



UZBEKISTAN

	2012	2013
INTERNET FREEDOM STATUS	NOT FREE	NOT FREE
Obstacles to Access (0-25)	19	20
Limits on Content (0-35)	28	28
Violations of User Rights (0-40)	30	30
Total (0-100)	77	78

POPULATION: 29.8 million
INTERNET PENETRATION 2012: 37 percent
SOCIAL MEDIA/ICT APPS BLOCKED: Yes
POLITICAL/SOCIAL CONTENT BLOCKED: Yes
BLOGGERS/ICT USERS ARRESTED: No
PRESS FREEDOM 2013 STATUS: Not Free

* 0=most free, 100=least free

KEY DEVELOPMENTS: MAY 2012 – APRIL 2013

- The government established a new telecommunications regulator with consolidated powers to control the internet and other information and communications technologies (ICTs) (see **OBSTACLES TO ACCESS**).
- Judges declared the leading mobile phone operator, Uzdurobita (partially owned by Russian telecoms company MTS), bankrupt, in a case involving potential bribes from the ruling family and confirming the hostility of the environment for foreign investment in the telecommunications sector (see **LIMITS ON CONTENT**).
- Criminal investigations using trumped-up charges were opened against a popular news site, Olam.uz, which had been reporting on the corruption allegations surrounding the Uzdurobita case (see **VIOLATIONS OF USER RIGHTS**).

INTRODUCTION

In the period of May 2012 to April 2013, internet regulation in Uzbekistan did not improve and the country remains one of the most restrictive in Central Asia. The Uzbek government has adopted several programs aimed at stimulating the development of the telecommunications infrastructure and raising awareness about computer technologies, especially among rural populations. However, as reported by the International Telecommunications Union (ITU) in 2011, Uzbekistan is on the verge of being excluded from the global information society due to the still prohibitively high prices for broadband internet access.¹

In the fall of 2012, the government consolidated regulatory authority over the ICT industry in Uzbekistan through the establishment of a new telecommunications regulator. The action was taken after the former telecom regulator, UzACI, was involved in the unlawful termination of the leading GSM operator, Uzdurobita (MTS-Uzbekistan) beginning in July 2012. All media regulatory bodies were integrated into the structure of the new telecommunications regulator.

In 2012–2013, the state-owned telecommunications carrier Uztelecom 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 at educational and cultural institutions, access is strictly limited to the national intranet system, or Ziyonet. A popular online news site, Olam.uz, which reported extensively about the Uzdurobita case, was shut down in January 2013 due to the politically motivated charges against its owner and editor-in-chief. Additionally, two journalists reporting for online media are serving long sentences on trumped-up charges.

OBSTACLES TO ACCESS

Direct access to the internet backbone via the Trans Asia Europe fiber-optic cable became operational in Uzbekistan in 1998.² Despite extensive state investments in telecommunications infrastructure and internet connectivity since 1999, internet penetration reached a mere 9 percent of the population by 2009.³ In January 2013, according to the government, the number of internet users reached 9.8 million, comprising 33 percent of the population—a small increase from 31

¹ International Telecommunication Union (ITU), "Measuring the Information Society: 2012," accessed July 30, 2013, http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2012/MIS2012_without_Annex_4.pdf.

² Trans Asia Europe, "Historical reference 2005," accessed July 30, 2013, http://taeint.net/en/about/company_history/.

³ United Nations Development Program (UNDP), "Review of Information and Communication Technologies Development in Uzbekistan: 2005," Tashkent 2006, <http://www.undp.uz/en/publications/publication.php?id=19>. Also see ITU, "Key 2000 – 2011 country data: Percentage of individuals using the Internet," <http://www.itu.int/ITU-D/ict/statistics/>.

percent in April 2012.⁴ Estimates by the International Telecommunication Union calculated the internet penetration rate slightly higher at 37 percent for 2012.⁵

Digital divides are found across urban, rural, and remote areas of the country, where factors such as computer literacy and income affect the likelihood that individuals have access to the internet. Problems with the electrical grid limit the usefulness of the telecommunications infrastructure, especially in rural and remote areas.⁶ A digital divide also exists between the capital, Tashkent, and the country's 12 regions (*viloyati*), with the lowest internet penetration rate registered in the semi-autonomous republic of Karakalpakstan—a home to the Karakalpak, Kazakh, and Uzbek ethnic groups.⁷

Only 8 percent of households were connected to the internet in Uzbekistan by the end of 2011, the second lowest estimate in the region of the Commonwealth of Independent States (CIS) after Turkmenistan.⁸ Though work seems to be a primary place to access the internet, "collective" or public access points such as internet cafes remain popular as well. Since December 2010, minors are officially prohibited from visiting internet cafes without parents or adults between 10:00 p.m. and 6:00 a.m.⁹ Reportedly, since 2011, students are also not allowed to visit internet cafes between 8:30 a.m. and 7:00 p.m.¹⁰

Public libraries, museums, nearly all of the country's educational, scientific and cultural institutions, and youth organizations connect to the internet exclusively via the "unified information network Ziyonet," or intranet, initiated by the government in September 2005.¹¹ Ziyonet requires user identification and employs software protecting against "aggressive internet content."¹² Given the role of those institutions in Uzbek society,¹³ online resources on the intranet consist mainly of government sources of information, including state educational but also ideological materials.¹⁴ As

⁴ State Committee for Communications, Information and Telecommunications Technologies (SC for CITT), "Показатели развития отрасли: Актуальные статистические данные о состоянии внедрения и развития ИКТ в Республике Узбекистан," accessed April 25, 2013, <http://ccitt.uz/ru/indicators/>.

⁵ International Telecommunication Union (ITU), "Percentage of Individuals Using the Internet," 2012, accessed July 30, 2013, <http://www.itu.int/en/ITU-D/Statistics/Pages/stat/default.aspx>.

⁶ International Telecommunication Union, "Sustainable electricity supply of telecommunications objects in rural and remote areas," accessed September 21, 2012, <http://www.itu.int/ITU-D/projects/display.asp?ProjectNo=2UZB11003>.

⁷ UzACI and UNDP Uzbekistan, "Анализ состояния и перспектив развития Интернет в Республике Узбекистан" [Analysis of the Internet Development and its Prospects in Uzbekistan], 2009, accessed July 30, 2013, <http://infocom.uz/wp-content/files/otchet.pdf>.

⁸ ITU, "Measuring the Information Society: 2012," accessed July 30, 2013, http://www.itu.int/en/ITU-D/Statistics/Documents/publications/mis2012/MIS2012_without_Annex_4.pdf.

⁹ "О порядке предоставления доступа к сети Интернет в общественных пунктах пользования" [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, at Art. 17 (e).

¹⁰ "Lyceum students banned from e-cafes," *Uznews.net*, May 31, 2012, http://www.uznews.net/news_single.php?lng=en&sub=top&cid=4&nid=19973.

¹¹ Resolution of the President RU "О создании общественной образовательной информационной сети Республики Узбекистан" [On the Establishment of the Public, Educational, and Information Network of the Republic of Uzbekistan], No. ПП-191, 28 September 2005, *SZRU* (No. 40), item. 305, at Art. 4.

¹² *Ibid.*, at Art. 5.

¹³ Resolution of the President RU "О государственной программе "Год гармонично развитого поколения"" [On the State Program "The Year of Harmoniously Developed Generation"], No. ПП-1271, January 27, 2010, *SZRU* (2010) No. 5, item 37.

¹⁴ "Библиотека" [Library], *Ziyonet.uz*, accessed July 30, 2013, <http://www.ziyonet.uz/ru/library/>.

of January 2013, there were 41,541 of these “approved” online information resources, some of which are knock-offs of popular social media platforms such as Utube.uz.

Internet connectivity is available via dial-up, ADSL broadband, and WiMax, but no longer via satellite. Dial-up connections are more common in rural areas than urban areas.¹⁵ In 2011, the government made a commitment to expand the number of users with a dial-up connection from 3 million to 3.5 million.¹⁶ By 2012, 147,760 users had a fixed-broadband subscription in the country,¹⁷ which is significantly higher than the national target of 100,000 set by President Karimov to be achieved by the end of 2011.¹⁸ Given this target, Uztelecom and the Chinese telecommunications equipment supplier ZTE launched the mass production of ADSL modems and DSLAM network devices in August 2011.¹⁹ As of February 2013, Uztelecom offered FTTB broadband internet to 837 buildings in Tashkent. WiMAX broadband is available only in Tashkent and six regions since it was first introduced on the Uzbek market by a private operator in 2008.²⁰ As described below, the ban on private ISPs to access the internet via satellite has been in force since February 2011.

The state-owned JSC Uzbektelecom, established in 2000 and re-branded as “national operator Uztelecom” in 2011, operates Uzbekistan's telecommunications infrastructure under a state license renewable every 15 years. In August 2005, Uztelecom took over the internet connectivity functions from the state data transfer network company, “UzPAK,” which later became its subsidiary.²¹ The latter is claimed to have been only partially successful in maintaining a monopoly and centralized state control over international internet connectivity since its establishment in 1999.²² By contrast, due to a favorable regulatory environment, Uztelecom has succeeded in becoming a pure monopoly over the country's connection to the internet and an upstream ISP, with private ISPs required to have their international internet traffic routed and transmitted through a single Uztelecom network gateway (the International Centre for Packet Switching, abbreviated as MZPK in Russian).

¹⁵ Sarkor Telekom, Press Release, December 16, 2011, <http://www.sarkor.com/ru/press/news/>.

¹⁶ 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/>.

¹⁷ ITU, “Key 2000 – 2011 country data: Fixed (wired)-broadband subscriptions,” <http://www.itu.int/ITU-D/ict/statistics/>.

¹⁸ 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_ustremeniya_i_programmy_1/.

¹⁹ 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/>.

²⁰ See UzACI and UNDP Uzbekistan, note 9 above.

²¹ Decree of the President RU “On measures for development of data transfer services and preparation for privatization of JSC “Uzbektelecom”, No. PP-149, August 8, 2005.

²² Josh Machleder, “Struggle over Internet Access Developing in Uzbekistan,” December 3, 2002, www.eurasianet.org/departments/rights/articles/eav031202.shtml.

In March 2011, the former telecommunications regulator, UzACI, amended its 2004 regulatory provisions in ways that further established Uztelecom's control over the traffic of other ISPs.²³ Firstly, the amendments specified that ISPs have "the right to access international telecommunications networks solely through technical means of JSC Uzbektelecom." Consequently, on December 30, 2011, the Uzbek parliament amended the 1999 Law on Communications to impose more general legal obligation upon ISPs to "provide interconnections of their networks according to technical specifications of the operator of the connecting telecommunications networks."²⁴ Secondly, UzACI revoked the norm guaranteeing the right of private ISPs to install and maintain their own satellite stations in order to enable internet connectivity.

As a government-sanctioned monopoly, Uztelecom sets the price for use of its internet gateway by downstream ISPs. In February 2013, this price reached approximately \$384 per 1 Mbps per month for private ISPs—a reduction from \$495 in February 2012.²⁵ There are no statistics demonstrating whether private ISPs systematically pass down Uztelecom's price reductions to their subscribers. In April 2013, private ISPs offered household internet access at a minimum download speed of 256 Kbps for a monthly subscription of \$30 (with free traffic up to 2,000 Mb) and a maximum download speed of 2,048 Kbps for \$44 per month (with free traffic up to 12,000 Mb).²⁶ Similar prices were reported for ADSL broadband packages offered by Uztelecom in January 2012. As reported by the ITU, such prices are prohibitively high and exceed the monthly GNI per capita level at the rate of approximately 188 percent.²⁷ As of May 2012, neither Uztelecom nor other ISPs offer a monthly internet access package with unlimited usage.

While prices for international internet access remain prohibitively high for most citizens in Uzbekistan, by contrast, Uzbek ISPs offer low cost access without traffic limitations to websites domestically hosted in Uzbekistan within the TAS-IX network. Registered in February 2004 by the five largest domestic ISPs at the time, TAS-IX is a nongovernmental organization with ISPs regulating their relationship by an agreement and annually selecting a network administrator among its members.²⁸ By March 2013, the TAS-IX peering center had a membership of 37 ISPs interconnecting their networks in order to enable traffic conveyance and exchange at no mutual charge and without the need to establish international internet connections via Uztelecom.²⁹ Membership of Uztelecom may, however, complicate the presumably self-regulating structure of

²³ Приказ генерального директора Узбекского агентства связи и информатизации "О внесении изменений в Положение о порядке регулирования межсетевое взаимодействия Интернет-провайдеров на сетях передачи данных" [Order of the General Director of UzACI 'On Amendments to the Rules on the Procedure Regulating Network Interconnection Among Internet Providers on Data Networks'], No. 4-Yu, March 15, 2011, *SZRU* (2011) No. 10-11 (458-459), item 108, at Annex.

²⁴ Law RU, "O telekommunikatsiakh" [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.

²⁵ Uztelecom, "O снижении тарифов на интернет-услуги для провайдеров" [Tariff Reduction for Internet Service Providers], March 6, 2012, <http://www.uztelecom.uz/ru/press/news/2013/962/>.

²⁶ See, e.g., a tariff list from the leading ISP provider TPS, at <http://www.tps.uz/tariffs/section/jet> (last accessed on April 26, 2013).

²⁷ ITU, "Measuring the Information Society: 2012."

²⁸ InfoCom.uz, "Самое нужное ННО для Узнета – Соглашение TAS-IX," February 18, 2004, <http://infocom.uz/2004/02/18/samoe-nuzhnoe-nno-dlya-uznetasoglashenie-tas-ix/>.

²⁹ TAS-IX, List of Members, http://tas-ix.uz/index.php?option=com_content&view=article&id=63:listofmembers.

TAS-IX. Presently, the relationship between Uztelecom and all other TAS-IX participating ISPs is not clear and is at the stage of negotiations.³⁰ TAS-IX has evolved to become a conduit for domestically hosted content. TAS-IX also filters and blocks content or applications to the same extent as Uztelecom.³¹ At the same time, as some have pointed out, TAS-IX ISPs are challenged to find the income streams for the investments needed to meet the capacity requirements of their customers.³²

According to the latest ITU data, over 20 million Uzbeks had a mobile phone subscription by the end of 2012, with a mobile phone penetration rate of approximately 72 percent.³³ Mobile phone connectivity via 3G technology is widely available, though as of October 2011, only 23 percent of mobile phone subscribers were using mobile broadband services.³⁴ As of December 2011, mobile broadband based on 4G/LTE technology was limited only to some parts of the capital Tashkent.³⁵ WiMax mobile broadband is said to be available only in Tashkent and the other five major cities of the country.³⁶ Still, there are general complaints about the poor quality of mobile phone connections and broadband internet access, which are related, among other things, to such regulatory obstacles as intricate customs procedures for the import of ICT equipment, unduly complicated tender conditions, and various bureaucratic obstacles at the local level.³⁷

As of May 2013, four out of five operators were left to share the Uzbek market for mobile phone services. The smallest numbers of subscribers reportedly belonged to two CDMA operators—Uzmobile (a brand of the state-owned Uztelecom) and Perfectum Mobile (owned by the Uzbek company Rubicon Wireless Communication).³⁸ Two GSM operators—Beeline (owned by the Russian VimpelCom Ltd) and Ucell (owned by the Swedish-Finnish company TeliaSonera)—shared the largest portions of the market.³⁹ Recently, the Uzbek antitrust authorities accused and fined the

³⁰ InfoCom.uz, "Итоги работ в 2010 году" (Information on a meeting between TAS-IX and Uztelecom in January 2013 on the matter of network interconnectivity), March 4, 2013, http://tas-ix.uz/index.php?option=com_content&view=article&id=62:-2012-

³¹ TAS-IX participating ISP maintain a service to find out whether a website is in the TAS-IX network. See, e.g., ISP TPS, <http://www.tps.uz/tasix/>.

³² Eugeniy Sklyarevskiy, "Узбекистан: Кто платит за бесплатный TAS-IX?", October 24, 2012, <http://www.12news.uz/news/2012/10/24/узбекистан-кто-платит-за-бесплатный-tas-ix/>.

³³ International Telecommunication Union (ITU), "Mobile-cellular telephone subscriptions," 2012, accessed July 13, 2013, <http://www.itu.int/ITU-D/ICTEYE/Indicators/Indicators.aspx#>.

³⁴ However, it is not clear whether this official data also includes 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>.

³⁵ 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>.

³⁶ EVO Premium Operator, "About us", <http://evo.uz/ru/company/about>.

³⁷ "Узбекистан: Beeline и Ucell плохо справляются с обслуживанием абонентов в отсутствие Uzdurobita," Fergananeews.com, May 6, 2013, <http://www.fergananeews.com/articles/7714>.

³⁸ "UZMOBILE subscribers' number exceeds 200,000 users," UzDaily, January 31, 2013, <http://www.uzdaily.com/articles-id-21856.htm#sthash.eB7qle9p.dpbs>. Perfectum Mobile does not make public its customer base. Reportedly, the numbers reached an average of 500,000 subscribers in 2012. See Mobinfo.Uz, "Сколько же абонентов было у МТС- Узбекистан на самом деле?" November 10, 2012, <http://mobinfo.uz/print:page,1,10830-skolko-zhe-abonentov-bylo-u-mts-uzbekistan-na.html>.

³⁹ By the end of December 2012, Beeline reported having 9.2 million subscribers. See Beeline, "Билайн в Узбекистане," <http://about.beeline.uz/ru/about/index.wbp> (last accessed on April 20, 2013). By the end of September 2012, Ucell had 9.5 million subscribers. See <http://mobinfo.uz/print:page,1,10830-skolko-zhe-abonentov-bylo-u-mts-uzbekistan-na.html>.

latter two companies for price fixing that allegedly took place in 2012 and 2013. Still, Beeline and Ucell have been able to increase their customer base after the Uzbek government terminated the operations of a leading competitor and GSM operator, Uzdunrobita (a wholly owned subsidiary of the Russian company MTS).

On July 17, 2012, Uzdunrobita's mobile phone services and internet broadband access became permanently inaccessible to more than 9.5 million subscribers.⁴⁰ From August 2012 to April 2013, the company struggled to challenge official charges of violations of tax, antimonopoly, and consumer protection laws, including the award of \$587 million worth of compensatory damages for the state by domestic courts.⁴¹ After Uzdunrobita's petition for voluntary bankruptcy, the company was declared bankrupt by order of the Tashkent Commercial Court on April 22, 2013. The Uzdunrobita case is the first case of unlawful expropriation of foreign businesses providing access to digital technologies in Uzbekistan.

The reported period was characterized by disclosures of vast bribery in the domestic telecommunications business from as far back as 2007. According to allegations, the president's daughter, Gulnara Karimova, had systematically solicited bribes from MTS (Uzdunrobita) and TeliaSonera (Ucell). Karimova is believed to have sold outstanding shares of Uzdunrobita to MTS for \$250 million in cash in June 2007.⁴² Her middleman, Uzdunrobita's general director, fled the country in June 2012 and, as of May 2013, remains one of the suspects in pending investigations into money-laundering and aggravated bribery in Switzerland and Sweden. Reportedly, the Sweden-based TeliaSonera allegedly paid bribes worth millions of dollars to Karimova over a five-year span between 2007 and 2012, starting with the acquisition of a 3G telecom license for \$314.6 million.⁴³ As of May 2013, Gulnara Karimova held the post of Ambassador, Permanent Representative of the Republic of Uzbekistan to the United Nations and other international organizations in Geneva; however, Karimova lost her post in July 2013.⁴⁴

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, individual 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.⁴⁵ 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

⁴⁰ RFE/RL, "Millions of Uzbek Customers Left Without Mobile-Phone Service," July 18, 2012, <http://www.rferl.org/content/uzbekistan-mobile-provider-suspended-uzdunrobita/24649344.html>.

⁴¹ MTS, "Annual Report: 2012," http://www.mtsghm.com/upload/contents/294/MTS_Clean.pdf.

⁴² Saveliy Vezhin, "Узбекское молчание МТС. Инвестиции мобильного оператора "Уздунробита" в развитие сотовой связи республики – под угрозой" [Uzbek Silence of MTS: The Investments of the Mobile Operator Uzdunrobita in the Development of Mobile Services in the Republic are Under Threat], June 24, 2012, http://www.ng.ru/ideas/2012-07-24/5_mts.html.

⁴³ RFE/RL, "New Documents Suggest Fresh Evidence of TeliaSonera Ties to Karimova," May 22, 2013, <http://www.rferl.org/content/sweden-teliasonera-uzbekistan-karimova/24993135.html>.

⁴⁴ Murat Sadykov, "Uzbekistan: Gulnara's Future Uncertain After Exiting UN Post," Eurasianet.org, July 14, 2013, <http://www.eurasianet.org/node/67246>.

⁴⁵ Reporters Without Borders, "Uzbekistan," *Enemies of the Internet 2012*, March 12, 2012, <http://en.rsf.org/uzbekistan-uzbekistan-12-03-2012,42079.html>.

2011 and the government's fear that it might trigger social media-inspired protests in Uzbekistan.⁴⁶

On May 21, 2012, the government adopted a resolution establishing unified rules for the use of mobile phones in all educational institutions of the country.⁴⁷ The resolution completely bans the use of mobile phones in the buildings of educational institutions, not only for students but also for teachers and other personnel. According to the resolution, the aim of such measures is to prevent “negative aspects” of the use of mobile phones in educational settings, such as cheating; digital gaming; and the dissemination of materials undermining morals and ethics, promoting a culture of violence, cruelty and pornography, or promoting “reactionary sectarian, pseudo-religious ideology.” Another stated aim, however, is to enable the “education of the youth in the spirit of love to its motherland, respect for national values and those of the humanity, [and] ideas of national independence.” In the past, the government has sporadically ordered the shutdown of text messaging and internet services by mobile operators, particularly during examinations.⁴⁸

Apart from these sporadic restrictions, YouTube, Facebook, Twitter, and LiveJournal remained generally available in 2012–2013, 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.⁴⁹ The blog-hosting platform Wordpress remained blocked in its entirety during the reported period.⁵⁰

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 in practice is often encumbered by political interests, with applicants from outside the government's inner circle regularly denied licenses for unjustifiable reasons.⁵¹

The Uzbek Agency for Communications and Information (UzACI) ceased to exist in October 2012, when President Karimov issued a decree⁵² establishing a new telecommunications regulator, the State Committee for Communications, Information and Telecommunications Technologies (State

⁴⁶ 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.ferghananews.com/news.php?id=17125>; Catherine A. Fitzpatrick, “Uzbekistan: Internet Sites Blocked,” Eurasianet.org, August 10, 2011, <http://www.eurasianet.org/node/64026>.

⁴⁷ Resolution of the Cabinet of Ministers RU, “О мерах по упорядочению пользования мобильными телефонами в образовательных учреждениях Республики Узбекистан,” No. 139, May 21, 2012, *SZ RU* (2013 No. 21 (521), item. 229.

⁴⁸ “Uzbekistan ‘halts mobile Internet, SMS’ for exam day,” AFP, August 2, 2011, http://www.google.com/hostednews/afp/article/ALeqM5iAt_J3V1eR_Homvu0Osp2K3mqMdQ.

⁴⁹ “LiveJournal website blocked in Uzbekistan,” Uznews.net, March 20, 2012, http://www.uznews.net/news_single.php?nid=19380.

⁵⁰ IREX, “Europe & Eurasia Media Sustainability Index 2013,” http://www.irex.org/sites/default/files/u105/EE_MSI_2013_Uzbekistan.pdf

⁵¹ IREX, “Uzbekistan.”

⁵² Decree of the President RU “О создании Государственного комитета связи, информатизации и телекоммуникационных технологий Республики Узбекистан” [On the Establishment of the State Committee for Communications, Information and Telecommunications Technologies], УП-4475.

Committee for CITT).⁵³ Similarly to its predecessor, the new governmental body lacks independence and is accountable to the Cabinet of Ministers in the executive branch.⁵⁴ The president appoints and dismisses the committee chairman and first deputy, who are also members of the Executive Board of the national operator Uztelecom, where the committee has the right to manage 51 percent of state shareholdings.⁵⁵ Moreover, the Cabinet of Ministers approves members of a committee's collegium selected from the committee's top bureaucrats. The collegium coordinates the planning and implementation of the committee's main activities and appoints the committee's *nomenklatura*.⁵⁶ These appointment processes lack transparency. In addition, the composition of the committee is not representative of different stakeholders' interests. With the establishment of the State Committee for CITT, the government has consolidated its regulatory authority over the ICT industry.

The government maintains direct control over the administration, registration, and use of domain names with the “.uz” top-level domain, which was established in April 1995 and re-delegated to the government in April 2003.⁵⁷ Current rules for the assignment, registration, and use of the country's top-level domain create an obstacle to internet access.⁵⁸ The Computerization and Information Technologies Developing Center (Uzinfocom) manages the “.uz” top-level domain. There are seven private ISPs officially authorized to provide registry services in the “.uz” domain zone.⁵⁹ Uzinfocom is also the largest provider of web hosting services, including for the e-government project, government-backed intranet, national search engine, and social-networking sites.⁶⁰

LIMITS ON CONTENT

The Uzbek government engages in pervasive and systematic blocking of independent news and any content expressing critical opinions and views about Uzbekistan's government, the country's foreign and domestic affairs—including the human rights situation—and other issues of general public interest in Uzbekistan.⁶¹ Access to online information was relatively open until 2001 when the authorities began filtering politically sensitive websites and reportedly intercepting e-mail

⁵³ State Committee for Communications, Information and Telecommunications Technologies official website, <http://www.ccitt.uz/ru/>.

⁵⁴ Resolution of the Cabinet of Ministers RU "Об утверждении положений о Государственном комитете связи, информатизации и телекоммуникационных технологий Республики Узбекистан и о Государственной инспекции по надзору в сфере связи, информатизации и телекоммуникационных технологий" [On the Adoption of Rules on the State Committee for Communications, Information and Telecommunications Technologies of the Republic of Uzbekistan and on the State Inspection in the Fields of Communications, Information and Telecommunications Technologies], No. 355, 19 December 2012, *SZRU* (2012) No. 52 (552), item 589, at Art. 2.

⁵⁵ *Postanovlenie* at Art. 13.

⁵⁶ *Ibid.*, at Art. 16.

⁵⁷ IANA, "Report on Redlegation of the uz Top-Level Domain," April 10, 2003, <http://www.iana.org/reports/2003/uz-report-10apr03.html>.

⁵⁸ Law RU "On Telecommunications," at Arts. 8, 11.

⁵⁹ ccTLD.uz, "Администраторы" [Administrators], <http://cctld.uz/reg/>.

⁶⁰ Uzinfocom Data Centre, "Услуги веб-хостинга" [Web Hosting Services], <http://dc.uz/rus/hosting/>.

⁶¹ Reporters Without Borders, "Internet Enemies: Uzbekistan," <http://en.rsf.org/internet-enemie-uzbekistan,39765.html>; Alexei Volosevich, "Journalism in Uzbekistan is not history. It has but moved to the Net," February 26, 2007, <http://enews.fergananews.com/article.php?id=1855>.

communication.⁶² However, state internet censorship and surveillance have significantly intensified since May 2005, following the government's violent crackdown on peaceful antigovernment protests in Andijan and the subsequent news blackout on this event in the traditional media.⁶³ In 2012–2013, the Uzbek government continued to apply pressure on online content providers in order to force the removal of political content from certain sites.

Since the government officially banned the operation of such international broadcasters as the BBC and the U.S. government-funded Radio Free Europe/Radio Liberty (RFE/FL) in Uzbekistan in 2005, their websites (Bbc.co.uk/uzbek, Ozodlik.org) have remained permanently inaccessible.⁶⁴ The websites of two international broadcasters, Deutsche Welle (Dw.de) and Voice of America (Voanews.com/uzbek), are also blocked. Permanent blocking also applies to independent online news media, such as Uznews.net, Ferghananews.com, Harakat.net, Mediauz.ucoz.ru, and Uzmetronom.com, as well as the websites of Uzbek opposition groups in exile.⁶⁵ In addition to being blocked, none of these websites appear in the results of the national search engine www.uz, which is regulated by the government and primarily catalogues sites with “.uz” domain names.⁶⁶

In February 2013, assumedly under pressure of the Uzbek government, administrators of the Russian social-networking site Odnoklassniki.ru removed a web page of the National Movement of Uzbekistan "without the possibility of being restored."⁶⁷ At the time of removal, the Uzbek dissident group that had been established in 2011 had 26,000 "friends" on Odnoklassniki. In January 2013, the official website of the movement, Uzخالqharakati.com, had already come under a distributed denial-of-service (DDoS) attack, the third since its registration in May 2011.⁶⁸ The attack paralyzed the website for several days.

The Uzbek authorities appear to have fairly sophisticated censorship technology at their disposal that enables them to not only block entire 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 the protests that were erupting in the Middle East, including expressing solidarity with demonstrators and sharing news links about what was happening, users began reporting that certain pages and discussions on Facebook, LiveJournal,

⁶² "Country Profile: Uzbekistan," OpenNet Initiative, December 21, 2010, <http://opennet.net/research/profiles/uzbekistan>.

⁶³ 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>; Alo Khodjayev, "The Internet Media in Uzbekistan", in OSCE Representative on Freedom of the Media (ed.), *Pluralism in the Media and the Internet* (OSCE Representative on Freedom of the Media, Vienna, 2006), 143-148, at 144.

⁶⁴ Committee to Protect Journalists, "Attacks on the Press 2010: Uzbekistan," February 15, 2011, <http://www.cpj.org/2011/02/attacks-on-the-press-2010-uzbekistan.php>.

⁶⁵ See, e.g., website of the Uzbekistan "Erk" Democratic Party, <http://uzbekistanerk.com/>.

⁶⁶ 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.

⁶⁷ Uznews.net, "НДУ изгнали из одноклассников," February 18, 2013, http://www.uznews.net/news_single.php?lng=ru&cid=30&nid=22104.

⁶⁸ Ozodlik.org, "Атака на сайт Народного Движения Узбекистана," January 27, 2013, <http://www.ozodlik.org/content/article/24884770.html>.

and Twitter were being blocked, though the social media tools as a whole remained available.⁶⁹ Similarly, in February 2012, the media reported that the Uzbek-language pages of Wikipedia were 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.⁷⁰

Most censorship takes place at the country's international internet connection, operated by Uztelecom, which aggregates the private ISPs' traffic at a single node within its infrastructure. There is a widespread suspicion of involvement of foreign firms providing networking equipment to Uztelecom for the purpose of state censorship over the internet. The architecture of Uztelecom's network UzNet, which provides internet transit for private ISPs and internet access in governmental institutions, is based on network routers and switches produced by Cisco Systems, Inc.⁷¹ Moreover, in its daily operations, Uztelecom widely employs the equipment of the Chinese company ZTE. ZTE opened its Uzbek office in 2003 and became a leading supplier of USB modems, mobile phones, and routers to all mobile phone operators and Uztelecom.⁷² Furthermore, the government grants ISPs and mobile phone operators import duty and sales tax exemptions on surveillance equipment, which they are then required to install on their networks at their own expense.⁷³ Reportedly, the government has abolished some of its import tax exemptions on telecommunications equipment in 2013.

Under the 1999 Law on Telecommunications and several other government resolutions, the license of lower tier ISPs may be withheld or denied if the company fails 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 the violent overthrow of the constitutional order of Uzbekistan, instigates war and violence, contains pornography, or degrades and defames human dignity."⁷⁴ Given these broad restrictions, many individuals and organizations prefer to host their websites outside the country.⁷⁵

⁶⁹ 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>.

⁷⁰ 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 Performance Art: Uzbekistan's Bizarre Wikipedia Ban," The Atlantic, February 23, 2012, <http://bit.ly/zpyvtP>.

⁷¹ Uztelecom, "Бизнесни ривожлантириш Маркази," accessed July 30, 2013, <http://bit.ly/15CvbSH>.

⁷² UzDaily, "ZTE Corporation Expands Cooperation with Uzbekistan," November 1, 2011, <http://www.uzdaily.com/articles-id-16308.htm>. But ZTE is often accused of facilitating internet censorship and surveillance worldwide. See Madeline Earp, "China not most censored, but may be most ambitious," May 2, 2012, <http://bit.ly/IUL7Yj>.

⁷³ See the "Violations of Users Rights" below. See Tax Code of RU, SZRU (2007) No. 52(II), at Arts. 208 (§33), 211 (§7), 211 (§9), 230 (part 2, §5), 269 (§§15-16), and 355 (§ 13).

⁷⁴ Regulation "О порядке предоставления доступа к сети Интернет в общественных пунктах пользования" [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, SZRU (2004) No. 30, item 350.

⁷⁵ 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 Uzinfocum, "Только цифры" [Only Numbers], January 5, 2012, <http://bit.ly/1hbO2sN>.

The government has also placed political pressure on mobile phone operators. In March 2011, amid 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.⁷⁶

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 the Monitoring of the Mass Communications Sphere, which is integrated into the structure of the State Committee on CITT, takes various measures to maintain compliance with national legislation that restricts free expression.⁷⁷ Its key objectives are “to analyze the content of information disseminated online and ensure its consistency with existing laws and regulations.”⁷⁸ Based on its systematic monitoring of online content, the center has contributed to the takedown of independent websites.⁷⁹

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.⁸⁰ The commission is not independent and must submit quarterly reports to the Cabinet of Ministers.⁸¹ Furthermore, its membership is not made public,⁸² although the body is reportedly comprised exclusively of government employees.⁸³ 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.⁸⁴

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-

⁷⁶ Murat Sadykov, “Uzbekistan Tightens Control over Mobile Internet,” Eurasianet.org, March 15, 2011, <http://www.eurasianet.org/node/63076>.

⁷⁷ 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.

⁷⁸ 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 Initiative, “Uzbekistan,” December 2010, http://opennet.net/research/profiles/uzbekistan#footnote37_1d627h4.

⁷⁹ 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. See also Freedom on the Net 2013: Uzbekistan, regarding the case of www.eDoctor.uz.

⁸⁰ 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.

⁸¹ *Ibid.*, at Annex II, Art. 31.

⁸² *Ibid.*, Annex I, containing a list of the Commission’s members, is not made public.

⁸³ Reporters Without Borders, “Uzbekistan,” *Enemies of the Internet 2012*.

⁸⁴ Resolution of the Cabinet of Ministers RU, No. 228, at Art. 1 and Annex II, Art. 5. See note 50 above.

approved experts.⁸⁵ The experts submit reports to the commission, whose members then vote on whether or not a violation has been committed. 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.⁸⁶ 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 April 2013, the Commission appeared to be functioning but little information on its activities is 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.⁸⁷

Self-censorship is pervasive, given the government’s tight controls over the media and harsh punishment of those who report on topics deemed “taboo,” including criticism of the president, revelations about corruption, or health education.⁸⁸ Given the government’s history of harassing traditional journalists, as well as their families, many online writers are cautious about what they post.

The editorial direction of the online versions of state-run news outlets is often determined by unofficial guidelines from the government. 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 six to five percent, among other changes.⁸⁹ While the decree purportedly aims to strengthen “public control over the activities of state power and control,”⁹⁰ observers have noted that without 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.⁹¹

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 websites in Uzbekistan. The most popular social-networking site in Uzbekistan is the Russian Odnoklassniki.ru, which became available in the Uzbek language in December 2012.⁹² Facebook is

⁸⁵ *Ibid.*, at Art. 1 and Annex II, Art. 14.

⁸⁶ *Ibid.*, at Annex II, Arts. 26 and 29.

⁸⁷ 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.

⁸⁸ 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; Catherine A. Fitzpatrick, “Uzbekistan: AIDS Activist Released, But Other Human Rights Defenders Harassed,” September 6, 2011, <http://www.eurasianet.org/node/64131>.

⁸⁹ 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/>.

⁹⁰ “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>.

⁹¹ IREX, “Uzbekistan.”

⁹² “Top Sites in Uzbekistan,” Alexa.com, accessed May 1, 2012, <http://www.alexa.com/topsites/countries/UZ>.

ranked second with over 120,000 members from Uzbekistan by April 2012, a notable increase from the year before.⁹³

As social-networking sites and blogging platforms have grown in popularity, the government has adopted a new approach to influence 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 toward 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 either as an anonymous user or with their passport details. Although for the moment the zone’s applications remain less popular than international brands, as of April 2013, 35,792 people had registered at Id.uz.⁹⁴ 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.⁹⁵ The more popular of the two, Muloqot.uz (meaning “dialogue”), was launched in September 2011 in an apparent effort to offset the growing influence of Facebook.⁹⁶ It is open only to Uzbek citizens residing in Uzbekistan, and at least one incident of censorship has been reported.⁹⁷ 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.⁹⁸

The blogosphere in Uzbekistan is weak, largely of entertainment character, and, due to the repressive environment, unable to significantly facilitate public discourse on political and social issues.⁹⁹ A handful of blogs critical of the regime are run by Uzbek dissidents (for example: Jahonnoma.com, Turonzamin.org, Fromuz.com) or are affiliated with independent online news sites like Uznews.net or Fergananeews.com. Since its establishment in January 2012, a forum at Choyxona.com has become somewhat popular, with around 1,400 threads, 55,000 posts, and 620 members as of May 2013. It is run by the former editors of Arbus.com, a forum site that was suspended in 2011 after Uzbek authorities arrested several of its users.

⁹³ “Uzbekistan Facebook Statistics,” SocialBakers, accessed May 1, 2012, <http://www.socialbakers.com>.

⁹⁴ Uzinfocom, “Только цифры” [Only Numbers], April 2013, <http://www.uzinfocom.uz/ru/news/406>.

⁹⁵ 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/.

⁹⁶ “Manifest of the Community Muloqot.Uz,” Muloqot, accessed May 1, 2012, <http://muloqot.uz/help/about>.

⁹⁷ Freedom House, “Uzbekistan Launches Government-Run Social Networking Site on Anniversary of Independence,” Freedom Alert, August 31, 2011, <http://bit.ly/KgeA1F>.

⁹⁸ Luke Allnutt, “Uzbekistan Launches Its Own Facebook, Except It’s Not For Everyone.”

⁹⁹ Sarah Kendzior, “Digital Freedom of Expression in Uzbekistan: An Example of Social Control and Censorship in the 21st Century,” New America Foundation, July 18, 2012, http://newamerica.net/publications/policy/digital_freedom_of_expression_in_uzbekistan.

Although there were no significant cases of political mobilization via social media, these tools have 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 Arbutz.com, contributing to international condemnation of the incident.

VIOLATIONS OF USER RIGHTS

The environment for internet users' rights in Uzbekistan is already one of the most restrictive in the region, with the government employing extensive surveillance measures to monitor online activity, as well as frequently using trumped-up charges to target individuals who publish material online that is deemed counter to the government's interests. In September 2012, Uztelecom began systematically blocking access to proxy servers. In January 2013, the editors of Olam.uz, a popular news website, chose to take the site offline after Uzbek authorities charged them with various crimes, reflecting the degree to which the government continues to exert control over outlets that report on sensitive topics.

The constitution of Uzbekistan guarantees the right to freedom of expression (Article 29) and freedom of the mass media (Article 62). It also prohibits censorship (Article 62). In practice, however, these constitutional rights are not fulfilled and severely restricted by laws and governmental regulations. Judges lack the independence and impartiality needed to ensure the constitutional protection of speech.¹⁰⁰

The 1997 law "On Mass Media" was amended in 2007 with the purpose of altering the definition of "the press" to include "websites in generally accessible telecommunication networks."¹⁰¹ This law neither defines nor establishes clear criteria for what is a news-oriented website; a website is described as an electronic means of disseminating information to the general public not less frequently than once a period of six months.¹⁰² In order to be regarded as part of news media, websites are required to obtain an official registration certificate in a procedure similar to that required for traditional news media outlets.¹⁰³ This procedure is generally known to be content-based, arbitrary, and inhibits editors and readers from exercising their freedom of expression.¹⁰⁴ Applications for press certificates are supposed to include details such as the website's digital media title, founder(s), language, aims and purposes, content specialization, domain name, sources of

¹⁰⁰ Joint Resolution of the Plenums of the Supreme Court and Higher Economic Court RU "О судебной власти" [On the Judicial Branch of Power] No. 1, 20 Dec. 1996, as amended on December 22, 2006 (No. 14/151), at para. 3 (justifying the rule that all judges are appointed by the President of Uzbekistan).

¹⁰¹ Law RU "О средствах массовой информации" ["On the Mass Media"] No. 541-I, adopted December 26, 1997, as amended on January 15, 2007, *SZRU* (2007) No. 3, item 20, at Art. 4.

¹⁰² *Ibid.*

¹⁰³ Resolution of the Cabinet of Ministers RU "О дальнейшем совершенствовании порядка государственной регистрации средств массовой информации в Республике Узбекистан" [On the Further Development of the Procedure for State Registration of the Mass Media in the Republic of Uzbekistan] No. 214, October 11, 2006, in *SP RU* (2007) No. 14, item 141, at Art. 8.

¹⁰⁴ UN 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. 2.6, 2.11 and 8.3.

financing, editor(s), address of an editorial office, as well as affiliation of the founder(s) or editor(s) with other mass media outlets.¹⁰⁵ Journalists or non-media professionals affiliated with registered online news media outlets are awarded certain rights and must abide by statutory conditions that are applicable to professional journalists, arguably creating, in practice, an environment where journalists' key responsibility is "loyalty to the regime."¹⁰⁶ As of December 2011, there were about 160 private websites registered as mass media in Uzbekistan.¹⁰⁷

The legislation regulating the exercise of freedom of expression applies equally to traditional news media outlets and the internet. Due to the 2007 amendments, the law "On the Mass Media" is applicable to overseas news media outlets whose content is accessible from within the territory of Uzbekistan.¹⁰⁸ No cases of this law being invoked by Uzbek courts against foreign websites have been reported so far. In addition, some laws have been used to punish individuals for posting or accessing content deemed to violate vague information security rules.¹⁰⁹ Under the criminal code, slander (Article 139) and insult (Article 140)—including of the president (Article 158)—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.¹¹⁰

Beginning in 2010, online journalists have been prosecuted under charges of libel, defamation, and insult,¹¹¹ as well as for the production, storage, and propagation of materials inciting national, racial, or religious animosity.¹¹² However, no such incidents took place in the reported period.

On January 19, 2013, Olam.uz, which at the time was Uzbekistan's second most-visited news site, chose to go offline for "technical reasons," according to its Facebook page. However, as independent sources report, the Uzbek authorities had opened up proceedings against its editor-in-chief and the website owner, the Tashkent-based LLC Mobile Mass Media.¹¹³ Charges included such offences as the infringement of copyright and patent law, high treason, encroachment upon the constitutional order, espionage, subversive act, loss of documents containing state or military secrets, and robbery. At the time of its disconnection, Olam.uz was reporting extensively about the Uzdurobita (MTS-Uzbekistan) case and was allowing readers to leave comments on every article published.

¹⁰⁵ Resolution of the Cabinet of Ministers RU No. 214, note 109 above, at Annex II.

¹⁰⁶ Olivia Allison, "Loyalty in the New Authoritarian Model: Journalistic Rights and Duties in Central Asian Media Law," 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), 143-160, at 154-155.

¹⁰⁷ 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.

¹⁰⁸ Law RU "On the Mass Media," at Art. 2.

¹⁰⁹ Zhanna Kozhambardiyeva, "Freedom of Expression on the Internet: A Case Study of Uzbekistan."

¹¹⁰ Article 139 and Article 140, Criminal Code of the Republic of Uzbekistan, <http://bit.ly/1aA516n>.

¹¹¹ For the cases of Vladimir Berezovsky, Abdumalik Boboyev, and Viktor Krymzalov, see *Freedom of the Net 2012: Uzbekistan*.

¹¹² For the case of Elena Bondar, see *Freedom of the Net 2012: Uzbekistan*. Elena Bondar was given refugee status in Kyrgyzstan in May 2013.

¹¹³ Uznews.net, "Uzbek olam.uz news site shut down, staff accused of high treason," January 29, 2013, <http://bit.ly/19KDiiC>; Id., "Is olam.uz trying to hide its criminal charges?," February 1, 2013, <http://bit.ly/18eYayZ>.

As of April 2013, two Uzbek online journalists remained in jail, ostensibly on 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 office, which fueled suspicions that the drug charges were trumped-up and in retaliation for his reporting.¹¹⁴ Dilmurod Saiid, a freelance journalist and human rights activist, is serving a 12.5 year sentence imposed in July 2009 on extortion charges. Before his detention, he had reported on government corruption in Uzbekistan's agricultural sector for local media and independent news websites.¹¹⁵ No new cases of prison sentences were documented between January 2011 and April 2013.

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 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 April 2013.¹¹⁶

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 freedom of expression online. 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.¹¹⁷

The use of proxy servers and anonymizers remains a very important tool and the only way to access content blocked in Uzbekistan. However, in September 2012, Uztelecom started a centralized and permanent blocking of proxy servers and websites enlisting free proxies without a web interface.¹¹⁸ At the same time, the use of both proxies and anonymizers require computer skills beyond the capacity of many ordinary users in Uzbekistan.

¹¹⁴ "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>.

¹¹⁵ "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 Dilmurod Saiid receive justice?], Uznews.net, April 2, 2010, http://www.uznews.net/news_single.php?lng=ru&cid=3&nid=13210.

¹¹⁶ "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>.

¹¹⁷ "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.

¹¹⁸ Uznews.net, "Интернет-цензура Узбекистана стала еще жестче," 10 October 2013, http://www.uznews.net/news_single.php?lng=ru&cid=30&nid=20962.

The space for anonymous online communication in Uzbekistan is steadily shrinking. As mentioned above, the year 2011 saw the closure of Arbutz.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.¹¹⁹ According to some reports, the NSS had tracked them through their internet protocol (IP) addresses.¹²⁰ Increasingly, few options remain for posting anonymous comments on other online forums—such as Uforum.uz,¹²¹ 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.¹²² Individuals must also provide a passport to buy a SIM card.¹²³ There are no explicit limitations on encryption, though in practice, the government strictly regulates the use of such technologies.¹²⁴

Although Article 27 of the constitution guarantees the secrecy of “written communications and telephone conversations,” there is no data protection legislation in Uzbekistan. The government employs systematic surveillance of internet and ICT activities, including the e-mail 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 for the purposes of preventing terrorism and extremism.¹²⁵ 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.¹²⁶ 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 amid government secrecy and a provision in the Law on Telecommunications that prohibits service providers from disclosing details on surveillance methods.¹²⁷ Moreover, there is no independent oversight to guard against abusive surveillance, leaving the NSS wide discretion in its activities.¹²⁸ Adopted on

¹¹⁹ “Uzbek chat room closes political topics after government pressure,” Uznews.net, February 9, 2011, http://www.uznews.net/news_single.php?lng=en&cid=3&sub=&nid=16297.

¹²⁰ IWPR “Web Use Spirals in Uzbekistan Despite Curbs,” news briefing, January 3, 2012, <http://bit.ly/sqYKRF>.

¹²¹ UForum.uz, “Правила форума” [Terms of Use], at <http://uforum.uz/misc.php?do=cfrules>.

¹²² U.S. Department of State, “Uzbekistan,” Counter Reports on Human Rights Practices for 2011, p 16, <http://www.state.gov/documents/organization/186693.pdf>.

¹²³ MTC Uzbekistan, “How to subscribe,” <http://www.mts.uz/en/join/>.

¹²⁴ 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.

¹²⁵ 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.

¹²⁶ *Ibid.*, at Art. 5.8. *Infra.*, note 110. Also, tax and custom exemptions apply for import of the SORM equipment by domestic ISPs, see Tax Code of RU, at Arts. 208, 211, 230 part 2, and 269.

¹²⁷ Law RU, “On Telecommunications,” at Art. 18.

¹²⁸ Resolution of the President RU, note 108 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.

December 26, 2012, a long-awaited law on "Operational and Investigative Activity" failed to give more guarantees against abusive state surveillance of telecommunications networks.¹²⁹ According to Articles 16 and 19 of this law, content intercepted via surveillance of telecommunications networks 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. Uzbek security agents stepped up surveillance of cybercafes after violent clashes between ethnic Kyrgyz and Uzbeks took place in Kyrgyzstan during the summer of 2010.¹³⁰

In March 2012, the president signed a resolution "On measures for the further implementation 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 2014.¹³¹ The announcement raised concerns that the integrated system might enable greater state surveillance of user activities.

A few distributed denial-of-service (DDoS) attacks were reported in January 2013. First, the official website of the National Movement of Uzbekistan, Uzخالqharakati.com, was attacked for the third time since its registration in May 2011.¹³² The attack paralyzed the website for several days. Second, there were two DDoS attacks against the website of the Uzbek national radio and television company, Mtrk.uz. The hacker group Clone-Security claimed to be behind the DDoS attacks for politically motivated reasons, and launched the attacks from within Uzbekistan.¹³³

In 2005, the government established the Computer Emergency Readiness Team (UZ-CERT) as an operational arm of the State Committee on the CITT dealing with cybercrime.¹³⁴ 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.¹³⁵

¹²⁹ Law RU "Об оперативно-розыскной деятельности" [On Operational and Investigative Activity] No. ЗРУ – 344, December 26, 2012, SZ RU (2012) No. 52 (552), item 585, at Arts. 16, 19.

¹³⁰ "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>.

¹³¹ 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.

¹³² Ozodlik.org, "Атака на сайт Народного Движения Узбекистана," January 27, 2013, <http://www.ozodlik.org/content/article/24884770.html>.

¹³³ Ozodlik.org, "В Узбекистане сайт МТПК подвергся хакерской атаке," January 31, 2013, <http://www.ozodlik.org/content/article/24888716.html>.

¹³⁴ 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.

¹³⁵ Ibid., at Annex II, Art. 8. See, Criminal Code 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."