

Freedom of speech in Uzbekistan: built on sand?

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On March 2, 2023, a group of Uzbek journalists, bloggers, public figures, and experts addressed President Shavkat Mirziyoev with a public statement, complaining about the hidden and harsh pressure on the press and the blogosphere and urging him to take under his protection freedom of speech in Uzbekistan.¹ This statement itself, as well as the fact that the day before it, the US Secretary of State Anthony Blinken during his meeting with Mirziyev also touched upon this issue,² can be seen as an indicator that the situation in the field of freedom of speech is increasingly becoming the matter of concern both in Uzbekistan and internationally.

Alarming trends observed

One should admit that with Mirziyoev's rise to power in 2016 some progress has been made in this field, which has become one of his few achievements to date. Thereby, Mirziyoev, even though the elections in which he received the presidency, and then re-elected again, were neither free nor truly competitive, secured to some extent his political legitimacy in the eyes of Uzbek citizens and internationally. Indeed, the local media was given more freedom than under the previous president, Islam Karimov, to cover events in the country, analyze them, and even post materials critical of certain aspects of Uzbekistan's realities.

However, the media and the blogosphere have not been given freedom in full accordance with international human rights law. The ruling regime immediately set certain red lines that journalists and bloggers were not allowed to cross. There were unspoken taboos on critical coverage of certain topics and actions of the ruling elite, especially when it comes to the president and his family. Under a particular ban, exercised informally, was the topic of grand corruption. For those journalists and bloggers who crossed these red lines, the authorities take tough measures, including arrests and politically motivated court sentences, and sometimes placing them in psychiatric institutions or committing extrajudicial violence against them. And these repressive measures have noticeably intensified over the past 3-4 years.

Since 2019, at least seven following cases of repressive actions against journalists and bloggers have been recorded:

1. In September 2019, blogger Nafosat Ollashukurova was arrested in Urgench for covering street protests of citizens resentful of the abuses of power committed by the local authorities.³
2. In May 2021, blogger Otabek Sattoriy known for raising issues of corruption was sentenced to 6.5 years under the articles of the Criminal Code of Uzbekistan on libel "for selfish or other base motives" and on "extortion".⁴

3. In January 2022, another blogger, Miraziz Bazarov, who defended LGBT rights and criticized cases of government corruption, was sentenced to three years of restriction of freedom, also under the article of the Criminal Code on libel.⁵
4. In the same month, the Tashkent Criminal Court sentenced another blogger, Fazilkhodja Arifkhodjaev, who wrote mostly on religious topics, to 7.5 years, under paragraph "d" of part 3 of Article 244-1 of the Criminal Code, for "the production, storage, distribution or demonstration of materials containing a threat to public security and public order, using the media or telecommunications networks, as well as the Internet". After his arrest, the blogger was reportedly subjected to torture and mistreatment in custody.⁶
5. In December 2022, the police detained Shahida Salomova, an elderly blogger who lately raised the issues of corruption and unlawful demolition of citizens' houses, was detained and charged under chapters 139 and 140 of the Criminal Code, "Slander and insult in printed form, including through the Internet."⁷
6. In January 2023, Abdukodir Muminov, the author of the video channel "Ko'zgu", also known for his anti-corruption reports, was arrested. His trial has not yet taken place, but his lawyer is still not allowed to visit him.⁸
7. Finally, in January 2023, Khurshid Daliev and Muslim Mirzajonov, the former director and the second editor-in-chief respectively of the Human.uz website, both of whom also administrators of the "Kompromatuzb" Telegram channel, were arrested.⁹

One can argue whether the above cases of repressive action against journalists and bloggers are enough to make any conclusions about the ongoing trend and the nature of the ruling regime. In response to the above petition signed by journalists and bloggers, it was not the president himself who responded, but the Union of Journalists, controlled by the government, stating in defense of the authorities that "in January 2023, more than 1300 critical materials related to the activities of state authorities and local self-government were published in the press and the Internet," whereas legal actions against some journalists and bloggers are justified to combat the abuse of freedom of speech and the use of the press rostrum in selfish and other malicious purposes.

What cannot be denied, however, is that the preventive measures against the above-mentioned persons were excessive and in a flagrant violation of national and international law. For example, two of the list, Nafosat Alloshukurova and Shahida Salomova, were subjected to punitive psychiatry, while two others, Miraziz Bazarov and Abdukodir Muminov, were attacked on the street, apparently at the behest of law enforcement agencies, resulting in serious injuries the former suffered. The repressive measures against the selected number of journalists and bloggers were aimed not only at punishing them for their criticism of the authorities, but also at intimidating of the entire local mass and social media community.¹⁰

The policy of "controlled freedom of speech"

One can also note the differences between journalists and bloggers in terms of how and to what extent freedom of speech is curbed by the authorities in their cases. If to put pressure on the media, which, as a rule, operate in the status of a legal person, it's enough to threaten to deprive them of registration, which would lead to their liquidation, then in the case of bloggers who act in the individual capacities, the authorities tend to resort to violent measures, both by legal and/or extrajudicial action. This difference in treating journalists vs bloggers is also since bloggers, unlike professional journalists, often act on the verge of political activity aimed at mobilizing protest moods

in society, and some of these bloggers, such as Abdukodir Muminov, do not hide their intentions to create their own political party. But this, the attempts to create a real political opposition, is exactly what the ruling regime of Shavkat Mirziyoev fears most of all and, therefore, treat as an immediate threat to its monopoly of power. That is, the ruling regime's attitude to freedom of speech and freedom of the press in the specific context of Uzbek realities differs significantly: bloggers are most likely seen by the regime as a much greater threat to the interests of the ruling elite, than the press.

As for the mass media, the local and even some foreign media outlets specializing in covering the developments in Uzbekistan have learned and accepted the rules of the game established by the ruling regime. At the very beginning of Mirziyoev's rule, when a policy of limited liberalization in the field of mass media was adopted, the authorities lifted the Internet blockade on some online news agencies and editions that covered events in Uzbekistan from abroad and even allowed correspondents of some of them to legally carry out their journalistic activities in the country. These measures affected mainly the BBC's Uzbek Service, Eurasianet.org and Fergana.ru (now operating under the brand of Fergana.news). It looked like according to an informal compromise reached between them and the Uzbek authorities, these outlets agreed to reduce the critical tone of their reports about Uzbekistan.

As for the outlets that continued to publish highly critical materials about the country without observing any taboos set by the Uzbek authorities, they were not given accreditation in Uzbekistan and their websites continued to be blocked in the country. So has happened particularly with the Ozodlik Radio, the Uzbek Service of Radia Free Europe/Radio Liberty. This outlet was openly accused by the Uzbek authorities of misreporting about the country, only because Ozodlik's journalist investigations exposed corruption cases in which President himself was involved. In retaliation for such kind of publications critical of the Uzbek ruling regime the radio's correspondent was not allowed into the country. Besides, some international journalists who were initially allowed to conduct their correspondent activities in the country were eventually simply expelled from the country. This happened to a Polish journalist, an Al Jazira correspondent Agnieszka Pikulicka, who at a certain point began experiencing harassment by the staff of the Foreign Office of Uzbekistan, and after a while was deprived of accreditation in the country. Finally, in November 2021 she was not allowed into the country at all.¹¹

Thus, the policy in the sphere of mass media the Uzbek authorities have been pursuing can be called "controlled freedom of speech", meaning that freedom of speech is accepted to the extent that is under control and is not crossing the red lines set by the ruling regime. Compared to the times of Islam Karimov, the local press is still being held on a leash, but this leash is lengthened a bit, but not to the extent that Uzbek journalists could enjoy the freedom of speech in full accordance with international standards, especially freedom of criticizing the central authorities, including the president himself and exposing the cases of grand corruption.

Although the government itself hasn't admitted that they officially use the concept of "controlled freedom of speech", de facto it pursues it. I introduce this term by analogy with a similar practice that the Putin regime conducted in Russia at the beginning of its rule, when the policy called "sovereign democracy" was adopted in 2005-2007. It was articulated by Vladimir Surkov, who was then deputy head of the presidential administration. The aim of this ideologeme, also sometimes called managed democracy, was to contrast the "Russian" brand of democracy with its Western standards. The "Russian" specifics of democracy were interpreted by the ruling regime as justification for the special role of the president as the country's leader who is given the mandate to control the key institutions of the state and both other branches of government. This concept also implied restrictions imposed on the activities of the real opposition, as well as the admission to

parliament mainly of those parties. having received the name "systemic", that are loyal to the regime. In practice, "sovereign" democracy was exercised by fabricating the results of the general elections of the president and the parliament, which allowed into the latter only a tiny fraction of opposition parties that would not pose a threat to the qualified majority of party factions loyal to the president, and therefore could not prevent the adoption by this majority of any legislative decisions, including changes in constitutional norms on its wish. Subsequently, even this tiny group of opposition-minded deputies was not allowed into the State Duma, which was facilitated by the use of various tricks, up to the elimination, under various pretexts, of opposition figures from participating in the elections or by falsifying the results of these elections.

Although Putin's authoritarian regime initially allowed very little public space for the opposition and independent press on the condition of retaining full control over all public institutions, over a certain period it eliminated even this small space for civil liberties. This ended the phase of "sovereign" democracy, with the ruling turning into a full-fledged authoritarian dictatorship. By the logic of this development, more and more reliance was placed on direct repressions against opposition figures, labeling undesirable persons and organizations as a "foreign agent", and at a certain point launching aggression against other states, driven by the invention of external enemies additionally to internal ones.

Given the path that Putin's regime has taken from the time when it was still trying to present itself as a democratic regime to the moment when it made it clear that it intends to rule the country for life, about the same should be expected in Uzbekistan from the regime of Shavkat Mirziyoev. From the period of allowing a limited space for civil liberties, the Uzbek regime is also likely to progress towards restricting them. And this trend is driven by two key factors: 1) the authoritarian leader's desire to rule for life, and 2) the inevitable decline in his political legitimacy as he experiences one political crisis after another, as well as one corruption scandal after another. As a rule, the authoritarian leader sees the way out of this situation by tightening repression against his opponents, restricting civil liberties, strengthening propaganda that justifies the indispensability of this authoritarian leader, as well as finding internal and external enemies to zombify the population.

Since there are clear indications that Mirziyoev is going to extend his rule for an indefinitely long time and, at the same time, has already suffered reputation damage has gone through several crises and been exposed for involvement in corruption, he has almost no choice but to follow the politics of tightening the screws. We observe this trend already over the last several years. That's why the above petition by journalists and bloggers addressed to the president if even will have some effect, would be most likely for a short term only. Civil society's efforts to prevent the regime from sliding into the worst form of dictatorship are certainly not useless, but it can only work if the pressure on the authorities increases and the social base of the respective movement expands. Only then will this pressure on the authorities become another factor that the president will have to reckon with.

Other advocacy options

What about external pressure on the Uzbek authorities from the United States and its allies in Europe? Unfortunately, such pressure very rarely has had any in the past any practical effect, except perhaps in the two most outstanding cases. The first was when the US administration and some other Western countries helped to rescue those five hundred people who escaped from the Andijan massacre committed by the Karimov regime in May 2005, by granting them asylum in their countries. That courageous action by the US did cost it a military base in the south Uzbek city of Termez, which was important for supporting the US-led military operation in Afghanistan – Karimov then ordered to close of that base in retaliation for that humanitarian action. The second case was

when the U.S. government, especially its Department of Labor, supported the advocacy of the international campaign aiming to eradicate state-orchestrated forced labor in Uzbekistan's cotton sector. This joint work of the international civil society and the US administration eventually prompted the Uzbek authorities to recognize the problem and take steps towards solving it.

At the current historical moment, however, one can hardly count on a similar decisive action on the part of Western countries. The reason for this is Russia's war in Ukraine and the subsequent Western sanctions against Moscow. In this situation, Western countries got interested in cooperation with the Uzbek and other Central Asian regimes to prevent them from supporting the Russian aggression against Ukraine and Moscow's efforts to use these countries as a transit zone to bypass those sanctions. In addition, the United States are still interested in cooperation with Tashkent on Afghanistan which Washington DC still sees as a source of a global security threat. These considerations in Western capitals in favour of cooperation with Uzbekistan push human rights-related issues to the background of their foreign policy priorities toward this and other countries in the region of Central Asia. At best, under these circumstances, we can count on only the US and the EU to express their concern about the negative trends in the field of human rights in Uzbekistan, but such that would be far from being enough to prompt the Uzbek authorities to change their domestic policies in the field of human rights.

Thus, it remains to rely mainly on the mobilization of public opinion within the country to prevent the crackdown on civil liberties in Uzbekistan. However, so far we have to admit that despite some revival of civil society activities over the past several years, it has not yet reached the point of becoming a factor that would force the ruling regime to make serious concessions by weakening its repressive policy.

However, there remains another potential factor that could make difference. If the criticism in the press and the blogosphere of the issues of government corruption continues to be suppressed by the authorities, the scale of this corruption will increase to such an extent that it would lead to a new drop in Uzbekistan's credit sovereign ratings. That would scare off potential foreign investors who still remember how, not so long ago, under the rule of Islam Karimov, some of them were subjected to extortion of bribes by members of the ruling elite and the presidential family in exchange for allowing their businesses in the country. The fall in the interest of international investors in Uzbekistan, in turn, would negatively affect the economic situation in the country and, as a result, the political legitimacy of the president himself, who does not hide his ambitions to achieve success in ensuring the country's economic growth. As a result, due to the failures in the sphere of economy, the chair under the president may begin staggering. The conclusion is that the civil society and the local press should pay attention to the prospects for using leverage over the ruling regime along this chain: freedom of speech – anti-corruption – foreign investments.

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