

Freedom of Speech in Uzbekistan and Stakeholder Engagement
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Introduction

The liberalization of the media space under the reform program by President Mirziyoyev has come under serious constraints over the past two years, resulting in the detention and harassment of journalists and bloggers. Numerous cases raise serious concerns for freedom of speech which has far-reaching implications for meaningful stakeholder engagement and verification of information related to development projects.

The government retains tight control over public information, with traditional news sources and much of social media dominated by pro-government journalists and bloggers.¹ In addition, a wave of amendments to Uzbekistan’s criminal code, administrative code, and information laws in recent years have had a significant negative impact on bloggers and independent journalists. In late 2020, the crime of “disseminating false information” in the media or online was added to the criminal code.²

Further amendments introduced in 2021 criminalizes online “public insult or defamation” against the president of Uzbekistan and carries a penalty of up to five years’ imprisonment.³ The adoption of this legislation followed just weeks after the publication

¹ RSF – Reporters Without Borders, *Uzbekistan*, <https://rsf.org/en/country/uzbekistan>; Freedom House, *Freedom in the World 2022: Uzbekistan*, part D.1, <https://freedomhouse.org/country/uzbekistan/freedom-world/2022>.

² Criminal Code Art. 244⁶ provides: “Dissemination of false information, including in the mass media, telecommunication networks or the worldwide information network Internet, leading to humiliation of the dignity of a person or discredit of a person, committed after the application of an administrative penalty for the same actions shall be punishable by a fine of up to one hundred and fifty basic monthly wages, or compulsory community service up to two hundred and forty hours, or correctional labor up to two years, or restraint of liberty up to two years.” The same article provides greater penalties for the crime if certain circumstances are present, such as a threat to public peace and security, resultant damage, taking place during a public emergency, etc.

³ Criminal Code Art. 158, part 3 (as amended Mar. 30, 2021) provides: “Public insult or defamation against the President of the Republic of Uzbekistan, as well as using the press or other media, telecommunications networks, or the worldwide information network the internet, shall be punishable by correctional labor up to three years, or restraint of liberty from two to five years, or imprisonment up to five years.” (unofficial translation.)

of a report by Radio Free Europe/Radio Liberty that taxpayer money had funded the construction of an immense luxury resort for the president's use.⁴ The passage of the legislation was particularly ominous for bloggers, who – in spite of their importance in the Uzbek media landscape – lack the protections afforded to officially-registered journalists.

In March 2023 more than 40 Uzbek journalists addressed the president in an open letter, raising their concerns of “hidden but strict” censorship.⁵

“The press cannot raise those issues which it wants to,” the letter states. “A state body responsible for controlling information continues to pressure editorial staff and bloggers to change their tone, format, and the nature of the information [they relay] or not to publish that information at all.”

In the “New Uzbekistan,” investigative journalists and bloggers still face threat of bodily harm for their work. The “reformed” security services have regained their footing, surveilling, cajoling, intimidating, and threatening those working on topics that are embarrassing to the authorities or powerful business interests.⁶ Some journalists have recently stated that the SGB has forced them to delete, delay, or amend content of which the authorities disapprove.⁷

One independent journalist recently reported, for example, that he has of late been continuously contacted by the SGB, who have pressured him with indirect threats such as “You don't want your son or daughter to become crippled one day. You don't want them crossing the street and something to happen to them.”⁸ Others report receiving death threats and pressure from “troll farms” controlled by unknown entities.⁹ Some journalists also say SGB agents have offered them money to stop reporting on certain topics, and those who speak to foreign reporters face interrogation by the service.¹⁰

Given this situation – and knowing the risks of covering sensitive stories that may lead to prosecution or harassment – bloggers report self-censoring, avoiding topics like high-level

⁴ Eurasianet, August 18, 2021: <https://eurasianet.org/uzbekistan-social-media-personality-reportedly-arrested-for-insulting-president>.

⁵ Eurasianet, March 9, 2023: <https://eurasianet.org/uzbekistan-plea-for-greater-press-freedoms-greeted-with-rebukes-and-silence>

⁶ Radio Ozodlik, June 14, 2021: <https://www.ozodlik.org/a/халқаро-блогерлар-қуни-ўзбек-блогерлари-мустақилми-/31307383.html>

⁷ The Diplomat, June 3, 2022: <https://thediplomat.com/2022/06/uzbekistans-soviet-legacy-lives-on-in-its-treatment-of-journalists/>

⁸ The Diplomat, June 3, 2022: <https://thediplomat.com/2022/06/uzbekistans-soviet-legacy-lives-on-in-its-treatment-of-journalists/>

⁹ International Press Institute: April 30, 2021: <https://ipi.media/press-struggles-to-regain-strength-after-decades-of-repression-in-uzbekistan/>

¹⁰ The Diplomat, June 3, 2022: <https://thediplomat.com/2022/06/uzbekistans-journalists-censorship-in-our-minds-and-hearts/>.

corruption, even when such stories have already been reported by international news outlets.¹¹

Even international journalists are not immune from harassment by the authorities. Journalists who cover uncomfortable topics – including the government’s treatment of independent journalists and bloggers – face stonewalling and intimidation. In April 2023, award-winning, London-based journalist Shahida Yakub, was refused entry to her native Uzbekistan without being given any reason.¹² Radio Ozodlik’s website, the Uzbek version of the international media outlet Radio Free Liberty/Radio Europe, remains blocked in the country.¹³

The following three cases underscore the challenges for development banks in assuring stakeholders can speak freely and report on rights violations related to development projects.

Otabek Sattoriy

Otabek Sattoriy is a well-known activist, blogger, and investigative journalist. Through his Telegram, YouTube, and Facebook channels, Sattoriy frequently reported on allegations of corruption and human rights violations by government authorities in the Surkhandarya region, including the governor.¹⁴ His hands-on reporting style often featured videos of him touring relevant sites to show the government’s failure in addressing urgent issues such as poor infrastructure, government construction projects, gas and electricity shortages, and food prices.¹⁵

On January 30, 2021, Sattoriy was arrested on suspicion of extortion. The authorities alleged that Sattoriy had threatened the head of a local bazaar with blackmail. The following day, the Termez city Criminal Court remanded Sattoriy to pretrial detention in a closed session. On February 5, the court denied his lawyer’s later request to release him on bail.¹⁶

On February 24, 2021, Sattoriy was charged a slew of crimes including extortion, criminal slander, and criminal insult, stemming from his critical reporting on local issues between 2018 and 2020.¹⁷ On May 10, 2021, the Muzrabot District Court of Surkhandarya region

¹¹ Radio Ozodlik, June 28, 2022: <https://www.ozodlik.org/a/31920033.html> (Uzbek only).

¹² RFE/RL, April 6, 2023: <https://www.rferl.org/a/uzbekistan-yakub-journalist-prevented-entering/32352352.html>

¹³ Radio Ozodlik, <https://pressroom.rferl.org/rferl-uzbek-service-radio-ozodlik>

¹⁴ RFE/RL, May 10, 2021, <https://www.rferl.org/a/uzbekistan-blogger-lengthy-prison-term-critical-government/31247970.html>.

¹⁵ Freedom Now: <https://www.freedom-now.org/cases/otabek-sattoriy/>

¹⁶ Committee to Protect Journalists, February 8, 2021: <https://cpj.org/2021/02/uzbek-blogger-otabek-sattoriy-detained-charged-with-extortion/>

¹⁷ Freedom Now, *Otabek Sattoriy*, <https://www.freedom-now.org/cases/otabek-sattoriy/>

found Sattoriy guilty of four counts of extortion and one count of slander and sentenced him to six and a half years and in prison. The Samarkand Regional Criminal Court and Uzbekistan's Supreme Court upheld the verdict and sentence on appeal.

Sattoriy's case garnered extensive local and international media attention, to which the Uzbek authorities responded with threats of criminal liability for journalists and activists commenting on the case.¹⁸ Sattoriy is currently serving his sentence in the maximum-security prison colony in Navoi.¹⁹

Freedom Now filed a petition with the UN Working Group on Arbitrary Detention on behalf of Sattoriy in May 2022.²⁰ In November 2022, the Working Group found that his detention violated international law.²¹

Olimjon Khaydarov

Olimjon Khaydarov is a blogger who had been reporting on Uzbekistan's chronic energy shortages during the severe winter in December 2022. He was accused of violating articles 201, part 1 (violation of the order of organizing or holding meetings, rallies, street marches or demonstrations) and 202-2, part 2 (dissemination of false information in the media and the Internet that poses a threat to public order and safety) of the administrative code.²²

The authorities alleged that on December 4, 2022, Khaydarov went to a gypsum factory owned by the Albus Cement Group LLC in the Uzbekistan district of Fergana region where he videotaped factory workers protesting against gas shortages. Khaydarov posted the video on his social media channels, thereby allegedly spreading false, provocative information which violates the established norms of public order in the country.

At his trial at the Administrative Court in the Uzbekistan District of Fergana Region,

¹⁸ See Ministry of Internal Affairs of the Republic of Uzbekistan, *Official Statement*, Feb. 10, 2021, <https://iiv.uz/ru/news/rasmiy-murojaat> (Russian/Uzbek only) ("An attempt by social network activists to achieve any goal by disseminating unverified information related to a criminal case among the public, artificially forming a negative attitude towards the activities of the investigative and judicial authorities, is regarded as interference in the investigation or resolution of court cases and entails criminal liability.")

¹⁹ Radio Ozodlik, *Jailed bloggers Sattori and Orifkhojayev emphasize their innocence*, May 21, 2022, <https://www.ozodlik.org/a/qamoqdagi-blogerlar-sattoriy-va-orifxo-jayev-aybsizliklarini-ta-kidlashmoqda/31861340.html>

²⁰ Freedom Now petition to the UN Working Group on Arbitrary Detention, May 2, 2022: <https://www.freedom-now.org/wp-content/uploads/WGAD-Petition-Otabek-Sattoriy-Uzbekistan-02May2022.pdf>

²¹ Opinion of the Human Rights Council Working Group on Arbitrary Detention, February 10, 2023: https://www.freedom-now.org/wp-content/uploads/AUV_83_2022.pdf

²² RFE/RL, December 14, 2022: <https://www.rferl.org/a/uzbekistan-blogger-fined-energy-shortage-ferghana/32176573.html>

Khaydarov denied the charges against him. He said that he had repeatedly received calls from workers the factory who complained to him about the effect of gas shortages at which had caused the factory to cease operations, leaving them without work and pay. After unsuccessful appeals by the workers to various authorities, they now turned to Khaydarov to highlight these problems in the media in the hope of winning the attention of the president.

On December 4, Khaydarov went to the factory to meet the workers where he videotaped interviews with 10-15 workers, each of whom spoke about the problems associated with the closure of the plant. Khaydarov denied that he called or provoked people to demonstrate. On the contrary, Khaydarov says that he explained to the workers that although he could raise awareness of their situation, he could not promise any outcome.

Khaydarov claims that while he was filming, strangers approached him and demanded that he delete the videos which he refused to do and returned home. On December 6, he published the videos on his Telegram channels, sparking widespread discussion on social media. He was subsequently forced to delete the videos.

Two workers who participated in the protests at the factory testified against Khaydarov in court, alleging that Khaydarov had provoked them into protesting. The court accepted the testimony of the witnesses, and although Khaydarov did not admit his guilt, on December 13, 2022, the court found him guilty of spreading false information of a provocative nature and violating the established order in the country. Khaydarov was ordered to pay a hefty fine of 21 million UZS (approximately \$1,865 US).

Miraziz Bazarov

Miraziz Bazarov is a well-known Uzbek activist, blogger, and outspoken critic of the government. Through a very active social media presence, Bazarov has advocated for decriminalization of same-sex conduct in Uzbekistan and criticized the alleged corruption and lack of transparency of the country's government, including in relation to the use of international funding to address COVID-19. In July 2020, Bazarov wrote a public letter to the Asian Development Bank (ADB) and the World Bank in which he raised concerns of misappropriation of a \$600-million loan to the Uzbek government's Covid fund.²³

After receiving hundreds of death threats for his advocacy work, on March 28, 2021 Bazarov was severely beaten at his home by a group of unknown assailants, one of whom had a baseball bat.²⁴ The attack resulted in his hospitalization for over a month with traumatic brain injury, a compound leg fracture, and extensive bruising. While he was in

²³ Eurasianet, December 6, 2021: <https://eurasianet.org/perspectives-how-adbs-pandemic-aid-to-uzbekistan-was-misused-whistleblower-silenced>

²⁴ Radio Ozodlik, January 21, 2022: <https://rus.ozodlik.org/a/31665340.html>

hospital, the police conducted warrantless searches of Bazarov's and his mother's homes and seized laptops, video cameras, and mobile phones.²⁵

Yet just as he was due to be released from the hospital, on April 29, 2021, Bazarov was taken into custody for interrogation under suspicion of the criminal offenses of slander and public insult. The investigation stemmed from an October 2020 TikTok post in which Bazarov criticized the state education system.²⁶ The same day, Bazarov was charged with slander and placed under house arrest, a condition of which prohibited him from using the internet or telephone or communicating with anyone outside.²⁷ Bazarov was later charged with an additional count of slander in relation to complaints by three Islamic and pro-government bloggers who Bazarov alleged had themselves slandered him and called for threats against him.²⁸

On January 21, 2022, Bazarov was convicted of slander following a two-day trial from which journalists were excluded and in which video and audio recording were prohibited. He was sentenced to three years of restricted liberty, the conditions of which include prohibitions on leaving Tashkent, leaving his house during times set by the police, using the internet, and working as a psychologist, which is his profession.²⁹

On March 4, 2022, the Tashkent City Court rejected Bazarov's appeal, leaving his verdict and sentence unchanged.³⁰

Conclusion

Dozens more cases continue to be reported in the Uzbek media and beyond while many do not make the headlines. Particularly bloggers in remote areas who are simply trying to expose corruption and social problems in their communities are especially vulnerable to reprisals by the authorities. These people represent potential stakeholders of development projects and their risk of being silenced poses significant challenges to ensuring objective information that properly informs development project design, impact assessments and meaningful stakeholder engagement as required by Performance Requirement 10.

Recommendations to EBRD:

²⁵ International Federation for Human Rights, January 26, 2022: <https://www.fidh.org/en/issues/human-rights-defenders/uzbekistan-sentencing-of-blogger-miraziz-bazarov>

²⁶ Radio Free Europe Radio Liberty, *Severely Beaten Uzbek Blogger Under House Arrest After Release From Hospital*, April 30, 2021, <https://www.rferl.org/a/uzbekistan-beaten-blogger-bazarov-house-arrest-hospital-release/31231913.html>

²⁷ Radio Ozodlik, April 30, 2021: <https://rus.ozodlik.org/a/31230317.html>

²⁸ Radio Ozodlik, May 14, 2021: <https://rus.ozodlik.org/a/31254361.html>

²⁹ International Federation for Human Rights, January 26, 2022: <https://www.fidh.org/en/issues/human-rights-defenders/uzbekistan-sentencing-of-blogger-miraziz-bazarov>

³⁰ AsiaTerra, March 5, 2022: <http://m.asiaterra.info/protsessy/sud-apellyatsionnoj-instantsii-ostavil-v-sile-prigovor-blogeru-mirazizu-bazarovu-za-klevetu-na-provlastnykh-bloggerov-i-nenazvannykh-lits>

- Convey to the Uzbek government that freedom of speech is a prerequisite for fulfilling EBRD's mandate.
- Take all measures to ensure that information relating to EBRD investments can be gathered freely from stakeholders without risk of retaliation or harassment.
- Ensure verification of sources of information for stakeholder consultations.
- Convey to the Uzbek government that it should take measures to guarantee the right to peaceful public assembly for all individuals under its jurisdiction and refrain from prosecuting journalists and bloggers who cover such assemblies.
- Ensure the assessment of project risks, such as restriction of civic space as well as lack of freedom of speech and assembly, and that the assessment is carried out in a participatory manner.
- Assess retaliation risks posed by high-risk projects such as Indorama Agro in Uzbekistan, focusing particularly on the potential for clients and authorities to perpetrate reprisals.