal protesting against the wiretapping as a "flagrant violation" of their rights and "persecution of dissent".⁵³

In addition to other intimidation and harassment, activists and journalists who are critical of the government have also **increasingly faced online threats, originating from both so-called social media trolls using fake accounts and from real government supporters**. Those in power, including President Japarov have failed to unequivocally condemn online harassment, and no effective measures have been taken to investigate such incidents, resulting in a climate of impunity for the perpetrators. Civil society representatives have also expressed concern that Japarov and other high-ranking public figures have themselves **used rhetoric encouraging aggressive online behaviour by their supporters** against journalists and activists.⁵⁴

Journalists and activists who document and draw attention to human rights violations and corruption remain vulnerable to persecution. In one case of concern dating back to summer 2020, human rights defender Kamil Ruziev was charged with forgery in apparent retaliation for his efforts to document, publicise and ensure accountability for torture and other unlawful practices of security service officials, as well as for **threats he received** because of these efforts, including at gunpoint.⁵⁵ Ruziev's case has been pending with court for months following a non-impartial investigation conducted by the same state body whose officials he faulted for wrongdoing, i.e. the SCNS. The prosecution has accused Ruziev of forging a medical certificate, which he received when being treated for bronchitis, claiming that he did this to extend the deadline for appealing the decision in a court case he was working on at the time. Ruziev has dismissed these allegations and said that they were just a pretext for his prosecution.⁵⁶ In early October 2021, **the Ombudsperson's office announced that an expert assessment had confirmed the genuineness of Ruziev's medical certificate** and that the office would send a letter on his case to the court and prosecutor's office.⁵⁷ Given this development, it is important to renew the calls for dropping the charges against Ruziev.

Justice for deceased human rights defender

The authorities have to date **failed to ensure an impartial and effective investigation into last year's death in prison of human rights defender Azimjan Askarov and to grant compensation to his family for the rights violations he suffered**, in accordance with the UN Human Rights Committee's decision on his case from 2016. An investigation into the defender's death conducted by the prison service was closed in May 2021, ending with the conclusion that no one could be held responsible for his death, taken into account the challenging epidemiological situation in the country at the time of his passing and the surge in the Covid-19-related cases of pneumonia, of which he died.⁵⁸

The Bir Duino Human Rights Movement filed a complaint to court about the decision to close the investigation, and following appeals, a local Bishkek court ruled in August 2021 that the decision was unlawful and unfounded. Consequently, the prison service reopened its investigation as of September 2021.⁵⁹ Later that month, Bir Duino reported that the General Prosecutor's Office had accepted a request to transfer the investigation to another state body: the SCNS will now be in charge of it instead.⁶⁰ Unlike the prison service, the SCNS did not directly oversee the defender's treatment in prison, which has

created some hope about a less biased investigation. However, it **remains crucial for the international community to insist that the authorities conduct a fully impartial and effective investigation and finally ensure justice for the defender**, including by granting compensation to his family for the rights violations he suffered in prison and ensuring his posthumous legal rehabilitation.

Recommendations to the Kyrgyzstani authorities:

- Ensure that the upcoming parliamentary elections are held in full accordance with international standards; any allegations of violations are promptly and impartially investigated; and journalists and election observers are allowed to monitor and report on the elections without hindrance.
- Ensure that any legal reforms are carried out within time periods that allow for thorough and comprehensive assessments with the involvement of experts, as well as broad consultations with civil society and others affected by the laws; and that compliance with Kyrgyzstan's international human rights obligations is taken into account as a key factor in all these processes.
- Revise the recently adopted laws on the protection from "false" information, as well as NGO reporting to bring them in line with international standards and ensure that they do not result in implementation unduly restricting freedom of expression and association.
- In close consultation with trade union representatives, thoroughly revise the draft trade union law under consideration to protect independent trade union activity in accordance with international standards and ILO recommendations.
- Put an end to intimidation and harassment of those critical of the authorities and ensure that no one is subjected to investigation, or criminally charged, convicted or imprisoned in retaliation for their legitimate exercise of the freedoms of expression, association and assembly.
- Publicly condemn both off- and online threats and attacks targeting outspoken civil society actors and journalists and ensure that all such cases are promptly, thoroughly, and impartially investigated and those responsible held to account.
- Drop the criminal charges against Kamil Ruziev and ensure that he can continue his legitimate human rights work without fear and harassment.
- Ensure an effective, independent, and impartial investigation into the circumstances of Azimjan Askarov's death and hold accountable those responsible for failing to grant him access to life-saving medical care; grant compensation to his family for the rights violations he suffered in prison, in accordance with the UN Human Rights Committee decision in his case; and posthumously ensure his legal rehabilitation.

Tajikistan

Restrictions on access to information

The Tajikistani authorities continue to **restrict access to information on issues of public importance**. Journalists often face difficulties in obtaining information from government officials, and many media inquiries go unheeded or do not receive adequate responses.

The **lack of government transparency has been of particular concern in the context of the Covid-19 pandemic**. At the beginning of the global pandemic, the government denied that the Coronavirus had spread to Tajikistan, despite independent reports to the contrary. Even after the government acknowledged the national outbreak, concerns have remained about the government's informational policies related to the

pandemic, and the accuracy of official figures about its impact. In January 2021, President Rahmon publicly declared that Tajikistan had vanquished the Coronavirus. For several months after this, the authorities maintained that no further Covid-19 cases had occurred in the country, although independent media reported that hospitals across the country were treating Covid-19 patients. In a similar pattern to that seen at the beginning of the pandemic, **doctors were reportedly pressured to refrain from identifying Covid-19 cases.** It was not until late June 2021 that the Ministry of Health admitted that there were new Covid-19 cases, and while the government subsequently published new Covid-19 statistics, observers continue to question their accuracy.⁶¹

The authorities have also **sought to prevent media coverage and public discussion on Covid-19 related issues.** Amendments to the Code on Administrative Offences, which entered into force in July 2020, provide for harsh fines and administrative arrest of up to 15 days for the distribution of “inaccurate” and “untruthful” information about Covid-19 and other diseases through the press, social networks “or other electronic means”. Since the law came into effect, **local media, including the few remaining independent media outlets, have mainly quoted governmental Covid-19 statistics** and journalists have reported difficulties with double-checking official statements, while **members of the public have become wary of sharing information about Covid-19 on social media.** In some cases, Facebook users who posted non-governmental data about Covid-19 were summoned to prosecutor’s offices and given official warnings. Additionally, the authorities have not provided any information on how foreign financial aid was used in the fight against Covid-19.

The **border conflict between Tajikistan and Kyrgyzstan**, which broke out in April 2021 due to a water dispute and lasted for several days, **again demonstrated the unwillingness of the Tajikistani authorities to ensure access to information.** For nine days, the authorities failed to disseminate any official information about the conflict and the injuries and casualties of its victims, which contributed to false rumours being circulated on social media and exacerbated tensions.⁶²

Intimidation and harassment of independent journalists and media

In a context in which freedom of expression is seriously restricted, it has become virtually impossible for media outlets and journalists to cover issues which the authorities perceive as “sensitive”, without endangering their safety. To prevent critical coverage, the authorities have **intimidated and harassed journalists both directly and indirectly through their relatives.**

Journalists have reported being **threatened with prosecution under broadly worded criminal provisions** such as “defamation and insult”, “incitement to discord” and “extremism” if they do not comply with officials’ demands to refrain from covering certain issues. Journalist **Daler Sharipov** was released from prison in January 2021 after completing a one-year prison sentence on charges of inciting religious discord, which human rights defenders believe were retaliation for his legitimate journalist work. Prior to his imprisonment, Sharipov had frequently covered human rights and religion related issues and criticised the government in these areas.⁶³

Because of the threat of repercussions for critical reporting, **self-censorship is common** amongst independent media journalists in Tajikistan, and many journalists have left the country. Even Tajikistani **journalists living in exile abroad have reported being subjected to pressure** after fleeing the country. For example, journalist and human rights defender **Khumairo Bakhtyor**, who has lived in exile since 2016, has

reported that she continues to receive online threats and that her family members in Tajikistan are subjected to intimidation by the authorities.⁶⁴

The authorities have also **used licensing requirements and accreditation rules for journalists working with foreign media to intimidate journalists and media outlets and stifle critical reporting.**⁶⁵ New licensing regulations introduced by the State TV and Radio Committee earlier this year have been criticised as an attempt to increase control over independent TV and radio stations in the country. According to the new rules, the licensing agreements of privately owned TV and radio stations now require them to “strictly abide” by state information policy and broadcast state media material on their airwaves when requested by the authorities. They are also required to agree any material produced in languages other than Tajik (including Russian, which is widely spoken in Tajikistan) with the State TV and Radio Committee before broadcasting it. In addition, private TV and radio stations are required to pay 13,000 somoni (more than 900 EUR) to obtain their five-year licenses and will have to pay 1 percent of their annual income to the Committee on TV and Radio Broadcasting, which represents a significant financial burden for outlets at a time of decreasing revenues. TV and radio stations that refuse to sign licensing agreements containing the new provisions will lose their permission to operate.⁶⁶

Blocking of internet resources

As part of their attempts to prevent the dissemination of information critical of those in power (in particular the president and his family), **the authorities continue to restrict access to online resources.**

In recent years, the authorities have **regularly blocked access to independent information resources, social media and messenger apps.** Among the online resources currently blocked in Tajikistan are the websites of Asia Plus, Avesta and Radio *Ozodi* (the Tajik service of Radio Free Europe/Radio Liberty), the few remaining independent media outlets in the country. They are only accessible via censorship circumvention tools such as virtual private networks (VPN). The State Communications Service previously denied any responsibility for the blocking of websites, instead citing technical problems, but more recently it has admitted that it periodically implements a law that allows for restricting internet content **“in the interest of national security”.** The counter-extremism law adopted in 2020 grants state bodies wide powers to restrict access to online resources on national security grounds, including by blocking websites or social media networks without a court decision if these resources are considered “extremist”.⁶⁷ In some cases, courts have also sanctioned the blocking of websites. For example, based on a March 2020 ruling issued by the Supreme Court, the information website Akhbor (akhbor.com) was blocked in Tajikistan for allegedly being linked to “extremist” and “terrorist” organisations. Akhbor denied these accusations and described the ruling as an “open attack on freedom of expression and the media”, noting that it came after a wave of intimidation of journalists working with the site.⁶⁸

Persecution of government opponents

The Tajikistani authorities continue their **persecution of government opponents,** both at home and abroad.⁶⁹ In recent months, law enforcement authorities have carried out new detentions of people accused of being associated with the opposition movements Islamic Renaissance Party of Tajikistan (IRPT) and Group 24, which are based abroad after having been banned in the country. Since 2015, dozens of members and supporters of these movements have been imprisoned on extremism and terrorism charges typically following closed trials surrounded by fair trial concerns.⁷⁰ Members of other opposition

parties have also been prosecuted on charges criticised as politically motivated.⁷¹ The UN Human Rights Committee has expressed concerns about the broad and vague wording of terrorism- and extremism related legislation in Tajikistan, and “the misuse of such legislation to limit and repress the freedom of expression of political dissidents and religious groups”.⁷² Human rights defenders periodically receive reports about alleged reprisals and ill-treatment of prisoners held on charges considered politically motivated; however, because of the current lack of access to detention facilities, it is difficult to verify these allegations.

Intimidation and harassment of lawyers

Another trend criticised by the UN Human Rights Committee⁷³ concerns the **intimidation and harassment of independent lawyers to discourage them from working on politically sensitive cases**, such as cases involving individuals associated with the political opposition, those accused of religious extremism and/or victims of torture. **A number of human rights lawyers have been imprisoned on politically motivated charges after unfair trials.**

In a recent case, in June 2021, a local Dushanbe court sentenced human rights lawyer **Abdulmajid Rizoyev** to five and a half years’ imprisonment for “public calls to carry out extremist activity through the media or the internet” (under article 307 of the Criminal Code). In September 2021, his term of imprisonment was reduced to three years under an amnesty law marking the 30th anniversary of Tajikistan’s independence. The charges against the lawyer were based on a number of posts he had made on Facebook, which the prosecutor claimed were “hidden calls for extremism”, although they did not feature any kind of reference to violence. According to Rizoyev’s defence lawyer, several of the posts were of a philosophical nature, while one was an ironically worded survey.⁷⁴ Prior to his arrest, Rizoyev had defended the rights of Dushanbe residents whose homes were due to be demolished to make way for new construction projects. Previously he also provided legal assistance to military conscripts and soldiers subjected to abuse.⁷⁵ Worryingly, for more than two months, Rizoyev has been held incommunicado in a punishment cell for allegedly violating prison rules. During this time, he is not allowed to see his defence lawyers nor his relatives, and we fear that he might be tortured and ill-treated.

The cases of lawyers **Buzurgmehr Yorov and Nuriddin Mahkamov** remain of serious concern. Yorov was detained in 2015 after defending high-ranking IRPT members and was sentenced to a total of 28 years in prison on extremism and other charges following a series of closed and unfair trials held between October 2016 and August 2017. In 2019, the UN Working Group on Arbitrary Detention (WGAD) found that Yorov’s detention violated international law and called for his immediate release. However, although his sentence was reduced by six years, he currently remains in prison. Yorov has repeatedly been subjected to torture and ill-treatment in detention, and his family are particularly concerned about his health at this time, as several of his fellow prisoners have contracted Covid-19 and died.⁷⁶ Yorov’s co-defendant, Nuriddin Mahkamov also remains behind bars on charges considered politically motivated, after having been convicted in the same unfair trial as Yorov in October 2016.

Shrinking civil society space

In recent years, the Tajikistani authorities have **further restricted the space in which NGOs can operate and increased control over their activities**, including through the introduction of a new financial reporting scheme, under which NGOs have been fined simply for missing reporting deadlines. There are also

concerns about **unwarranted inspections** of the activities of NGOs carried out by different state bodies and organisations being warned and threatened with sanctions because of minor, technical violations of applicable regulations.⁷⁷ In addition, **tax laws have been arbitrarily applied to harass NGOs**. In January 2021, the tax authorities imposed additional taxes and penalties on the public foundation, the Lawyers' Association of Pamir (LAP) for failing to register grants received from abroad with the State Committee on Investments and State Property (SCISP) and pay income tax on these grants, although neither is required by law. The total amount the organisation was ordered to pay amounted to over 394,000 Somoni (close to 30,000 EUR).⁷⁸ The organisation has appealed the decision to court, and the proceedings are still ongoing. Local civil society organisations are concerned that if the decision in LAP's case is upheld by court, this could result in a new wave of tax audits of public foundations and the imposition of unjustified sanctions against them, possibly even including forced closures. To our knowledge, apart from LAP, another organisation has already been notified about its alleged failure to register grants with the SCISP following recent inspections, which reinforces concerns that tax laws will continue to be used to harass NGOs.

Human rights groups and activists have also been **pressured to stop working on cases and issues deemed "sensitive"**, and human rights defenders currently work in an insecure and risky climate. Among those most vulnerable are organisations working with LGBT people or sex workers, who have been accused of undermining so-called traditional values and morals.⁷⁹

In the context of the recent developments in Afghanistan, refugees have arrived to Tajikistan from across the border. We are concerned about reports from some regions of Tajikistan indicating that **NGOs have little access to areas where refugees from Afghanistan are held** and that the authorities have failed to involve civil society in assisting the refugees, although the relevant state structures are overburdened.

Recommendations to the Tajikistani authorities

- Promote transparency and access to information on issues of public importance, including issues relating to the Covid-19 pandemic, and ensure that no one is subjected to retaliation for publishing or sharing such information.
- Respect the editorial independence of privately owned media outlets and refrain from undue interference in their work, including in the framework of licensing agreements.
- Cease the intimidation and harassment of media and journalists who provide critical coverage of current developments.
- Ensure that any restrictions on access to online resources meet the strict requirements for permissible limitations on the right to freedom of expression under international human rights law, in particular article 19 of the ICCPR.
- As called for by the UN Human Rights Committee, bring current counter-terrorism and counter-extremism regulations and practices into full compliance with Tajikistan's obligations under the ICCPR.
- In accordance with the UN basic principles on the Role of Lawyers, respect the rights of lawyers to perform their professional functions without hindrance and without being identified with their clients or their clients' causes.
- Ensure that no one is criminally prosecuted and imprisoned because of their legitimate journalistic and lawyers' activities, or their peaceful exercise of the freedom of expression and other fundamental rights. Release anyone currently held on such grounds, including Buzurgmehr Yorov (in line with the WGAD decision), Nuriddin Mahkamov and Abdulmajid Rizoyev.

- As long as Buzurgmehr Yorov, Nuriddin Mahkamov and Abdulmajid Rizoyev remain in prison, ensure that they are not subjected to incommunicado detention, torture and ill-treatment, and allow them to meet their defence lawyers and relatives.
- Bring national law and law enforcement practice concerning the oversight of public associations in line with international standards, and ensure that such organisations are not subjected to undue interference and harassment because of their work to defend human rights, support vulnerable groups of the population and promote social cohesion.
- Ensure that NGOs do not face unfounded or disproportionate penalties for alleged violations of a technical nature, and that they are not closed down on arbitrary grounds.

Turkmenistan

Policy of Covid-19 denial

Turkmenistan's government **continues to deny that the global Covid-19 pandemic has reached the country**, although independent sources have reported that the pandemic has taken a serious toll there and that a new wave currently is under way.⁸⁰ As part of its policy of Covid-19 denial, the government has **withheld information about the pandemic from citizens, pressured doctors to participate in covering up the national outbreak and sought to prevent medical workers and others from sharing Covid-19 related information with sources abroad.**⁸¹

As highlighted in a recent joint letter by Turkmenistani human rights groups based in exile⁸², the government also prevented a World Health Organization (WHO) mission from finding out the real Covid-19 situation in Turkmenistan and has **failed to comply with its pledge to allow the WHO to independently gather Covid-19 samples in the country** and bring them to its laboratories for testing.⁸³ While a new WHO mission to the country was agreed during a visit to Turkmenistan by WHO's Regional Director for Europe in October 2021, the mandate of this mission was not mentioned as including Covid-19 sampling.⁸⁴

Because of its cover-up and denial policies in relation to Covid-19, the Turkmenistani government has not only violated citizens' right to have access to information on issues of public importance but also jeopardised their health and lives.

Crackdown on government critics abroad

The government's Covid-19 denial fits into a broader pattern in which it **conceals and suppresses information that might reflect badly on those in power**. Since spring 2020, criticism of the government has increased on social media platforms and a protest movement has emerged among Turkmenistani communities abroad in response to the government's repressive policies, including its Covid-19 denial, its failure to take effective action to alleviate the hardships caused by the protracted economic crisis in the country, and its refusal to allow citizens living abroad to renew their passports at the country's diplomatic representations. The government has **responded to this increase in civic activity by widening its crackdown on dissent.**⁸⁵

Turkmenistani **activists based abroad have been intimidated and harassed** because of their involvement in anti-government protests, their participation in the activities of exile-based opposition groups, and

their criticism of the government on social media. The Turkmenistani authorities have increasingly **targeted activists who live abroad through their relatives inside the country**, threatening the relatives with repercussions unless the activists stop criticising the authorities. For example, in March-May 2021, authorities in Turkmenistan's Lebap region **carried out a campaign of intimidation against relatives of Rozybai Jumamuradov**, a Turkey-based activist who has vocally criticised the Turkmenistani government on social media. They summoned, questioned, and threatened the activist's 14-year-old nephew and the boy's parents with imprisonment and other serious repercussions because of their contacts with Jumamuradov.⁸⁶

The Turkmenistani authorities have also sought assistance from local authorities in friendly states in their attempts to silence dissent. Turkmenistani activists living in Turkey have repeatedly been detained and intimidated by local law enforcement authorities following apparent interventions by Turkmenistani authorities. Reports about such cases increased ahead of the Cooperation Council of Turkic Speaking States on 12 November in Istanbul, to which Turkmenistan was invited.⁸⁷

In one recent case, **Turkish police detained several people who had gathered outside Turkmenistan's consulate in Istanbul on 1 August 2021 to peacefully protest** the government's policies and held them for several days before releasing them without charge. A group of aggressively behaving young men, believed to be provocateurs engaged by Turkmenistani authorities, also arrived at the protest venue, and attacked protesters, shouting at them "to go home" and injuring several of them.⁸⁸ According to reports received by TIHR, the men were in particular looking for correspondents for its website, the Chronicles of Turkmenistan among the protesters.⁸⁹ In connection with the protest, **blogger Farhad Durdyev reported being arbitrarily held at the premises of Turkmenistan's consulate** for several hours, beaten, and pressured to apologise for his videos critical of the government.⁹⁰ Human rights groups later learned that Turkmenistan's general consul had filed a complaint with Turkish police, accusing the protesters endangering the safety of the consulate and its staff, insulting Turkmenistan's president and "disturbing peace and tranquillity."⁹¹

Some Turkmenistani activists have **faced the threat of deportation to Turkmenistan**, where they would be at a real risk of torture and ill-treatment, and prosecution and imprisonment on trumped-up charges in unfair proceedings. **Dursoltan Taganova**, a Turkey-based activist who has publicly criticised the Turkmenistani government on social media since mid-2020, **has faced this threat twice**. Turkish police first detained her in connection with an attempted peaceful rally outside Turkmenistan's consulate in Istanbul in July 2020 and ordered to be deported to Turkmenistan. The formal reason was a visa violation, but human rights groups were convinced that she was targeted for her involvement in the protest movement against Turkmenistan's government. Thanks to an international campaign in her support, Taganova was released after two months and granted the right to legally stay in Turkey pending the consideration of her asylum application.⁹² However, the Turkmenistani authorities continued their efforts to put pressure on her, including by orchestrating a smear campaign against her and intimidating her relatives in Turkmenistan.⁹³ On 27 September 2021, Turkish police detained her again and placed her in a deportation centre.⁹⁴ This time she was released two days later following interventions by her lawyer proving her right to legally stay in Turkey.⁹⁵ She nevertheless remains at risk given her criticism of the Turkmenistani authorities and reported renewed pressure by Turkish migration authorities in October 2021, saying they pressured her to revoke her asylum application.⁹⁶

According to information received by human rights groups, the Turkmenistani authorities have allegedly handed over a list containing the names of more than two dozen activists to the Turkish authorities,

demanding their detention and return.⁹⁷ As reported by the Turkmen Helsinki Foundation (THF), activists **Akhmed Rakhmanov**, **Kamil Abulov**, and **Bayram Allaliyev**, who have all criticised the policies of the Turkmenistani government, were detained in Turkey in mid-October 2021 pending deportation to Turkmenistan.⁹⁸ Following a letter to the Turkish migration authorities sent by Human Rights Watch⁹⁹, and interventions by lawyers, Rakmanov and Abulov were released on 26-27 October, while Allaliyev was released on 1 November.¹⁰⁰ However, Turkish police has also reportedly attempted to find other Turkmenistani activists,¹⁰¹ and concerns remain that there might be new cases of detention and threats of deportation.

In another case, the Turkmenistani opposition movement “Turkmenia Unite” reported in late October 2021 that it had lost contact with **Azat Isakov**, a Turkmenistani activist living in Russia’s Moscow region after receiving a message from him saying that the police were looking for him.¹⁰² Later TIHR obtained a copy of the response by Russia’s Ministry of Interior to an inquiry about Isakov, according to which the activist had returned to Turkmenistan on 22 October 2021.¹⁰³ Thus, although there are currently no regular passenger flights between Russia and Turkmenistan due to Covid-19 restrictions and Isakov was known to have lost his Turkmenistani passport, he allegedly travelled back to Turkmenistan at his own initiative. However, given the activist’s criticism of the Turkmenistani government, as well as earlier threats he had reported receiving, there are serious reasons to fear that his return was the result of interventions by Turkmenistani authorities and that he is at imminent risk of politically motivated prosecution, torture and imprisonment in Turkmenistan.¹⁰⁴

In yet another development, which illustrates the dangers facing Turkmenistani activists living abroad, the Human Rights Centre Memorial and the THF reported about **a physical assault on Turkmenistani activists in Istanbul on 11 October 2021**. According to the two organisations¹⁰⁵, unknown perpetrators attacked and injured several activists as they were leaving the premises of the Oguz culture, cooperation and education association in Istanbul, including the association’s head **Nurmukhamed Annaev**. The activists filed a complaint with Turkish police about the attack, believed to have been an attempt to intimidate Annaev ahead of his participation in an event organised by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw on 14-15 October 2021, where he criticised the Turkmenistani government. The Turkish authorities have reportedly failed to carry out effective investigations into this and other attacks reported by Turkmenistani activists.¹⁰⁶

Prosecution of critical voices inside Turkmenistan

In addition to intimidating and harassing activists who live abroad, the Turkmenistani authorities have **continued to target critical voices inside Turkmenistan**. In several recent cases, individuals based in the country have been **prosecuted on spurious criminal charges** after speaking out on issues of concern to them and being in contact with groups and activists based abroad. In the following two cases, fraud charges were initiated on such grounds:

Nurgeldy Khalykov is currently **servicing a four-year prison sentence on fraud charges believed to be retaliation for his cooperation with the Netherlands-based Turkmen News**.¹⁰⁷ A local Ashgabat court handed down the sentence on 15 September 2020, allegedly based on a complaint that Khalykov had failed to repay a private debt. Khalykov was first detained in July 2020 after sharing with Turkmen News an innocuous photo of WHO representatives who visited Turkmenistan that month to investigate the Covid-19 situation in the country. The photo had been taken by Khalykov’s former schoolmate who posted it on Instagram. At the time of his detention, Khalykov had cooperated clandestinely with

Turkmen News for several years and contributed information on different topics, including the Covid-19 pandemic.¹⁰⁸ Turkmen News believes that the authorities found out about his work for the organisation during questioning and fears that he might have been subjected to abuse in detention.¹⁰⁹ Among others, UN special procedures have raised concerns about Khalykov's case, including the "allegedly meritless charges, judicial harassment and seemingly arbitrary detention" facing him.¹¹⁰ Khalykov's family have reportedly been denied the right to visit him in detention due to Covid-19 related restrictions.

On 16 July 2021, Turkmenistani law enforcement authorities **detained Khursanai Ismatullaeva, an Ashgabat-based doctor who has been struggling for justice for several years after being unfairly dismissed** from a neonatal clinic due to her refusal to prescribe unnecessary paid medical procedures to patients.¹¹¹ As her complaints to different state bodies did not lead anywhere, she turned to exile-based human rights groups for help. Her detention came the day after her case was raised at an online event organised by members of the European Parliament to discuss the human rights situation in Central Asia. For almost two weeks, there was no information about Ismatullaeva's whereabouts or the grounds for her detention; after this, it turned out that she was being **held in pre-trial detention on charges of fraud** for allegedly misappropriating funds from the sale of the apartment of an elderly, disabled man, whom she cared for in the course of several years.¹¹² Human rights defenders are convinced that the charges against Ismatullaeva are aimed at penalising her for speaking out about her case and seeking support from exiled-based human rights groups. At the end of August 2021, she was reportedly convicted on charges of fraud and forgery and sentenced to a lengthy prison term. At the trial, she was not assisted by any lawyer of her own choice as all lawyers her family approached refused to take up the case given its politically sensitive nature.¹¹³

On 16 August 2021, a local Dashoguz court reportedly **sentenced Murat Dushemov to four years in prison on charges believed to be retaliation for his civic engagement**, including his online appeals critical of the government and **his attempts to question Covid-19 preventive measures** imposed by the government, despite its denial of the national outbreak. During an incident in June 2021, of which Dushemov posted a video on YouTube, he requested a doctor at an Ashgabat medical clinic to show the government order based on which compulsory vaccinations against Covid-19 were being carried out.¹¹⁴ The doctor subsequently alleged that Dushemov had sought to extort money in exchange for leaving the video unpublished.¹¹⁵ In another incident, Dushemov, his friend and his friend's wife challenged a request to present negative Coronavirus tests as they were stopped by police when travelling by car from Ashgabat to Dashoguz in July 2021 and demanded to see the official document based on which the request was made. After being made to wait at the side of the road for hours, Dushemov's friend protested by parking the car the trio was travelling in across the road, thereby blocking traffic. All three were detained, and Dushemov and his friend were each sentenced to 15 days' arrest, while his friend's wife was fined. When serving his 15-day sentence, Dushemov allegedly got into fight and injured two co-detainees in an incident believed to have been staged.¹¹⁶ Based on this incident, he was charged with deliberately harming the health of others. At the August trial, he was convicted on both these charges and the separate charges of extortion initiated against him.¹¹⁷

Alarming reports recently emerged about the health of Mansur Mingelov, a human rights defender who was imprisoned in 2012 after exposing torture and ill-treatment of members of the ethnic Baloch minority.¹¹⁸ At that time, he was sentenced to 22 years' imprisonment in an unfair trial. According to the Turkmen News, at the beginning of October 2021, Mingelov was in **a critical condition due to a serious leg inflammation** and in urgent need of medical interventions not available at the medical unit of the

prison in the Lebap region where he is serving his sentence.¹¹⁹ His family was reportedly not allowed to bring him necessary medication due to Covid-19 related restrictions on prisoners' contacts with the outside world. Mingelov's current health issues are believed to be related to beatings to which he was subjected after first being detained.¹²⁰ He has also previously reported suffering from health problems in prison and in 2018 he was in serious condition after contracting tuberculosis and being denied adequate treatment. At that time, he was only hospitalised after his plight attracted international attention.¹²¹

Obstructing access to independent sources of information

All Turkmenistan-based media are subject to state control, and the authorities routinely use state media outlets for propaganda purposes. While the authorities promote government-supported and controlled organisations, they have failed to take steps to enable genuinely independent civil society organisations to operate in the country. At the same time, they **continue to obstruct access to information from independent news and human rights organisations based abroad.**

The **websites of independent exiled-based organisations who report independently about the situation in Turkmenistan, social networks, and communication platforms have been arbitrarily blocked** inside Turkmenistan. The authorities have also recently **stepped up their campaign against internet circumvention tools** used to access otherwise unavailable sites by systematically blocking such tools and intimidating individuals using them. In late October 2021, the authorities reportedly again increased their efforts to prevent the use of VPNs to access foreign sites, and all the most popular VPN resources stopped working.¹²² In addition, exile-based human rights and media groups have been **targeted by cyberattacks and content takedowns** based on copyright complaints believed to have been initiated by Turkmenistani authorities as part of their efforts to suppress dissent.

For example, TIHR's website is regularly subjected to cyberattacks, with some particularly powerful ones having resulted in temporary disruptions to the work of the site. In May 2021, **TIHR's YouTube channel was closed based on copyright complaints filed by the Watan Habarlary channel**, which belongs to Turkmenistan's State Committee on Television, Radio Broadcasting and Cinematography. As a result, the organisation was silenced on this social media platform where it had around 100,000 followers and its videos had attracted millions of views.¹²³ TIHR was later able to restore its presence on YouTube, but it will take a long time for the organisation to rebuild its audience there.

In October 2021, **the US-based Eurasianet news organisation**, which provides independent coverage of developments in Central Asia and the South Caucasus, **reported that its YouTube channel had also been blocked based on copyright complaints filed by Watan Habarlary.** The complaints concerned the organisation's use of clips from the Watan Habarlary's daily news programme, from which it had only republished short excerpts, in accordance with fair use laws outlined by YouTube's parent company, Google.¹²⁴

Recommendations to the Turkmenistani authorities:

- Put an end to the policy of Covid-19 denial; acknowledge the current public health crisis in the country and take adequate measures to inform citizens about this crisis and to protect their health, in cooperation with the WHO; and ensure that no one is subjected to retaliatory measures for documenting or sharing information on Covid-19 related issues.

- Stop intimidating and harassing individuals residing in Turkmenistan and abroad who are exercising their freedoms of expression, association, and assembly in peaceful and legitimate ways to speak out on issues of concern to them regarding the situation in Turkmenistan. Also refrain from putting pressure on the relatives of such individuals.
- Ensure that no one is criminally charged, declared wanted, arrested or imprisoned because of their expressions of discontent, civic engagement or contacts with foreign-based opposition groups; and promptly release those held in retaliation for their exercise of freedom of expression and other fundamental rights, including **Nurgeldy Khalykov, Khursanai Ismatullaeva, Murat Dushemov and Mansur Mingelov**. As long as they remain behind bars, protect their health and well-being and ensure that they have access to adequate medical assistance.
- Stop restricting access of citizens to online sources of information that report independently about the situation in Turkmenistan and ensure that TIHR and other Turkmenistan-covering organisations based abroad are not subjected to government-initiated interference with their website or social media operations.

Uzbekistan

Pressure against opposition activists ahead of presidential elections

According to official information, incumbent President Shavkat Mirziyoyev won the presidential elections held in Uzbekistan on 24 October 2021 by more than 80 percent of the vote.¹²⁵ As highlighted by international observers, the elections were characterised by the lack of meaningful competition.¹²⁶ While only officially registered political parties are allowed to put forward presidential candidates, **no genuine opposition parties have succeeded in obtaining registration** in the country and were therefore unable to nominate candidates for the elections. At the same time, **opposition activists were harassed and intimidated** in the run-up to the presidential elections.

Khidirnazar Allakulov, chair of the new opposition party “Truth and Progress” who publicly announced his intention to stand in the presidential elections in autumn 2020, reported facing internet trolling, surveillance and other intimidation, including being detained for questioning and physically attacked by unknown perpetrators.¹²⁷ In late October 2021, he said in a media interview that he had been forced to suspend his political activities due to pressure against him and his relatives.¹²⁸ The Ministry of Justice **denied registration to his party** because of its alleged failure to gather the number of signatures required by law.¹²⁹ However, many of its supporters reported that they withdrew their signatures after being threatened with reprisals by state bodies and representatives of *makhalla* (neighbourhood) committees.

Makhmud Davronov, former deputy chair of the “Truth and Progress” party and **co-chair of another newly founded opposition party (“Free Motherland”)**, told AHRCA about a series of acts of harassment aimed at discouraging him from continuing his political activities.¹³⁰ In one incident, on 5 June 2021, he was apprehended by police as he was travelling by bus to Tashkent to attend a party meeting and taken to a remotely located police facility, where he was held for three hours and subjected to intimidation. He has been held under surveillance and has repeatedly received anonymous phone calls with threats, warnings and insults. A few days before the presidential elections, he learned that he had been banned from leaving the country because of alleged utility debts – in early November 2021 this ban was lifted, but he erroneously remained on the government’s list of people failing to pay their gas and water bills.¹³¹

Jahongir Otajonov, a well-known singer was subjected to pressure after he announced plans to join the presidential race in January 2021 and subsequently received backing by the unregistered opposition party Erk.¹³² Among other intimidation, he reported being summoned for interrogation by the police and threatened with reprisals against his family members unless he stopped his political activities.¹³³ Because of the pressure he faced, he dropped his presidential bid in July 2021.¹³⁴ However, later he faced renewed intimidation related to his political engagement. In October 2021, he was barred from leaving the country because of his alleged failure to pay child support, an accusation he said was false.¹³⁵ He also reported receiving new threats against his relatives.¹³⁶

Restrictive free speech climate and prosecution of bloggers

Although there have been certain improvements with respect to media and internet freedoms since President Mirziyoyev came to power, **the free speech climate remains restrictive both on- and offline.** In accordance with amendments to the Law on Informatisation adopted in March 2021¹³⁷, the owners of online resources are required to ensure that these resources are not used for the dissemination of “knowingly false” information, “defamatory” information, or other information defined as impermissible through vaguely worded language. The failure to promptly remove such information, if detected, might result in that access to the online resources in question is restricted. The dissemination of “false” information, as well as defamation and insult are all punishable under the current Criminal Code, including through online channels.¹³⁸ While slander and insult can no longer result in imprisonment, the separate crime of insulting the president is punishable by up to five years in prison, and the dissemination of “false” information about Covid-19 and other infectious diseases carries a penalty of up to three years in prison.¹³⁹

The practice of blocking of websites continues, and the election observation mission led by the ODIHR **identified over 60 websites of local and international media outlets, services and human rights organisations that were inaccessible throughout the presidential election campaign.**¹⁴⁰ At the beginning of November 2021, the state agency in charge of oversight in the area of telecommunications restricted access to Facebook, Instagram, YouTube, Telegram and other social media and messenger platforms, accusing them of failing to store user data on servers located in Uzbekistan, a requirement introduced under a law adopted in January 2021. This move caused an outcry, resulting in the head of the agency being dismissed at the president’s orders, and access to the platforms being restored.¹⁴¹ However, Twitter, TikTok and some other platforms, to which access had previously been restricted on the same grounds, reportedly remained unavailable.¹⁴²

Ahead of the presidential elections in October 2021, **growing intimidation and harassment of journalists and bloggers** was reported. Among others, journalists working with the Uzbek service of Radio Free Europe/Radio Liberty, whose site remains blocked in the country, received a series of online threats.¹⁴³ Moreover, several **outspoken bloggers have been targeted for prosecution** in recent months.

Blogger **Miraziz Bazarov** is currently facing slander charges, believed to be aimed at punishing him for exercising his right to freedom of expression.¹⁴⁴ An active and well-known blogger, Bazarov has repeatedly criticised the authorities, including the lack of transparency and public control over the government’s use of Covid-19 related loans, and the double standards amongst officials in relation to LGBTI people. The investigation against Bazarov was first opened in late April 2021, when he was placed under house arrest. Five months later, on 27 September 2021, he was officially charged with slander

(under Criminal Code article 139), which is punishable by fines of the equivalent of over 10,000 EUR, up to 400 hours community work or three years' restriction of his freedom of movement. The police claimed to have received numerous complaints about Bazarov's social media posts, and the charges against him were formally based on a state-ordered expert assessment of a video in which he expressed a personal, critical opinion about a Tashkent school and its teachers. On 7 October 2021, the criminal case against Bazarov was sent for further investigation and his term of house arrest was extended until 29 November 2021. Whilst under house arrest, the blogger has been prohibited from using social media and communicating with others except for in emergency situations.

Prior to coming under investigation for slander, on 28 March 2021, Bazarov was physically attacked by masked men as he was walking in Tashkent, as a result of which he sustained injuries for which he required a month-long hospital treatment. The police opened an investigation into the attack, but there are concerns about its impartiality and effectiveness. Bazarov had previously received violent online threats, for which no one has been held to account.¹⁴⁵

In another case of concern, on 10 May 2021, a district court in the Sukhodarya region in southern Uzbekistan sentenced blogger **Otabek Sattoriy** to six and a half years' imprisonment on charges of "slander" and "extortion" (articles 139 and 165 of the Criminal Code). There are credible allegations that the charges against Sattoriy were fabricated to punish him for peacefully exercising his right to freedom of expression. On his Telegram and YouTube channels, the blogger had repeatedly accused representatives of local authorities of corruption. The initial charges against Sattoriy related to an act of provocation in December 2020, in which he was attacked and his mobile phone broken as he visited a local market to report about food prices. Sattoriy wrote a complaint to the police but the perpetrators, who were reportedly associated with the director of the market, persuaded him to agree to reconcile, promising to buy him a new phone. Minutes after receiving the new phone, the blogger was detained and accused of extortion. Subsequently, additional charges were brought against him on the basis of complaints from individuals whom he had previously accused of corruption. Bazarov was convicted following an unfair trial during which no evidence of his guilt was presented and the court failed to take into account statements made by the defence, including Sattoriy's claims that he had been tortured and ill-treated in pre-trial detention.¹⁴⁶

Human rights defenders were also subjected to increasing pressure in connection with the presidential elections. For example, on 8 October 2021, human rights defender **Klara Sakarova** was summoned by police for a discussion, during which she was accused of "being a government critic", "provoking people" and "inciting people to unrest". She was also threatened with administrative charges of noncompliance with the legal demands of a police officer, an offense punishable by up to 15 days' administrative detention. Sakarova is the sister of the late political prisoner Andrey Kubatin, and since his death in October 2020 she has been engaged in efforts to ensure that those responsible for his imprisonment on trumped-up charges and for his death are brought to justice.¹⁴⁷

No genuine space for independent NGOs, continued obstacles to registration

The **operating space for civil society remains seriously restricted** in Uzbekistan, despite some reforms introduced by the current authorities. In March 2021, President Mirziyoyev approved a "**Concept on Development of Civil Society in 2021-2025**" and a road map for its implementation. The documents set out actions to improve the legal framework for civil society organisations (CSOs), CSO partnership with state structures, state support for CSOs, and CSO oversight over state bodies' activities. The adoption of

this package was welcome. However, its impact in practice will depend on the steps taken in follow-up to it. It is also of concern that the concept and road map were **drawn up without meaningful consultation with local civil society stakeholders** and that they **fail to address several issues of key importance for NGOs in Uzbekistan**, including the considerable obstacles facing new NGOs trying to register as legal entities, excessively complex reporting requirements for NGOs, and the need for NGOs to notify and obtain prior approval before receiving foreign grants or conducting events.

Currently **the process of registering new NGOs remains fraught with difficulties**, and several **independent NGOs have repeatedly been denied registration on grounds that appear to be politically motivated**. This practice is well illustrated by the case of human rights defender and former political prisoner Agzam Turgunov, who has received numerous rejections since February 2019 when attempting to register his human rights NGO (first under the name Restoration of Justice, later Human Rights House). In August 2021, the Ministry of Justice refused Turgunov's application for registration for the eighth time, claiming that he had failed to submit two copies of the organisational mandate and proof of having paid the registration fee, although Turgunov and his lawyer maintained that they submitted all required documents and receipts.¹⁴⁸ The previous rejections have also been made on unsubstantiated or unclear grounds, and the ministry has frequently cited alleged minor technical mistakes when returning Turgunov's application documents, finding new objections after the applicants have diligently addressed those previously raised.¹⁴⁹ The latest refusal prompted Turgunov and his co-founders to file a lawsuit against the Ministry of Justice because of its failure to grant registration to their organisation.¹⁵⁰ However, the Tashkent court to which the lawsuit was submitted refused to review it "on formal grounds", a decision that the group appealed in late October 2021. The same month, Human Rights House submitted a new request for registration.

Lawyers under pressure

In another alarming development, **independent lawyers have come under increasing pressure in Uzbekistan in recent months**, and several lawyers have been **threatened with the loss of licenses or other repercussions because of their work on politically sensitive cases**. Lawyers working on such cases are also frequently the target of online trolling attacks, believed to have been orchestrated by the authorities. Among the lawyers subjected to trolling campaigns and other forms of intimidation are **Sergey Mayorov**, who has worked on the case of Miraziz Bazarov (see more above), and **Allan Pashkovskiy**, who has provided legal assistance to several torture victims. Lawyer **Umidbek Davlatov** received threats of violence and was subjected to an attempted attack by unknown perpetrators following a court hearing where he defended blogger Otabek Sattoriy (see more above). Davlatov was later hospitalised with a heart problem.¹⁵¹

Concerns about new Criminal Code

A **new draft Criminal Code** was made public in February 2021 and currently remains under consideration in parliament. A **number of provisions of the draft code are highly problematic in the light of Uzbekistan's international human rights obligations**. Among others, the code provides for criminal punishments for disseminating "false" information and for "public insult or slander" of the president (see more on this issue in the section on the restrictive free speech climate above). The draft code also retains punishments for consensual sexual relations between men and for "illegal exit or entry", in violation of citizens' right to freedom of movement. Like the current Criminal Code, the new draft code often lacks

clear definitions and terminology, opening the door to arbitrary interpretation and application restricting human rights.¹⁵²

Recommendations to the Uzbekistani authorities:

- In accordance with the recommendation of the UN Human Rights Committee, bring regulations and practice governing the registration of political parties into full compliance with the provisions of the International Covenant for Civil and Political Rights (ICCPR).
- Cease intimidation and harassment of Khidirnazar Allakulov, Makhmud Davronov, Jahongir Otajonov and others associated with political opposition parties, as well as their families.
- Protect the right to freedom of expression on- and offline, and put an end to intimidation and harassment of those peacefully exercising this right, in particular by ensuring that no one is prosecuted or penalised on these grounds.
- Drop the charges against blogger Miraziz Bazarov and bring the perpetrators of the attack on him to justice; release Otabek Sattoriy; and ensure that both bloggers are able to continue their legitimate blogger activities without hindrance or harassment.
- Simplify the registration procedures for civil society organisations, increase the transparency of the process, and swiftly provide registration to Human Rights House and other independent NGOs seeking registration.
- Welcome and facilitate a constructive, critical dialogue between civil society and the state as a key precondition for achieving meaningful improvements in the human rights situation in the country.
- Ensure that lawyers can carry out their work without fear of reprisals; and promptly, thoroughly and impartially investigate all allegations of threats and harassment against lawyers (particularly Allan Pashkovskiy, Sergey Mayorov and Umidbek Davlatov) and hold those responsible accountable.
- Ensure that all provisions of the draft Criminal Code are consistent with Uzbekistan's international human rights obligations.

¹ See, for example, the Concluding observations of the Human Rights Committee on the second periodic report of Kazakhstan, published in August 2016, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR/C/KAZ/CO/2&Lang=En; and report on Visit to Kazakhstan of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, published in January 2020: <https://undocs.org/en/A/HRC/43/46/Add.1>

² See more in the following article authored by KIBHR journalist Andrey Grishin: <https://www.opendemocracy.net/en/odr/kazakhstan-anti-extremism-blacklist/>

³ See KIBHR statement, 23 September 2021: <https://bureau.kz/goryachee/zayavlenie-o-presledovaniyah-po-politicheskim-motivam/>

⁴ See KIBHR update published on 4 August 2021: <https://bureau.kz/novosti/trinadczat/>

⁵ See KIBHR statement, 23 September 2021: <https://bureau.kz/goryachee/zayavlenie-o-presledovaniyah-po-politicheskim-motivam/>

⁶ See KIBHR article published on 11 October 2021: <https://bureau.kz/novosti/neud-po-istorii/>

⁷ See KIBHR statement, 23 September 2021: <https://bureau.kz/goryachee/zayavlenie-o-presledovaniyah-po-politicheskim-motivam/>

⁸ For more information, see KIBHR and IPHR report on violations of fundamental rights during the parliamentary elections: <https://www.iphronline.org/far-from-free-and-fair-an-overview-of-violations-of-fundamental-freedoms-during-the-january-2021-parliamentary-elections-in-kazakhstan.html>

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- ⁹ See more in the following joint statement on his conviction issued by members of the Civic Solidarity Platform: <https://www.iphronline.org/kazakhstan-ruling-cs-activists-20161201.html>
- ¹⁰ For more information on the restrictions related to the administration supervision, see the following Radio Azattyq article from 19 February 2021, <https://rus.azattyq.org/a/kazakhstan-sud-nalozhil-noviye-ogranicheniya-na-maksa-bokaeva/31110144.html>
- ¹¹ See the following Radio Azattyk article: <https://rus.azattyq.org/a/31487430.html>
- ¹² See KIBHR update: <https://bureau.kz/novosti/ostalis-tri-tyazhelyh-goda/>
- ¹³ See Radio Azattyk article published on 21 October 2021: <https://rus.azattyq.org/a/31522809.html>
- ¹⁴ See Radio Azattyk article published on 11 November 2021: <https://rus.azattyq.org/a/31556162.html>
- ¹⁵ See the previous note.
- ¹⁶ For a list of these prisoners, see http://tirik.info/dir/wpbdp_category/list01/
- ¹⁷ For more information on her case, see, for example, Amnesty International, "Kazakhstan: Blogger detained in psychiatric hospital: Aigul Utepova", 23 November 2020, <https://www.amnesty.org/en/documents/eur57/3375/2020/en/>; and the following Radio Azattyk article: <https://rus.azattyq.org/a/31229285.html>
- ¹⁸ For more information, see KIBHR update: <https://bureau.kz/novosti/valihan-sultanov-na-svobode/>
- ¹⁹ For more information, see KIBHR update: <https://bureau.kz/novosti/eto-strashnoe-slovo/>
- ²⁰ For more information, see the following report prepared by KIBHR on the use of kettling: <https://bureau.kz/en/news/brief-report-on-the-use-of-kettling/> and the following article by human rights defender Tatiana Chernobil: <https://fpc.org.uk/police-kettling-in-kazakhstan/>
- ²¹ See more in the following joint statements issued by IPHR and partners: <https://www.iphronline.org/kazakhstan-end-campaign-against-human-rights-ngos-joint-civil-society-appeal.html>; <https://www.iphronline.org/kazakhstan-tax-officials-should-end-harassment-withdraw-their-notice.html>
- ²² See more in this Radio Free Europe/Radio Liberty (RFE/RL) article: <https://www.rferl.org/a/kazakh-authorities-drop-charges-ngos-outcry/31087863.html>
- ²³ 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>
- ²⁴ See more about the new provisions in this Tengri News article: https://tengrinews.kz/kazakhstan_news/sotsseti-messendjeryi-mogut-obyazat-zaregistriruvatsya-448557/
- ²⁵ See, for example, comments on Facebook by the head of the Adil Soz, Tamara Kalejeva: <https://www.facebook.com/TKalejeva/posts/3037000406513345>; and human rights defender Tatiana Chernobil in this Kloop article published on 25 September 2021: <https://kloop.kg/blog/2021/09/25/poslednyaya-territoriya-svobody-kak-kazahstan-pod-predlogom-zashhity-detej-gotovitsya-ogranichit-sotsseti-i-messendzhery/>
- ²⁶ The open appeal and the call for signatures are available at: https://secure.avaaz.org/community_petitions/ru/administratsiia_prezidenta_parlament_kazakhstana_leumettik_zhelini_bugattauga_karsy_protiv_popravok_v_zakony_o_sotssetiakh/
- ²⁷ The Ministry of Information and Social Development issued what it called a joint statement with Facebook on 1 November 2021, see: <https://www.gov.kz/memleket/entities/qogam/press/news/details/277873?lang=ru>
- ²⁸ See RFE/RL, "Facebook Denies Kazakh Claim Of Exclusive Access To Content Reporting System", 2 November 2021, <https://www.rferl.org/a/kazakhstan-facebook-denies-access/31541111.html>
- ²⁹ See CNN, "Facebook Oversight Board member calls for more transparency", 25 October 2021, <https://edition.cnn.com/2021/10/24/media/facebook-oversight-board-reliable-sources/index.html>
- ³⁰ See the previous note; and Facebook post of MP at: <https://www.facebook.com/aidos.sarym/posts/10226339178735700>
- ³¹ For more information about the developments in October 2020, see IPHR-LPF special update on the crisis: <https://www.iphronline.org/post-election-protests-plunge-kyrgyzstan-into-crisis.html>
- ³² See ODIHR election observation report, at: https://www.osce.org/files/f/documents/7/0/488587_1.pdf
- ³³ See <https://kloop.kg/blog/2021/10/12/zhaparov-podpisal-zakon-o-kabinete-ministrov/>
- ³⁴ See <https://kloop.kg/blog/2021/10/12/sadyr-zhaparov-otpravil-kabmin-v-otstavku/>
- ³⁵ These points were raised in an appeal to President Sadyr Japarov issued by the Public Council in mid-August 2021. See: https://kaktus.media/doc/444428_toropitsia_ne_nado_obshestvennyy_sovet_minusta_obespokoen_srokami_inventarizacii_zakono_v.html
- ³⁶ See appeal by the Coalition against Torture issued in July 2021, prior to the adoption of the draft codes by parliament: <https://notorture.kg/?p=5470>
- ³⁷ See Kloop, "ЦИК отказала «Клоопу» в наблюдении за парламентскими выборами", 8 November, 2021, <https://kloop.kg/blog/2021/11/08/srochno-tsik-otkazala-kloopu-v-nablyudenii-za-parlamentskimi-vyborami/>
- ³⁸ See joint statement by IPHR, the Norwegian Helsinki Committee and the Helsinki Foundation for Human Rights, <https://www.iphronline.org/kyrgyzstan-kloop-denied-accreditation-to-monitor-elections.html>

- ³⁹ Kloop, “«Клооп» подал в суд на ЦИК из-за отказа в наблюдении за парламентскими выборами”, 8 November 2021, <https://kloop.kg/blog/2021/11/08/kloop-podal-v-sud-na-tsik-iz-za-otkaza-v-nablyudenii-za-parlamentskimi-vyborami/amp/>
- ⁴⁰ For more information on this campaign, see the following reports published by IPHR and partners in 2020: <https://www.iphronline.org/wp-content/uploads/2020/07/Covid-19-KYZ-final.pdf>; and <https://www.iphronline.org/wp-content/uploads/2020/11/Central-Asia-Tightening-the-screws-on-critics-Nov-2020-1-1.pdf>
- ⁴¹ See the following Kloop articles, published on 11 and 12 November 2021, respectively: <https://kloop.kg/blog/2021/11/11/polozhenie-dlya-raboty-zakona-gotovo-no-ne-prinyato-minkult-pro-zakon-o-fejkah/amp/>; and <https://kloop.kg/blog/2021/11/12/kyrgyzstan-skazal-v-oon-cto-gorditsya-svobodnoj-slova-pri-etom-k-zapusku-gotovyat-skandalnyj-zakon-o-fejkah/>
- ⁴² For more information about this law, see statement issued by IPHR and the Coalition against Torture in Kyrgyzstan in July 2021: <https://www.iphronline.org/kyrgyzstan-ensure-that-new-legislation-does-not-impede-ngo-activity.html>
- ⁴³ “Садыр Жапаров считает, что кыргызстанские НПО чрезмерно политизированы,” 21 October 2021, https://24.kg/vlast/211137_sadyir_japarov_schitaet_cto_kyrgyzstanskije_npo_chrezмерно_politizirovani/
- ⁴⁴ See comments by trade union representatives quoted in the following media articles: <https://www.akchabar.kg/ru/news/kyrgyzstan-mozhet-lishitsya-statusa-vsp-iz-za-zakona-o-profsoyuzah/>; <https://24.kg/obschestvo/211672/>
- ⁴⁵ He made these statements in an interview he gave to Radio *Azattyk*, the Kyrgyz service of Radio Free Europe/Radio Liberty on 15 March 2021. See: <https://kloop.kg/blog/2021/03/16/aktivista-tilekmata-kurenova-vodvorili-v-ivs-na-dvoe-sutok-v-ofise-dvizheniya-protiv-hanstutitsii-proveli-obysk/>
- ⁴⁶ For more information about this pattern and a number of case descriptions, see IPHR-LPF briefing paper published in September 2021: <https://www.iphronline.org/wp-content/uploads/2021/09/KEY-CONCERNS-IN-KYRGYZSTAN-SEPT-2021.pdf>
- ⁴⁷ Radio *Azattyk*, “МВД объяснило задержание Нарматовой «необоснованной критикой в адрес руководства страны в целях увеличения протестного потенциала», 10 September 2021, <https://rus.azattyk.org/a/mvd-obyasnilo-zaderzhanie-narmatovoy-neobosnovannoy-kritikoj-v-adres-rukovodstva-strany/31453541.html>
- ⁴⁸ Kloop, “Нарматову допросили как свидетеля и отпустили – МВД”, 11 September 2021, <https://kloop.kg/blog/2021/09/11/narmatovu-doprosili-kak-svidetelya-i-otпустили-mvd/>
- ⁴⁹ See the previous note.
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- ⁵¹ 24.kg, “Политику Женишу Молдокматову предъявлены еще три обвинения”, 8 September 2021, https://24.kg/obschestvo/206384_politiku_jenishu_moldokmatovu_predyavlenyi_esche_tri_obvineniya/
- ⁵² See <https://rus.azattyk.org/a/predvaritelnoe-slushanie-po-delu-o-besporjadkah-v-oktyabre-2020-goda-pereneseno-na-18-oktyabrya/31498940.html>
- ⁵³ <https://www.facebook.com/100001543883725/posts/4455763491151736/>
- ⁵⁴ See Open Democracy, “In Kyrgyzstan, social media hate goes unchecked”, 21 December 2020, <https://www.opendemocracy.net/en/odr/kyrgyzstan-social-media-hate-goes-unchecked/>; and joint statement issued by media organisations in Kyrgyzstan on World Press Freedom Day in May 2021, https://kaktus.media/doc/437564_3_maia_vsemirnyy_den_svobody_pechati_obrazenie_mediasoobshestva_kyrgyzstana.html
- ⁵⁵ 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>
- ⁵⁶ See: <https://kloop.kg/blog/2021/01/22/ugrozy-borba-i-nadezhda-ya-pravozashhitnik-v-kyrgyzstane/>
- ⁵⁷ <https://kloop.kg/blog/2021/10/01/delo-kamilya-ruzieva-ekspertiza-podtverdila-cto-pravozashhitnik-ne-poddelyval-medspravku/>
- ⁵⁸ Human Rights Watch, “Kyrgyzstan: Azimjon Askarov’s Family Awaits Justice”, 8 July 2021, <https://www.hrw.org/news/2021/07/08/kyrgyzstan-azimjon-askarova-family-awaits-justice>
- ⁵⁹ See <https://rus.azattyk.org/a/gsin-nachala-rassledovat-delo-o-smerti-azimzhana-askarova/31449303.html>
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- ⁶¹ See IPHR Submission to the UN Universal Periodic Review (UPR) of Tajikistan, March 2021: <https://www.iphronline.org/wp-content/uploads/2021/09/UPR-Taj-FF.pdf>
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- ⁶³ For more information about his case, see the following IPHR updates: <https://www.iphronline.org/tajikistan-denialism-of-covid-19-pandemic-and-continuous-threats-to-freedom-of-expression.html>; <https://monitor.civicus.org/updates/2021/07/29/jail-joke-stifling-independent-voices-continues/>
- ⁶⁴ See the June 2021 edition of the 10 most urgent cases of injustice against journalists, published by the One Free Press Coalition: <https://www.onefreepresscoalition.com/list?offset=1627878858355>

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- ⁶⁵ See IPHR Submission to the UN UPR of Tajikistan, March 2021: <https://www.iphronline.org/wp-content/uploads/2021/09/UPR-Taj-FF.pdf>
- ⁶⁶ For more information on the new rules, see the following Radio Ozodi article: <https://rus.ozodi.org/a/tadjikistan-wel-polnyy-kontrol-za-rabotoy-nezavisimyh-telekanalov-i-radiostantsiy-kak-eto-budet/31247978.html>; and the following statement by the Committee to Protect Journalists (CPJ): <https://cpj.org/2021/05/new-tajikistan-licensing-rules-restrict-independent-reporting-increase-state-fees/>
- ⁶⁷ See IPHR Submission to the UN UPR of Tajikistan, March 2021: <https://www.iphronline.org/wp-content/uploads/2021/09/UPR-Taj-FF.pdf>
- ⁶⁸ See statement issued by Akhbor on 9 April 2021, at <https://akhbor-rus.com/-p4160-118.htm>
- ⁶⁹ For more information, see the following IPHR updates: <https://www.iphronline.org/tajikistan-crackdown-on-independent-media-outlets-lawyers-and-political-activists-continues.html>; <https://monitor.civicus.org/updates/2021/07/29/jail-joke-stifling-independent-voices-continues/>
- ⁷⁰ See more in this RFE/RL article: <https://www.rferl.org/a/tajikistan-increases-pressure-on-opposition-at-home-abroad/31090343.html>
- ⁷¹ See more in IPHR update: <https://www.iphronline.org/tajikistan-denialism-of-covid-19-pandemic-and-continuous-threats-to-freedom-of-expression.html>
- ⁷² See UN Human Rights Committee Concluding Observations on the Third Periodic Report of Tajikistan, August 2019: <http://docstore.ohchr.org/SelfServices/FilesHandler.ashx?enc=6QkG1d%2FPPRiCAqhKb7yhstnmpISEIbm%2BRnl3Df%2BMS62Ddwef9ujHXzqtW1VP52gDwO3l661HhKqCb3C3u87Jw5fDvDBXj1NpwbYXwRMJDejcMmT3Hl6r7kBWZ%2FSIBEMt>
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- ⁷⁴ See the following Radio Ozodi article: <https://rus.ozodi.org/a/31364524.html>
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- ⁷⁷ See more in joint submission to the UPR of Tajikistan by the NGO Coalition against Torture and Impunity in Tajikistan, IPHR and Helsinki Foundation for Human Rights, March 2021: <https://www.iphronline.org/wp-content/uploads/2021/09/UPR-Taj-torture.pdf>
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- ⁷⁹ For further information, see IPHR's report *Human Rights Impact Assessment of the COVID-19 response in Tajikistan*, <https://www.iphronline.org/wp-content/uploads/2020/09/Covid-19-TAJ.pdf>
- ⁸⁰ See more in joint appeal to the WHO by Turkmenistani human rights NGOs based abroad from September 2021: <https://en.turkmen.news/news/open-letter-to-world-health-organization/>
- ⁸¹ For a detailed review of the government's response to the Covid-19 pandemic, see the following report: <https://www.iphronline.org/it-came-with-the-wind-turkmenistan-s-covid-19-response.html>
- ⁸² The letter is available at: <https://en.turkmen.news/news/open-letter-to-world-health-organization/>
- ⁸³ On 7 August 2020, WHO's Europe regional director reported that the government had agreed to such an arrangement: https://twitter.com/hans_kluge/status/1291758100479967234?lang=en
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- ⁸⁵ For more information on this crackdown, as well as detailed case descriptions, see IPHR-TIHR report issued in June 2021: <https://www.iphronline.org/wp-content/uploads/2021/06/CLOSED-CIVIC-SPACE-IN-TURKMENISTAN-JUNE-2021-1.pdf>
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- ⁹⁹ Human Rights Watch, Turkey: Turkmen Activists Face Deportation, 27 October 2021, <https://www.hrw.org/news/2021/10/27/turkey-turkmen-activists-face-deportation>
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- ¹²⁶ See statement of preliminary findings and conclusions issued by international election observation mission featuring representatives of the ODIHR, the OSCE Parliamentary Assembly and the European Parliament: <https://www.osce.org/files/f/documents/4/9/502203.pdf>
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- ¹³³ See more about the reported intimidation against him at: https://www.instagram.com/p/CPU-oESIDkR/?utm_medium=share_sheet and <https://rus.ozodlik.org/a/31275387.html> and <https://www.gazeta.uz/ru/2021/01/20/jahongir-otajonov/>
- ¹³⁴ See RFE/RL report published on 12 July 2021: <https://www.rferl.org/a/31354540.html>
- ¹³⁵ See RFE/RL report published on 23 October 2021: <https://www.rferl.org/a/uzbekistan-election-clampdown-mirziyoev-activists/31525970.html?ltflags=mailer>; Davoronov also informed AHRCA about renewed pressure
- ¹³⁶ Information obtained by AHRCA.
- ¹³⁷ Article 12¹ of the Law on Informatisation, based on law on amendments and additions to several legislative acts, signed by the president on 30 March 2021: <https://xs.uz/ru/post/o-vnesenii-izmenenij-i-dopolnenij-v-nekotorye-zakonodatelnye-akty-respubliki-uzbekistan-11>
- ¹³⁸ Articles 244.6, as well as articles 139 and 140 of the current Criminal Code. In the case of article 244.6 ("dissemination of false information"), criminal penalties are applicable to individuals who have previously been held accountable under the country's Code on Administrative Responsibility for the same offense (under article 202.2 of this code).
- ¹³⁹ Articles 158 and 244.5 of the Criminal Code.
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- ¹⁴⁷ See more in IPHR-AHRCA statement at <https://www.iphronline.org/uzbekistan-pressure-on-activists-increases-prior-to-presidential-elections-klara-sakarova-detained.html>
- ¹⁴⁸ See more in the following IPHR-AHRCA statement: <https://www.iphronline.org/the-long-road-to-registration-human-rights-house-files-lawsuit-against-ministry-of-justice-s-eighth-refusal-to-register-the-ngo.html>
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