UZBEKISTAN

	2011	2012
INTERNET FREEDOM STATUS	**n/a**	**Not Free**
Obstacles to Access (0-25)	n/a	19
Limits on Content (0-35)	n/a	28
Violations of User Rights (0-40)	n/a	30
Total (0-100)	**n/a**	**77**

* 0=most free, 100=least free

POPULATION: 30 million
INTERNET PENETRATION 2011: 30 percent
WEB 2.0 APPLICATIONS BLOCKED: Yes
NOTABLE POLITICAL CENSORSHIP: Yes
BLOGGERS/ICT USERS ARRESTED: Yes
PRESS FREEDOM STATUS: Not Free

INTRODUCTION

Uzbekistan has significantly improved its telecommunications infrastructure over the last two decades. President Islam Karimov, who has been in power for over 20 years, has publicly acknowledged the importance of the internet and information and communication technologies (ICTs) to the lives of Uzbek citizens.[1] At the same time, however, Karimov's regime employs a range of legal, administrative, and technical measures to undermine the internet's role as an avenue for open and pluralistic communication, rendering the country's internet regulation the most restrictive in Central Asia. These measures have increased since May 2005 following the violent suppression of public protests in the city of Andijan during which ICTs were used to circulate uncensored information amidst a news blackout in the traditional media.[2]

In 2011, the state-owned telecommunications carrier Uzbektelecom retained centralized control over the country's connection to the international internet, facilitating nationwide censorship and surveillance. The Uzbek authorities block access to a wide range of international news websites, human rights groups, and exile publications, while limiting

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[1] Speech of the President RU, "Последовательное продолжение курса на модернизацию страны – Решающий фактор нашего развития" [Consistent Continuation of the Course Toward Modernization of the Country – The Decisive Factor for our Development], December 7, 2010, http://www.press-service.uz/#ru/news/show/dokladi/posledovatelnoe_prodoljenie_kursa_na__1/.

[2] OSCE, "Coverage of the Events and Governmental Handling of the Press During the Andijan Crisis in Uzbekistan: Observations and recommendations," June 15, 2005, http://www.osce.org/fom/15617. Also tests conducted by the OpenNet Initiative in 2007 and 2008 confirmed the existence of widespread censorship of the internet. See, "Country Profile: Uzbekistan," OpenNet Initiative, December 21, 2010, http://opennet.net/research/profiles/uzbekistan.

access at educational and cultural institutions to the ZiyoNet intranet system. Over the past year and a half, what limited space existed for open online discussion shrunk even further. The closure of the popular online forum Arbuz by its owner after the detention of several of its contributors was particularly notable. In addition, in early 2012, two reporters were punished with high fines for online comments or news articles they claimed they had not written, while two others are serving long sentences on trumped-up charges.

Uzbekistan was first connected to the internet in 1997 and in 1999, the government began to seriously invest in the telecommunications infrastructure. Access to online information was relatively open until 2001 when the authorities began filtering politically sensitive websites and reportedly intercepting email communication.[3]

OBSTACLES TO ACCESS

The government of Uzbekistan began investing in telecommunications infrastructure in 1999.[4] Since then, the percentage of the population accessing the internet has grown dramatically, from 6.4 percent in 2006 to over 30 percent in 2011.[5] In practice, there remains a digital divide between urban and rural areas, with the capital Tashkent having the highest internet penetration rate in the country. Rural citizens typically lack the computer literacy to get online, while problems with the electrical grid also limit the usefulness of the telecommunications infrastructure.[6]

In addition to household and workplace access, cybercafes and other public access points remain popular sites for users to get online.[7] Libraries and nearly all of the country's educational institutions connect to the internet via the ZiyoNet intranet network, a system developed by the government for the purpose of providing a "singular platform to gather data and information resources."[8] The ZiyoNet intranet requires user identification and

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[3] "Country Profile: Uzbekistan," OpenNet Initiative.

[4] See, UNDP ICT Project, Report "Review of Information and Communication Technologies Development in Uzbekistan: 2005," Tashkent 2006, p. 3, http://www.undp.uz/en/publications/publication.php?id=19.

[5] International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2006 & 2011, accessed July 13, 2012, http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#.

[6] See, ITU project in Uzbekistan, "Sustainable electricity supply of telecommunications objects in rural and remote areas," from 2011-2013, accessed September 21, 2012, http://www.itu.int/ITU-D/projects/display.asp?ProjectNo=2UZB11003.

[7] As of October 1, 2011, the number of "points of collective access," including internet cafes, reached 1,032. See, UzACI, "Коллегия УзАСИ подвела итоги деятельности 9 месяцев" [The UzACI Board Summed up 9 Months of its Activity], October 25, 2011, http://www.aci.uz/ru/news/uzaci/article/1407.

[8] UzACI, "Президент Республики Узбекистан отметил ускоренный рост сферы связи и информатизации" [The President of the Republic of Uzbekistan Remarked on the Accelerated Development in the Field of Communication and Informatization], January 20, 2012, at http://www.aci.uz/ru/news/uzaci/article/1436/. See, Resolution of the Cabinet of

provides access to only "approved" sites, some of which are knock-offs of popular social media sites such as Utube.uz.

Users can access the internet via ADSL broadband or a dial-up connection, with the latter being more common in rural than urban areas. In 2011, the government made a commitment to expand the number of internet users through dial-up connections from 3 to 3.5 million users.[9] President Karimov also set the target of reaching 100,000 broadband subscribers as a national priority for 2011, a target that was reportedly reached.[10] In August 2011, the government thus launched the mass production of broadband modems and network devices together with the Chinese telecommunications equipment supplier ZTE.[11] Alternative access options such as WiMax broadband are not available, and in March 2011, internet service providers (ISPs) were officially banned from providing internet via satellite.[12]

The price for internet access dropped in 2011 but remains beyond the reach of large segments of the population. During the year, the state-owned telecommunications operator Uztelecom reduced prices by 22 percent.[13] In January 2012, Uztelecom began offering households ADSL broadband packages for between 9,000 and 85,000 Uzbek soms (US$5-$47) per month for speeds ranging from 600 Kbps to 2 Mbps, respectively.[14] Still, given that

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Ministers RU "О дальнейшем развитии сети 'ZiyoNET'" [On the Further Development of a ZiyoNET Network], No. 282, December 28, 2005, *SZ RU* (2005) No. 52, 389.

[9] Uztelecom, "Рассмотрены перспективы развития телекоммуникационных сетей" [The Prospective for the Development of Telecommunications Networks Has Been Analyzed], February 21, 2011, http://www.uztelecom.uz/ru/press/media/2011/141/.

[10] According to the ITU, the country had 147,760 fixed line broadband subscriptions by the end of 2011. See, International Telecommunication Union (ITU), "Percentage of individuals using the Internet, fixed (wired) Internet subscriptions, fixed (wired)-broadband subscriptions," 2011. Report of the President RU to the Government, "Все наши устремления и программы – Во имя дальнейшего развития родины и повышения благосостояния народа" [All our aspirations and programs – in the name of the further development of the motherland and improvement of the welfare of the people], February 21, 2011, http://www.press-service.uz/ru/news/archive/dokladi/#ru/news/show/dokladi/vse_nashi_ustremleniya_i_programmyi___1/.

[11] Since opening its Uzbekistan office in 2003, ZTE has become a leading supplier of telecommunications equipment in the country. Uztelecom, "Запущена в эксплуатацию технологическая линия по производству DSLAM оборудования и ADSL модемов" [A Technological Production of DSLAM Equipment and ADSL modems Has Been Launched], August 31, 2011, http://www.uztelecom.uz/ru/press/news/2011/187/.

[12] IREX, "Uzbekistan," *Media Sustainability Index 2012* (IREX: Washington, D.C., 2012), http://www.irex.org/sites/default/files/u105/EE_MSI_2012_Uzbekistan.pdf.

[13] UzACI, "Президент Республики Узбекистан отметил ускоренный рост сферы связи и информатизации" [The President of the Republic of Uzbekistan Remarked on the Accelerated Development in the Field of Communication and Informatization], January 20, 2012, http://www.aci.uz/ru/news/uzaci/article/1436/.

[14] FTTB broadband is available only to legal entities. See, Uztelecom, "Прейскурант на основные и дополнительные услуги 'Uzonline'" [Price List for Basic and Additional Services 'Uzonline'], Annex II http://uzonline.uz/upload/files/oferta_yanv.pdf.

the official average monthly wage was 711,633 Uzbek soms (US$407) as of September 2011, the higher speeds remain too expensive for many Uzbeks. [15]

Mobile phone penetration is substantially higher than for the internet, with over 25 million Uzbeks (over 85 percent of the population) having a mobile phone subscription in 2011.[16] Mobile phone connectivity via 3G technology is widely available, though as of October 2011, only 23 percent of mobile phone subscribers had used the device to access the internet.[17] MTS-Uzbekistan launched the country's first 4G network in July 2010, but it was available only in limited parts of the capital Tashkent.[18]

The telecommunications infrastructure in Uzbekistan is centralized and controlled by state-owned Uztelecom, which enjoys a monopoly over the country's connection to the international internet.[19] Private carriers, such as mobile phone companies and ISPs, must access international telecommunications networks exclusively through Uztelecom's infrastructure.[20] This dominant position was further cemented in February 2011, when the government issued an administrative order prohibiting private ISPs from establishing their own satellite connection.[21] Such restrictions have firmly established Uztelecom as an upstream ISP, with private ISPs required to have their networks pass through a single node controlled by Uztelecom.[22] Uztelecom can also control the price at which it sells traffic to downstream ISPs. From January 2011 to January 2012, it lowered this price substantially,

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[15] In reality, the average salary is much less than official figures. For the estimation of official figures compare statistics data in Ministry of Economy of the RU, "Об итогах социально-экономического развития Республики Узбекистан за девять месяцев 2010 года," September 9, 2010 http://www.mineconomy.uz/node/320 and "Об итогах социально-экономического развития Республики Узбекистан за девять месяцев 2011 года," November 7, 2011 http://uza.uz/ru/business/16933/.

[16] International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2011, accessed July 13, 2012, http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#.

[17] However, it is not clear whether this official data also include statistics of internet access provided by private mobile phone companies. See, UzACI, "Коллегия УзАСИ подвела итоги деятельности 9 месяцев" [The UzACI Board Summed up 9 Months of its Activity], October 25, 2011, http://www.aci.uz/ru/news/uzaci/article/1407.

[18] UzDaily, "МТС-Узбекистан начал продавать 4G модемы" [MTS-Uzbekistan Started to Sell 4G Modems], December 22, 2011, http://www.uzdaily.uz/articles-id-9334.htm.

[19] See note 3 above.

[20] Art. (Punkt) 11, Положение о порядке регулирования межсетевого взаимодействия Интернет-провайдеров на сетях передачи данных, утв. Приказом ген. Директора Узб. Агенства связи и инфо. 12.11.2004 No. 374 (рег. 1423 от 18.11.2004) СЗРУ, 2004, 45-46, ст. 480), as amended on February 28, 2011.

[21] Приказ генерального директора Узбекского агенства связи и информатизации "О внесении изменений в Положение о порядке регулирования межсетевого взаимодействия Интернет-провайдеров на сетях передачи данных" [Order of the General Director of UzACI 'On Amendements to the Rules on the Procedure Regulating Network Interconnection Among Internet Providers on Data Networks'], No. 4-Yu, February 28, 2011, *SZRU* (2011) No. 10-11 (458-459), item 108, at Annex.

[22] See, Law RU, "O telekommunikatsiiakh" [On Telecommunications], No. 822-I, 20 August 1999, *VOM RU* (1999) No. 9, 219, as amended by Law No. ЗРУ-314 on December 30, 2011, at Art. 17, para. 3.

from around US$850 for 1 Mbps to US$500. As noted above, this reduction was partially passed down to consumers.[23]

The government's control over the internet infrastructure and its influence on mobile phone operators enables it to limit or block connectivity to Web 2.0 applications at will, which it appears to have done on several occasions in recent years. In August 2011, users and independent news websites reported that the Google search engine and its Russian equivalent Rambler were blocked for several days amidst a broader increase in blocked websites (see "Limits on Content").[24] Government officials and service providers denied that the disruptions were intentional, but observers suspected that the restrictions were related to the upcoming 20th anniversary of the end of the Soviet era in September 2011 and the government's fear that it might trigger social media-inspired protests in Uzbekistan.[25]

In an unusual incident on August 2, 2011, mobile phone operators throughout the country suspended text message and internet services for one day (voice conversations were not affected), coinciding with national university entrance exams. The shutdown was an apparent effort by the government to prevent cheating, though it affected all of the country's mobile phone users.[26] Apart from these sporadic restrictions, the video-sharing site YouTube, social-networking site Facebook, microblogging service Twitter, and popular Russian virtual community LiveJournal remained generally available in 2011, though some individual pages were blocked. In March 2012, however, reports emerged that the Uzbek authorities had blocked LiveJournal out of concern that potential protests could erupt over the results of the Russian presidential elections.[27] Unconfirmed reports also indicate that the blog-hosting platform Wordpress is blocked.[28]

Private ISPs and hosting providers require a government license to operate in Uzbekistan. They totaled 939 by October 2011 but, as noted above, all must connect via Uztelecom. The market for mobile phone services is shared by Uztelecom and four private operators: Ucell, the Russian firms Beeline and MTS-Uzbekistan, and Perfectum Mobile.

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[23] Uztelecom, "Очередное снижение тарифов на интернет-услуги для провайдеров" [Another reduction of tariffs for Internet services providers], January 21, 2012, http://www.uztelecom.uz/ru/investors/shareholders/2011/272/.

[24] Reporters Without Borders, "Uzbekistan," *Enemies of the Internet 2012*, March 12, 2012, http://en.rsf.org/uzbekistan-uzbekistan-12-03-2012,42079.html.

[25] Institute for War & Peace Reporting, "Tashkent Spooked by Web Interest in Arab Protests," February 24, 2011, http://iwpr.net/report-news/tashkent-spooked-web-interest-arab-protests; "В Узбекистане блокируют Живой Журнал и поисковые системы" [LiveJournal and Search Engines are Blocked in Uzbekistan], Ferghana News, August 10, 2011, http://www.fergananews.com/news.php?id=17125; Catherine A. Fitzpatrick, "Uzbekistan: Internet Sites Blocked," Eurasianet.org, August 10, 2011, http://www.eurasianet.org/node/64026.

[26] "Uzbekistan 'halts mobile Internet, SMS' for exam day," AFP, August 2, 2011, http://www.google.com/hostednews/afp/article/ALeqM5iAt_J3V1eR_Homvu0Osp2K3mqMdQ.

[27] "LiveJournal website blocked in Uzbekistan," Uznews.net, March 20, 2012, http://www.uznews.net/news_single.php?nid=19380.

[28] IREX, "Uzbekistan," *Media Sustainability Index 2012* (IREX: Washington, D.C., 2012).

As private ISPs are unable to establish their own international internet connections, since 2004, several providers have sought to connect with each other via the Tashkent Internet Exchange, or TAS-IX network.[29] By 2011, 37 ISPs were connected via the exchange. Under an agreement signed between the ISPs, the network enables them to route data among their networks without applying mutual charges and without having to pass through Uztelecom's network. The TAS-IX network provides users with access to websites and data hosted within Uzbekistan without additional charges.[30]

The Uzbek Agency for Communications and Information (UzACI) is the national telecommunications regulator responsible for issuing licenses to private ISPs, mobile phone companies, and cybercafes. It is a governmental body and lacks institutional independence. Service providers are required to have a license to operate, and in 2005, the Cabinet of Ministers adopted Resolution No. 155, which stipulates that telecommunications providers must first register as a legal entity before being issued a license. Thereafter, the licensing procedure is fairly straightforward but is often encumbered by political interests in practice, with applicants from outside the government's inner circle regularly denied licenses for unjustifiable reasons.[31]

The director-general of UzACI is appointed by the president, although this position has also been filled by the Uzbek deputy prime minister in the past.[32] In addition to issuing licenses, UzACI approves the regulatory policies for the use of domain names registered with the ".uz" country-code.[33] The UzInfoCom Center Center for the Development and Integration of Information and Computer Technologies (UzInfoCom), a structural division of UzACI is the ".uz" top-level domain manager. It is also the largest provider of web hosting services within the country. As of December 2011, its servers hosted 1,235 websites—or nearly 20 percent—of all of Uzbekistan's domestically hosted websites.[34]

LIMITS ON CONTENT

The Uzbek government engages in pervasive and systematic blocking of internet content that contains information about human rights, criticism of the government, and censure of

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[29] Центр взаимодействия сетей передачи данных, "TAS-IX," accessed September 20, 2012, http://www.tas-ix.uz.

[30] Uztelecom sells the connection to the TAS-IX network at the average connection speed of 2 Mb/sec.

[31] IREX, "Uzbekistan," *Media Sustainability Index 2012* (IREX: Washington, D.C., 2012).

[32] European Bank for Reconstruction and Development, "Legal Transition Program: Comparative Assessment of the Telecommunications Sector in the Transition Countries: Assessment Report Uzbekistan," December 2008, http://www.ebrd.com/downloads/legal/telecomms/uzbek.pdf.

[33] Law RU, "On Telecommunications," Art. 8.

[34] See, WWW.UZ, Statistical Data, "Хостеры по количетву сайтов" [Hosting Providers' Rating], December 28, 2011, http://www.uz/ru/providers/.

the president.[35] The most recent tests by the OpenNet Initiative (ONI) in 2007-2008 found widespread blocking of local and international human rights groups' websites, independent online news outlets, and opposition websites, as well as some content related to local civil society and religious groups. Websites associated with the BBC Uzbek Service, the U.S. government-funded Radio Free Europe/Radio Liberty (RFE/RL), and the German public broadcaster Deutsche Welle are also inaccessible. Online media such as Uznews.net, Ferghana, Harakat.net Mediauz.ucoz.ru and the websites of Uzbek opposition groups in exile are among those permanently blocked. In addition to being blocked, none of these websites appear in the results of the national search engine www.uz,[36] which is regulated by the government and catalogues primarily sites with ".uz" domain names.

These restrictions remained in place as of April 2012. Moreover, new rounds of censorship were implemented throughout 2011. During the year, a number of websites were rendered inaccessible, including those of the Institute for War and Peace Reporting, and Reuters, as well as Russian-language news websites such as EurasiaNet, and Voice of Freedom. In some instances, the blocks were temporary and lasted only a few days. For example, in August 2011, around the 20th anniversary of the end of the Soviet era, dozens of websites with the ".ru" domain became inaccessible in Uzbekistan, including the sites of the Russian newspapers *Pravda, Izvestiya, Kommersant,* and *Parlamentskaya*.[37] In other cases, blocks appeared indefinite, such as for the websites of Human Rights Watch, Reporters Without Borders, and Amnesty International, among numerous others. Freedom House's website nevertheless remained unblocked as of August 2011.[38] At the time, some observers suggested that the source of the disruptions may have been technical problems rather than political motivations, as some websites with the ".uz" domain that were not considered controversial also encountered problems.[39]

In employing censorship, the Uzbek authorities appear to have fairly sophisticated technology at their disposal. This enables them to not only block whole domains, but also restrict access to individual pages that contain politically sensitive content while retaining access to other parts of a particular site. For example, in February 2011, after people started discussing anti-government protests erupting in the Middle East, including expressing solidarity with demonstrators and sharing news links about what was happening, users began

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[35] Reporters Without Borders, "Uzbekistan," *Enemies of the Internet 2012*.

[36] Resolution of the President RU "О дополнительных мерах по дальнейшему развитию информационных технологий" [Program on the Establishment and Development of a National Information Search System], No.ПП-117, signed July 8, 2005, Annex 3, *SZRU* (2005) No.27, 189.

[37] IREX, "Uzbekistan," *Media Sustainability Index 2012* (IREX: Washington, D.C., 2012).

[38] "Uzbek media censors are back at work," Neweurasia.net, Aguust 10, 2011, http://www.neweurasia.net/media-and-internet/uzbek-media-censors-are-back-at-work/; Inga Sikorskaya, "Cyber-Censorship in Uzbekistan," Institute for War & Peace Reporting, March 15, 2011, http://iwpr.net/report-news/cyber-censorship-uzbekistan.

[39] "Dozens of Websites in Uzbekistan Suffer Access Problems," RFE/RL, August 12, 2011, http://www.rferl.org/content/dozens_of_websites_in_uzbekistan_experience_access_problems/24295316.html.

reporting that certain pages and discussions on Facebook, LiveJournal, and Twitter were being blocked, though the social media tools as a whole remained available.[40] Similarly, in February 2012, the media reported that the Uzbek-language pages of the online encyclopedia Wikipedia were being blocked, while their Russian counterparts remained available, although the latter typically contain more information on often censored topics like human rights abuses. Analysts speculated that the block was more related to the government's nationalistic wish to monopolize Uzbek-language content than because of concerns that users would access politically sensitive information.[41]

Most censorship takes place at the country's international internet connection operated by Uztelecom, which centralizes traffic through a single node known as the National Network of Information Transmission (UzPAK).[42] However, under the 1999 Law on Telecommunications and several other government resolutions, lower tier ISPs may have their license revoked if they fail to take measures to prevent their computer networks from being used for exchanging information deemed to violate national laws, including ones that restrict political speech. Under Order No. 216 passed in 2004, ISPs and operators "cannot disseminate information that, inter alia, calls for violent overthrow of the constitutional order of Uzbekistan, instigates war and violence, contains pornography, or degrades and defames human dignity."[43] Given these restrictions, many individuals and organizations prefer to host their websites outside the country.[44]

Pressures have also been put on mobile phone operators. In March 2011, amidst growing unrest in the Middle East, regulators demanded that operators notify the government of any attempts to circulate mass text messages with "suspicious content" and reportedly warned that the providers would be required to shut down internet connections provided to mobile users at the authorities' request.[45]

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[40] Institute for War & Peace Reporting, "Tashkent Spooked by Web Interest in Arab Protests," news briefing, February 24, 2011, http://iwpr.net/report-news/tashkent-spooked-web-interest-arab-protests.

[41] Jillian C. York, "This Week in Censorship: Syrian, Moroccan Bloggers Under Fire; New Censorship in Uzbekistan," Electronic Frontier Foundation, March 1, 2012, https://www.eff.org/deeplinks/2012/02/week-censorship-blogger-threats-syria-morocco-uzbek-censorship; Sarah Kendzior, "Censorship as Performace Art: Uzbekistan's Bizarre Wikipedia Ban," The Atlantic, February 23, 2012, http://www.theatlantic.com/international/archive/2012/02/censorship-as-performance-art-uzbekistans-bizarre-wikipedia-ban/253485/.

[42] Deirdre Tynan, "Uzbekistan: How the Uzbek GovernmentMaintains a Choke-Hold over the Internet," Eurasianet.org, July 22, 2008, http://www.eurasianet.org/departments/insight/articles/eav072308.shtml.

[43] Provision 12, Paragraph 2, Order No. 216, approved by the Head of the Uzbek Agency for Communications and Information on July 23, 2004, via OpenNet Intiative, "Uzbekistan," December 2010, http://opennet.net/research/profiles/uzbekistan#footnote37_1d627h4.

[44] According to government figures, only about 30 percent of websites with ".uz" domain names were hosted on servers based in Uzbekistan as of December 2011. See Uzinfocom, "Только цифры" [Only Numbers], January 5, 2012, http://www.uzinfocom.uz/news/center/show/395/.

[45] Murat Sadykov, "Uzbekistan Tightens Control over Mobile Internet," Eurasianet.org, March 15, 2011, http://www.eurasianet.org/node/63076.

Several government-linked entities monitor and control online communications, though the opaque system offers few details on how decisions are made or what websites are blocked at any given time. The Center for Monitoring Mass Communications, an operational arm of UzACI established in 2004, takes various measures to maintain compliance with national legislation that restricts free expression.[46] Its key objectives are "to analyze the content of information disseminated online and ensure its consistency with existing laws and regulations."[47] Based on its systematic monitoring of online content, the Center has contributed to the shuttering of independent websites.[48] In March 2010, for example, at the Center's request, a court ordered the closure of eDoctor.uz, one of the country's most prominent medical advice websites, claiming that its references to sexuality were pornographic.[49] The site was unblocked as of May 2012. Also in 2010, the Center facilitated the criminal prosecution of two independent online journalists (see "Violations of User Rights").

In August 2011, the government created a new secretive body—the Expert Commission on Information and Mass Communications—to oversee online controls, including the work of the Monitoring Center.[50] The Commission is not independent and must submit quarterly reports to the Cabinet of Ministers.[51] Furthermore, its membership is not made public,[52] although the body is reportedly comprised exclusively of government employees.[53] The new Commission is mandated to evaluate online publications and determine if they (1) have a "destructive and negative informational-psychological influence on the public consciousness of citizens;" (2) fail to "maintain and ensure continuity of national and cultural traditions and heritage;" or (3) aim to "destabilize the public and political situation," or commit other potential content violations.[54]

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[46] Zhanna Hördegen, "The Future of Internet Media in Uzbekistan: Transformation from State Censorship to Monitoring of Information Space since Independence," in Eric Freedman and Richard Schafer (eds.), *After the Czars and Commissars: Journalism in Authoritarian Post-Soviet Central Asia* (The Eurasian Political Economy and Public Policy Studies Series, Michigan State University Press, April 2011), 99-121.

[47] Paragraph 1, Regulation No. 555, On the Measures of Improving the Organizational Structures in the Sphere of Mass Telecommunications, adopted by the Cabinet of Ministers of Uzbekistan on November 24, 2004, via OpenNet Intiative, "Uzbekistan," December 2010, http://opennet.net/research/profiles/uzbekistan#footnote37_1d627h4.

[48] A news website *Informator.Uz* was shut down in 2007. See, "Pochemu zakrito nezavisimoe SMI Uzbekistana—Informator.Uz?" [Why the independent mass media of Uzbekistan, Informator.Uz, is closed?], September 20, 2007, www.uforum.uz/showthread.php?t=2565.

[49] A medical website eDoctor.uz was shut down by a court decision. See, Uznews.net, "В Узбекистане закрывается лучший медицинский сайт" [The Best Medical Website is Going to be Shut Down in Uzbekistan], March 25, 2010, http://www.uznews.net/news_single.php?lng=ru&cid=30&sub=&nid=13072.

[50] Resolution of the Cabinet of Ministers RU "О дополнительных мерах по совершенствованию системы мониторинга в сфере массовых коммуникаций" [On Supplementary Measures for the Improvement of the Monitoring System for the Sphere of Mass Communications], No. 228, 5 August 2011, *SZ RU* (2011) No. 32-33, item 336.

[51] Ibid., at Annex II, Art. 31.

[52] Ibid., Annex I, containing a list of the Commission's members, is not made public.

[53] Reporters Without Borders, "Uzbekistan," *Enemies of the Internet 2012*.

[54] Resolution of the Cabinet of Ministers RU, at Art. 1 and Annex II, Art. 5.

The Commission also assesses publications referred to it by the Monitoring Center or other state bodies, including the courts and law enforcement, drawing on a designated pool of government-approved experts.[55] The experts submit reports to the Commission whose members then vote on whether a publication has committed any violations. If a violation is found, the decision becomes the basis for action to be taken by state bodies, including courts, and by "other organizations," presumably private ISPs.[56] There are no procedures in place that require notification of those whose content is affected by the decision or that grant them an opportunity to defend the speech in question, nor is there a clear avenue to appeal the decision after it is made. As of May 2012, the commission appeared to be functioning but little information on its activities was available. The broadly defined violations and wide discretion granted to the Commission raised concerns of how it could be used to suppress or punish free speech—including ordering ISPs to delete content or encouraging the arbitrary imprisonment of bloggers—particularly given the Uzbek government's track record of politically motivated censorship.[57]

Self-censorship is pervasive given the government's tight controls over the media and harsh punishment of those who report on topics deemed "taboo," be they criticism of the president, revelations about corruption, or health education.[58] Given the government's history of harassing traditional journalists, as well as their families, many online writers are cautious about what they post.

In an apparent effort to develop the country's media and information society, President Karimov signed a decree in December 2011 that extends tax preferences to media outlets. Taking effect on January 1, 2012, the decree exempts media services from the value added tax (VAT) and decreases the single tax payment required of media organizations from 6 to 5 percent, among other changes.[59] While the decree purportedly aims to strengthen "public control over the activities of state power and control,"[60] observers have noted that without

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[55] Ibid., at Art. 1 and Annex II, Art. 14.

[56] Ibid., at Annex II, Arts. 26 and 29.

[57] For the detailed discussion of the governmental regulation of speech on ideological grounds, see: Zhanna Kozhamberdiyeva, "Freedom of Expression on the Internet: A Case Study of Uzbekistan," *Review of Central and East European Law* Vol. 33 (1) 2008, 95-134.

[58] A medical website eDoctor.uz was shut down by a court decision in March 2010. See, Uznews.net, "В Узбекистане закрывается лучший медицинский сайт" [The Best Medical Website is Going to be Shut Down in Uzbekistan], March 25, 2010, http://www.uznews.net/news_single.php?lng=ru&cid=30&sub=&nid=13072. The website went online again in 2011. See, Catherine A. Fitzpatrick, "Uzbekistan: AIDS Activist Released, But Other Human Rights Defenders Harassed," September 6, 2011, http://www.eurasianet.org/node/64131.

[59] Alastair Carthew and Simon Winkelmann, "Uzbekistan – Overview," Konrad-Adenauer-Stiftung - Media Programme Asia, last updated May 24, 2012, http://www.kas.de/medien-asien/en/pages/10117/.

[60] "President of Uzbekistan Provides Tax Preferences to Media," The Journal of Turkish Weekly, December 31, 2011, http://www.turkishweekly.net/news/129114/president-of-uzbekistan-provides-tax-preferences-to-media.html.

an overall change in the regime's attitude to independent media, the new benefits will unlikely have a meaningful effect on freedom of speech in the country.[61]

The editorial direction of the online versions of state-run news outlets is often determined by unofficial guidelines from the government. Although proxy servers and anonymizers are available to circumvent the government's blocking of websites, they require computer skills beyond the capacity of many ordinary users in Uzbekistan.

According to the website rating firm Alexa, international social media websites like Facebook, YouTube, and Twitter, as well their Russian equivalents are among the most visited in Uzbekistan. The most popular social-networking site is the Russian Odnoklassniki.ru, which reportedly had 350,000-400,000 users a day as of September 2011.[62] Facebook is ranked second with over 120,000 members from Uzbekistan by April 2012, a notable increase from the year before.[63]

As social-networking sites and blogging platforms have grown in popularity, the government has adopted a new approach to influencing the information circulated on them—by creating and promoting Uzbek alternatives to popular global or regional brands. In 2010, the state-run UzInfoCom Center began creating a "social media zone" specifically geared towards users of the ZiyoNet intranet in Uzbekistan. The zone includes a range of Web 2.0 applications, including Id.uz (a social-networking site), Fikr.uz (a blog-hosting platform), Utube.uz (a video-sharing platform), Smsg.uz (an instant messenger service), and Desk.uz (a site for personal widgets). Access to these applications requires users to register their personal data, including passport numbers in some cases. Though for the moment, the zone's applications remain less popular than international brands, as of May 2012, over 23,000 people had registered at Id.uz.[64] UzInfoCom Center's close relationship to the government has also raised concerns over the pressure the applications may receive from the authorities to censor and monitor users.

Besides the social media zone aimed at ZiyoNet users, two other social-networking websites were created in recent years with government support.[65] The more popular of the two is Muloqot.uz, (meaning "dialogue") launched in September 2011 in an apparent effort to offset the growing influence of Facebook.[66] It is open only to Uzbek citizens residing in

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[61] IREX, "Uzbekistan."

[62] "Top Sites in Uzbekistan," Alexa.com, accessed May 1, 2012, http://www.alexa.com/topsites/countries/UZ; Luke Allnutt, "Uzbekistan Launches Its Own Facebook, Except It's Not For Everyone," Movements.org, August 28, 2011, http://www.movements.org/blog/entry/uzbekistan-launches-its-own-facebook-except-its-not-for-everyone/.

[63] "Uzbekistan Facebook Statistics," SocialBakers, accessed May 1, 2012, http://www.socialbakers.com.

[64] Uzinfocom, "Только цифры" [Only Numbers], May 5, 2012, http://www.uzinfocom.uz/news/center/show/426/.

[65] See, UzACI, "Развиваются национальные информационные ресурсы. - УзА" [National information Resources are Developing - UzA], which reports on the creation of http://my.olam.uz/ with support of Uztelecom, http://www.aci.uz/ru/news/about_ict/article/1079/.

[66] "Manifest of the Community Muloqot.Uz," Muloqot, accessed May 1, 2012, http://muloqot.uz/help/about.

Uzbekistan and at least one incident of censorship has been reported.[67] On the first day the social network was launched, staff of the Uzbek service of RFE/RL reportedly registered accounts and posted RFE/RL content, which is usually blocked, to a general "wall." According to their reports, within 15 minutes, their profiles were deleted.[68]

Meanwhile, in December 2011, one of the country's most popular online forums, Arbuz.com, was shut down following government pressure. Launched in 2002, Arbuz had grown to become a popular collection of chat-rooms and online conversations, particularly among Uzbek youth. Much of the content covered entertainment news or personal matters, but it was also a haven for relatively open political discussion in Uzbekistan's closed media environment. During times of crisis, such as the 2005 Andijan massacre or the 2010 violence against Uzbeks in Kyrgyzstan, the forum emerged as a crucial space for citizens to share information and critique government action amidst a traditional media blackout.[69] In January 2011, the National Security Service (NSS) reportedly arrested several people who had posted anonymous comments on Arbuz. The site was temporarily shut down and then resurfaced a month later, with the administrators having removed discussion threads related to sensitive topics such as domestic politics, religion, and events in Kyrgyzstan.[70] During that time, the website was blocked, though many Uzbeks continued to access it with circumvention tools. Still fearing for the safety of users, the administrators decided to close down the site altogether in December 2011;[71] they opened a new forum at Choyxona.com in January 2012.[72]

The blogosphere in Uzbekistan is weak and, due to the repressive environment, unable to significantly facilitate public discourse on political and social issues. A few blogs and forums critical of the regime are affiliated with independent online news sites run by the Uzbek diaspora and registered at domains with servers located outside Uzbekistan.[73] Although there were no significant cases of political mobilization via social media, these tools have

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[67] Freedom House, "Uzbekistan Launches Government-Run Social Networking Site on Anniversary of Independence," Freedom Alert, August 31, 2011, http://www.freedomhouse.org/article/uzbekistan-launches-government-run-social-networking-site-anniversary-independence.

[68] Luke Allnutt, "Uzbekistan Launches Its Own Facebook, Except It's Not For Everyone."

[69] Sarah Kendzior, "Breeding an 'activism without activists' in Central Asia," Al Jazeera, March 5, 2012, http://www.aljazeera.com/indepth/opinion/2012/03/20123414346963257.html.

[70] The three removed threads were: "Uzbekistan: Problems and Solutions," "Religion," and "Tragic Events in Kyrgyzstan." "Узбекистанский форум "Arbuz.com" – под «колпаком» СНБ" [Uzbek Forum Arbuz.com is under the "Hat" of National Security Service], Uznews.uz, February 9, 2011, http://www.uznews.net/news_single.php?lng=ru&cid=3&nid=16295.

[71] Barno Anvar, "Arbuz.com охир-оқибат ёпилди" [in Uzbek], Ozodlik.org, December 8, 2011, http://www.ozodlik.org/content/article/24415432.html; IWPR, "Web Use Spirals in Uzbekistan Despite Curbs," news briefing, January 3, 2012, at http://iwpr.net/report-news/web-use-spirals-uzbekistan-despite-curbs; Sarah Kendzior, "Breeding an 'activism without activists' in Central Asia."

[72] IWPR, "Web Use Spirals in Uzbekistan Despite Curbs"; "Arbuz.com форуми Choyxona.comга кўчди" [Arbuz.com moved to Choyxona.com], Ozodlik.org, January 9, 2012, http://www.ozodlik.org/content/article/24446394.html.

[73] See, e.g., Turonzamin.org (run since 2003) and Jahonnoma.com. Also FromUz.com – a website of Uzbek immigrants – has a popular forum and chat room.

been important for exposing and disseminating information related to human rights abuses. In May 2005, for example, videos documenting Uzbek security forces opening fire on unarmed protesters in Andijan were uploaded to YouTube and regular updates were posted on Arbuz, contributing to international condemnation of the incident.

More recently in 2011, Malohat Eshonkulova and Saodat Amonova—two reporters for the state-controlled TV station Yoshlar who were fired in December 2010 for exposing the censorship and embezzlement at the National Broadcasting Company—used Twitter to document their pursuit of justice. The journalists filed a lawsuit against the station for unfair dismissal, but the court prohibited media coverage of the April 2011 hearings and barred access to independent observers. The journalists instead tweeted reports of the courtroom proceedings.[74] In June 2011, the two went on hunger strike and continued using Twitter to report the harassment they encountered from the authorities and others.[75]

VIOLATIONS OF USER RIGHTS

The Constitution of Uzbekistan guarantees freedom of expression, freedom of information (Articles 29 and 30), and freedom for the mass media. It also contains a prohibition on censorship (Article 62). In practice, however, these rights are severely restricted, both by contradictory laws and due to the lack of an independent judiciary to uphold these constitutional protections. The president appoints all judges.[76]

Under the Law on Mass Media, journalists in Uzbekistan are required to register with the government, and amendments to the law in 2007 extended the definition of the "press" to apply to websites as well. To be regarded as a news source, websites must obtain a government-issued registration certificate, following a typically arbitrary and politicized press procedure.[77] As of December 2011, there were about 160 private websites registered

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[74] "Иск журналисток ТВ «Ёшлар» будет рассматривать та же судья" [A Same Judge Will Examine a Complain by Two Journalists of TV "Yoshlar"], Uznews.uz, April 4, 2011,
http://www.uznews.net/news_single.php?lng=ru&cid=3&nid=16817.
[75] See, Twitter account „@ Malohat_Saodat." See also, Catherine A. Fitzpatrick, "Uzbekistan: Hunger-Stricking Journalists Cancel Press Conference," Eurasianet.org, July 8, 2011, http://www.eurasianet.org/node/63828.
[76] Art. 106 of Uzbek Constitution explicitly guarantees the independence of the judiciary. Still, all judges are appointed by the President of Uzbekistan. See, Joint Resolution of the Plenums of the Supreme Court and Higher Economic Court, "О судебной власти" [On the Judicial Branch of Power], No. 1, December 20, 1996, as amended Dec. 22, 2006 (No. 14/151), at para. 3.
[77] See, Resolution of the Cabinet of Ministers RU "О внесении изменений и дополнений в Положение о порядке государственной регистрации средств массовой информации в Республике Узбекистан" [On the Changes and Ammendements to the Regulation on State Registration of the Mass Media in the Republic of Uzbekistan], No. 68, Apr. 2, 2007, in *SZ RU* (2007) No. 14, item 141, at Annex II. See Human Rights Committee, Mavlonov and Sa'di v. the Republic of Uzbekistan, Communication No. 1334/2004, Views adopted on April 29, 2009, UN Doc. CCPR/C/95/D/1334/2004, at paras. 2.4-2.14.

as mass media in Uzbekistan.[78] The law, however, fails to mention blogs so it remains unclear whether bloggers unaffiliated with traditional news media outlets are considered journalists and thus covered by statutory protections given to print and broadcast journalists under the Law on Protection of the Professional Activities of Journalists.

The 2007 amendments to the Law on Mass Media were added with the express purpose of extending its scope to websites, including overseas ones whose content is accessible from within the territory of Uzbekistan.[79] Consequently, restrictive legislation governing the publication of content by traditional media now also applies to online communications. While there are no laws that specifically criminalize acts involving ICTs, some laws have been used to punish individuals for posting or accessing certain content.[80] Under the Criminal Code, for example, slander (Article 139) and insult (Article 140)—including of the president—are criminal offenses that also apply to online content, as do provisions that punish activities such as "dissemination of materials posing a threat to public safety." Both slander and insult are punishable with fines ranging from 50 to 100 times the minimum monthly wage, correctional labor of two to three years, arrest of up to six months, or detention for up to six years.[81]

In recent years, these provisions have been used to prosecute journalists for online expression, including two cases in 2010. In October of that year, Vladimir Berezovsky, a Russian citizen and editor of the Vesti.uz website living in Uzbekistan, was convicted of libeling the Uzbek government as an institution but was immediately granted amnesty and released.[82] That same month, a court convicted Abdumalik Boboyev—an Uzbek national and reporter for the U.S. government-funded Voice of America's Uzbek Service and website—of defamation, insult, and disseminating material that threatened national security.[83] The indictment was based on materials that Boboyev had produced for Voice of America, which covered a wide range of domestic social, political, and economic issues, including human rights abuses and youth unemployment.[84] Boboyev was ordered to pay a

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[78] See, Parliament RU, "Меры поддержки негосударственных СМИ" [Measures Supporting Independent Mass Media], December 28, 2011, http://www.parliament.gov.uz/ru/analytics/5051?sphrase_id=12000.

[79] Law RU "On the Mass Media," No. ZRU-78, January 15, 2007, at Arts. 2 and 4.

[80] Zhanna Kozhamberdiyeva, "Freedom of Expression on the Internet: A Case Study of Uzbekistan."

[81] Article 139 and Article 140, Criminal Code of the Republic of Uzbekistan, http://www.ctbto.org/fileadmin/user_upload/pdf/Legal_documents/national_provisions/Uzbekistan_CriminalCode_220994.pdf.

[82] His writings covered topics such as a gas explosion, train collision, and drug trafficking. See, United States Mission to the OSCE, "Statement on Media Freedom in Uzbekistan," September 23, 2010, http://osce.usmission.gov; http://www.ifex.org/uzbekistan/2010/10/26/boboyev_sentence/

[83] For the text of the indictment and CMMCS' "expert opinion," see, "In Uzbekistan, the new VOA reporter Malik Boboeva tried for slander against the democratic order (text indictment and expert opinions" [in Russian], Fergana News, October 7, 2010, www.ferghana.ru/article.php?id=6754.

[84] IWPR, "Voice of America Reporter Charged in Uzbekistan," new briefing, September 17, 2010, http://iwpr.net/report-news/voice-america-reporter-charged-uzbekistan.

fine of 400 times the minimum wage, or 18.86 million soms (US$11,500). Though such a sum is prohibitively expensive for an Uzbek journalist, the ruling was seen as a relatively mild sentence, since the crimes can carry a punishment of five to eight years in prison.[85] Though his fine had been paid, in May 2011, the government denied Boboyev an exit visa to go to Germany to study on a scholarship;[86] following international pressure, however, he received permission to leave in June.[87] In both cases, the Uzbek courts followed the recommendations of UzACI's Monitoring Center and their assessment of the unlawfulness of the content under consideration.

In two more recent cases, journalists known for their critical reporting on independent online news outlets faced prosecution and high fines in defamation cases lodged by private entities. Some observers saw these as politically motivated and an effort by the authorities to obscure any official connection to the legal harassment.[88] In March 2012, Viktor Krymzalov, an investigative journalist, faced defamation charges for an article published on the news website Centrasia.ru, involving embezzlement allegations related to the eviction of a pensioner.[89] Although the prosecution failed to prove that Krymzalov wrote the article, a court found both him and the pensioner liable for libel and insult.[90] The journalist lost an appeal and was required to pay a fine of 60 times the minimum wage for a total of about US$2,000.[91] The following month, Elena Bondar was found guilty of an administrative offense prohibiting the production, storage, and propagation of materials inciting national, racial, or religious animosity over comments posted to a series of articles about political and social issues on the online outlets Uznews.net and Ferghana.[92] Despite the absence of evidence proving Bondar's authorship of the comments, the journalist was ordered to pay a fine of 100 times the minimum wage (approximately US$3,400). This was the second time

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[85] IFEX, "Two journalists found guilty of slander in separate cases," alert, October 26, 2012, http://www.ifex.org/uzbekistan/2010/10/26/boboyev_sentence/.

[86] "Embattled reporter prevented from leaving Uzbekistan," Committee to Protect Journalists, May 25, 2011, http://cpj.org/2011/05/in-uzbekistan-embattled-reporter-prevented-from-le.php.

[87] "Uzbek journalist allowed to leave country," Uznews.net, June 21, 2011, http://www.uznews.net/news_single.php?lng=en&cid=3&sub=&nid=17422.

[88] Alexei Volosevich, "Uzbekistan: New members of the 'persecuted jounralists' club," Ferghana News, May 3, 2012, http://enews.fergananews.com/article.php?id=2751.

[89] "Журналисту Крымзалову добавили еще одну статью" [The Journalist Krymzalov was convicted for an additional offence], Uznews.net, April 5, 2012, http://www.uznews.net/news_single.php?lng=ru&cid=3&nid=19527.

[90] For the text of the article, see, Vladimir Husainov, "Узбекистан в пропасти безнравственности. В канун юбилея независимости суд выкинул старика на улицу" [Uzbekistan in the Abyss of Immorality. On the Eve of the Independence Day a Court Threw Out an Old Man to the Street], Centrasia.ru, August 31, 2011, http://www.centrasia.ru/newsA.php?st=1314800640.

[91] See, Arts. 40 and 41, Administrative Code, *SZ RU* (2005) No. 52, item 384. Compared to the criminal provisions on defamation and insult, the administrative offences are punishable by a fine of up to 20 to 60 times the minimum wage.

[92] Mariya Yanovskaya, "Узбекистан: Журналистке Елене Бондарь «шьют» новое дело" [Uzbekistan: The Authorities "Sew" a New Case Against the Journalist Elena Bondar], Ferghana News, March 30, 2012, http://www.fergananews.com/article.php?id=7324; See court decision in, Mariya Yanovskaya, " Суд над журналисткой Еленой Бондарь: Терминальная стадия узбекского правосудия" [The Trial of the Journalist Elena Bondar: The Terminal Stage of Uzbek Style Justice," Ferghana News, April 20, 2012, http://www.fergananews.com/article.php?id=7345.

within a year that Bondar encountered official harassment. In August 2011, she was detained and interrogated for several hours at the Tashkent airport upon her return from an Organization for Security and Cooperation in Europe (OSCE) training on modern journalism tools in Kyrgyzstan.[93] She was accused of violating customs regulations for not declaring her media devices (a number of USB drives and CDs), which the NSS subsequently confiscated but later returned with the statement that they "did not find any illegal information."[94]

In another defamation case that received international attention in 2011, the daughter of the president, Lola Karimov, filed a lawsuit against the French news website Rue89 seeking damages for a May 2010 article that referred to her as the daughter of "dictator Karimov" who was "whitewashing Uzbekistan's image" through charity events. The French court dismissed the claim in July 2011.[95]

As of May 2012, two Uzbek online journalists remained in jail on ostensibly fabricated criminal charges. Solidzhon Abdurakhmanov, a reporter for the independent news website Uznews.net, continues to serve a 10-year sentence imposed in October 2008 for allegedly selling drugs. Prior to his arrest, he had reported on human rights, and economic and social issues, including corruption in the Nukus traffic police, which fueled suspicions that the drug charges were trumped-up and in retaliation for his reporting.[96] Dilmurod Saiid, a freelance journalist and human rights activist, is serving a 12 and a half year sentence imposed in July 2009 on extortion charges. Before his detention, he had covered government corruption in Uzbekistan's agricultural sector for local media and independent news websites.[97] No new cases of prison sentences were documented between January 2011 and May 2012.

The authorities have also used various forms of arbitrary detention and intimidation to silence online critics. In November 2011, the government released Jamshid Karimov, an independent journalist and nephew of the president, from a psychiatric hospital where he had been kept against his will since September 2006. Prior to his detention, he regularly

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[93] "Узбекистан: В ташкентском аэропорту задержана выпускница Академии ОБСЕ и «Немецкой волны» Елена Бондарь" [Uzbekistan: Tashkent airport detained a graduate of the Academy of the OSCE and the "Deutsche Welle" Elena Bondar], Ferghana News, August 22, 2011, http://www.fergananews.com/news.php?id=17166; "Charges Dropped Against Freelance Journalist Elena Bondar," Reporters Without Borders, September 8, 2011, http://en.rsf.org/ouzbekistan-freelance-journalist-elena-bondar-30-08-2011,40844.html.

[94] IREX, "Uzbekistan."

[95] "Uzbekistan: Attempt to Silence Criticism Backfires: French Court Case Shines Spotlight on Tashkent's Repression," Human Rights Watch, July 1, 2011, http://www.hrw.org/news/2011/07/01/uzbekistan-attempt-silence-criticism-backfires.

[96] "Government increases pressure on Uzbek journalists," Committee to Protect Journalists, February 17, 2010, http://cpj.org/2010/02/government-increases-pressure-on-uzbek-journalists.php.

[97] "Uzbek appeals court should overturn harsh sentence," Committee to Protect Journalists, September 3, 2009, http://cpj.org/2009/09/uzbek-appeals-court-should-overturn-harsh-sentence.php; See also, "Дождется ли Дильмурад Сайид справедливости?" [Will Dilmurad Saiid receive justice?], Uznews.net, April 2, 2010, http://www.uznews.net/news_single.php?lng=ru&cid=3&nid=13210.

published articles on online websites, including about human rights abuses in Uzbekistan. He is widely believed to have been detained in retaliation for his journalistic activity. In January 2012, he suddenly disappeared again and his whereabouts remain unknown as of mid-2012.[98] In another case, Aleksei Volosevich, an Uzbekistan correspondent for the Moscow-based news website Ferghana,[99] was interrogated and held without charge in June 2010 for three days after reporting on ethnic violence against Uzbeks in the city of Osh in Kyrgyzstan.[100] The above cases of politically motivated prosecution and harassment have had a chilling effect on freedom of expression in Uzbekistan.

While there have been no reports of government agents physically attacking bloggers or online activists, the National Security Service (NSS) has been known to employ various intimidation tactics to restrict online freedom of expression. For example, in June 2011, there were reports of NSS officers confiscating electronic media devices at the airport, checking browsing histories on travelers' laptops, and interrogating individuals with a record of visiting websites critical of the government.[101]

The space for anonymous online communication in Uzbekistan is steadily shrinking. As mentioned above, the year 2011 saw the closure of Arbuz.com, one of the country's most important online forums for anonymous discussion after the arrest of several users. The site's founder told media that several people who had been active contributors to a forum about Kyrgyz-Uzbek ethnic clashes in 2010 had been detained.[102] According to some reports, the NSS had tracked them through their internet protocol (IP) addresses.[103] Increasingly, few options remain for posting anonymous comments on other online forums—such as Uforum.uz,[104] which is administered by the state-run UzInfoCom Center—as individuals are increasingly encouraged to register with their real names to participate in such discussions.[105] Individuals must also provide a passport to buy a SIM

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[98] "Jamshid has the rights to live freely!" Human Rights Society of Uzbekistan, January 20, 2012, http://en.hrsu.org/archives/1367; "Uzbekistan: UPDATE – Human rights defender released from forcible detention in psychiatric hospital," Front Line Defenders, November 30, 2011, http://www.frontlinedefenders.org/node/16704.

[99] "CPJ condemns attack on independent journalist," Committee to Protect Journalists, November 10, 2005, http://cpj.org/2005/11/cpj-condemns-attack-on-independent-journalist.php.

[100] "Andijan police release independent journalist," Committee to Protect Journalists, June 18, 2010, http://cpj.org/2010/06/andijan-police-release-independent-journalist.php.

[101] "Farg'ona aeroportida yo'lovchilar noutbuki tekshirilmoqda" [At the Ferghana Airport, the Laptop Computers of Passengers Are Being Checked], Ozodlik.org, June 2, 2011, http://www.ozodlik.org/content/fargona_aeroportida_yolovchilar_noutbuki_tekshirilmoqda/24212860.html.

[102] "Uzbek chat room closes political topics after government pressure," Uznews.net, Februar 9, 2011, http://www.uznews.net/news_single.php?lng=en&cid=3&sub=&nid=16297.

[103] IWPR "Web Use Spirals in Uzbekistan Despite Curbs," news briefing, January 3, 2012, http://iwpr.net/report-news/web-use-spirals-uzbekistan-despite-curbs.

[104] UForum.uz, "Правила форума" [Terms of Use], at http://uforum.uz/misc.php?do=cfrules.

[105] U.S. Department of State, "Uzbekistan," Counter Reports on Human Righst Practices for 2011, p 16, http://www.state.gov/documents/organization/186693.pdf.

card.[106] There are no explicit limitations on encryption, though in practice, the government strictly regulates the use of such technologies.[107]

Although Article 27 of the Constitution guarantees the secrecy of "written communications and telephone conversations," the government employs systematic surveillance of internet and ICT activities, including the email correspondence of Uzbek political activists and comments in online forums. A 2006 Resolution of the President authorizes the NSS to conduct electronic surveillance of the national telecommunications network by employing a "system for operational investigative measures" (SORM), including the prevention of terrorism and extremism.[108] The state-owned telecommunications carrier Uztelecom, private ISPs, and mobile phone companies are required to aid the NSS in intercepting citizens' communications and accessing user data. This includes a requirement to install SORM equipment in order to obtain an ISP license.[109] ISPs face possible financial sanctions or license revocation if they fail to design their networks to accommodate electronic interception.

The scope of violations against digital media users' privacy is difficult to evaluate amidst government secrecy and a provision in the Law on Telecommunications that prohibits service providers from disclosing details on surveillance methods.[110] Moreover, there is no independent oversight to guard against abusive surveillance, leaving the NSS wide discretion in its activities.[111] Content intercepted via internet surveillance is admissible as evidence in court.

Since July 2004, cybercafes and other providers of public internet access have been required to monitor their users and cooperate with state bodies, an obligation that is generally enforced.[112] Uzbek security agents stepped up surveillance of cybercafes after violent clashes

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[106] See, e.g., MTC Uzbekistan, "How to subscribe," at http://www.mts.uz/en/join/.

[107] Resolution of the President RU "О мерах по организации криптографической защиты информации в Республике Узбекистан" [On Organizational Measures for Cryptographic Protection of Information in the Republic of Uzbekistan] No. ПП-614, April 3, 2007, *SZ RU* (2007) No 14, item 140, at Art. 1.

[108] Resolution of the President RU "О мерах по повышению эффективности организации оперативно-розыскных мероприятий на сетях телекоммуникаций Республики Узбекистан" [On Measures for Increasing the Effectiveness of Operational and Investigative Actions on the Telecommunications Networks of the Republic of Uzbekistan] No. ПП-513, November 21, 2006, at Preamble and Arts. 2-3.

[109] Law RU, "On Telecommunications," at Art. 18. Also, tax and custom exemptions apply for import of the SORM equipment by domestic ISPs, see Tax Code of RU, at Art. 208, 211, 230 part 2, 269. Resolution of the President RU No. ПП-513, note 87 above, at Art. 5. 8.

[110] Law RU, "On Telecommunications," at Art. 18.

[111] Speech of the President RU, note 1 above. See Criminal Procedural Code of RU, *Vedomosti Oliy Mazhlisa RU* (1995) No. 12, item 12, at Art. 339 part 2, "Tasks of Investigation," and Art. 382, "Competences of the Prosecutor." Resolution of the President RU No. ПП-513, note 87 above, at Art. 4.

[112] See, Regulations "O poriadke predostavlenia dostupa k seti Internet v obschestvennikh punktakh pol'zovania" [On Adoption of the Terms of Provision of Access to the Internet Network in Public Points of Use], promulgated by Order of the Communications and Information Agency of Uzbekistan No. 216, July 23, 2004, *SZ RU* (2004) No. 30, item 350.

between ethnic Kyrgyz and Uzbeks took place in Kyrgyzstan during the summer 2010.[113] In March 2012, the president signed a resolution "on measures for the further introduction and development of modern information-communication technologies," which outlines a stage-by-stage plan for the establishment of a national information system integrating the information systems of state bodies as well as individuals between 2012 and 2014.[114] The announcement raised concerns that the integrated system might enable greater state surveillance of user activities.

Technical attacks are becoming increasingly common, though not yet widespread. In February 2012, the independent news service Uznews.net reported that it had come under a distributed denial-of-service (DDoS) attack, the first since its founding in 2005. The attack paralyzed the website for several days. The site's editor-in-chief speculated that it was related to a series of articles the online outlet had just published about an assassination attempt against an Uzbek cleric in Sweden.[115] The cleric is known to be a prominent critic of the regime and is wanted in Uzbekistan on charges of alleged religious extremism and terrorism, causing some to believe the attempt was orchestrated by the NSS.[116] Earlier in the month, RFE/RL's Uzbek service reported an apparent phishing attack wherein a mirror of the service's website had been created that included RFE/RL's logo and branding colors. In order to access articles on the mirror website, users had to provide a name, email address, and password, adding to suspicions that the mirror had been created by the security services to identify and track users who were accessing RFE/RL's content, which is otherwise blocked in Uzbekistan.[117]

In addition to the above attacks on independent websites critical of the government, there were reported DDoS attacks against a private ISP and the websites of four government bodies during the summer of 2011.[118] The parliament quickly attributed the attack to forces "outside of the country" but did not provide further details. In 2005, the government

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[113] "Attacks on the Press 2010: Uzbekistan," Committee to Protect Journalists, February 15, 2011, http://www.cpj.org/2011/02/attacks-on-the-press-2010-uzbekistan.php.

[114] See Resolution of the President RU "О мерах по дальнейшему внедрению и развитию современных информационно-коммуникационных технологий" [On Measures on the Further Impelmentation and Development of Modern Information and Communication Technologies], No. ПП-1730, 21 March 2010, SZRU (2012), 13 (513), item 139, at Annex II.

[115] "Uznews.net server comes under DDoS attack," Uznews.net, March 2, 2012, http://www.uznews.net/news_single.php?nid=19245; "An independent media site dedicated to Uzbekistan under DDoS attack," Ferghana News, March 2, 2012, http://enews.ferghananews.com/news.php?id=2215.

[116] "Uzbek assassination plot rocks quiet Swedish town," BBC News, July 26, 2012, http://www.bbc.co.uk/news/world-europe-18998039.

[117] Luke Allnutt, "Attack of the Cloned Websites…This Time in Uzbekistan," Tangled Web (blog), RFE/RL, February 15, 2012, http://www.rferl.org/content/attack_of_the_cloned_websites_this_time_in_uzbekistan/24485124.html.

[118] Catherine A. Fitzpatrick, "Uzbekistan: Government Sites Hacked," Eurasianet.org, August 10, 2011, http://www.eurasianet.org/node/64022; "Хакеры атаковали сайты госорганов Узбекистана" [Hackers Attacked Government Websites in Uzbekistan], UzDaily, July 29, 2011, http://www.uzdaily.uz/articles-id-7654.htm.

established the Computer Emergency Readiness Team (UZ-CERT) as an operational arm of the UzACI dealing with cybercrime.[119] UZ-CERT cooperates with law enforcement bodies to prosecute cybercriminals, and the Criminal Code contains several provisions addressing these issues in a section dedicated to information technology crimes.[120] Nevertheless, there is no publicly available statistical data on the enforcement of sanctions.

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[119] Resolution of the President RU "О дополнительных мерах по обеспечению компьютерной безопасности национальных информационно-коммуникационных систем" [On Further Measures Supporting the Maintenance of Information Security of the National Information and Communication Systems], No. 167, September 5, 2005, at Preamble and Arts. 2 and 7.

[120] Ibid., at Annex II, Art. 8. Article 278-1 "Violation of the Rules of Informatization"; Article 278-2 "Illegal (Unsanctioned) Access to Computer Information"; Article 278-3 "Production and Dissemination of Special Tools for Illegal (Unsanctioned) Access to Computer Information"; Article 278-4 "Modification of Computer Information"; and Article 278-5 "Computer Sabotage."