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ANYWHERE”**

THE GLOBAL SHADOW OF UZBEKISTANI SURVEILLANCE

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**Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.**

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First published in 2017

by Amnesty International Ltd

Peter Benenson House, 1 Easton Street

London WC1X 0DW, UK

Index: EUR 62/5974/2017

Original language: English

**amnesty.org**



*Cover photo: A picture of a map of Uzbekistan. sevenMaps7/Shutterstock.com*

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INTERNATIONAL**



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# 1. EXECUTIVE SUMMARY

Surveillance in Uzbekistan helps reinforce the already repressive environment for human rights defenders, journalists, political activists and others in Uzbekistan.

Unlawful surveillance in Uzbekistan is facilitated by technical and legal systems that fail to provide checks against abuse, contrary to international law and standards.

Inside Uzbekistan, hacking attacks and data breaches can lead to threats of prosecution, and force people to flee the country. But in today's interconnected world, hacking and surveillance outside Uzbekistan can also have devastating effects for people in Uzbekistan, thousands of miles away.

The converse is also true, even once safely outside of Uzbekistan, the threat of surveillance continues to exert its pressure on those who have fled. Because of the fear of surveillance, many refugees outside Uzbekistan are afraid to contact their families, fearing that even receiving a phone call from abroad could trigger harassment from *mahalla* (local neighbourhood) committees or security services.

Unlawful surveillance in Uzbekistan keeps families apart and harms the rights to free expression around the world, and limits the ability of people inside and outside of Uzbekistan to receive information.

This briefing highlights stories of seven Uzbekistani people, in Uzbekistan and in the diaspora, whose human rights have been negatively affected by the unlawful surveillance of the government of Uzbekistan.

# 2. BACKGROUND

## 2.1 SORM AND SURVEILLANCE IN UZBEKISTAN

Surveillance of internet and telephone communications in Uzbekistan is ubiquitous, and poorly regulated.

In 2014, Privacy International published a report detailing some of the technical capabilities of the Uzbekistani government for surveillance, as well as documenting several cases of apparently politically-motivated surveillance and human rights abuses.<sup>1</sup>

Surveillance in Uzbekistan is facilitated by the System of Operative Investigative Measures (known by its Russian acronym: SORM).<sup>2</sup> SORM allow state authorities to directly access communications and associated data. Communications service providers (CSPs) are required by law to make their networks accessible to the authorities – at their own cost - for monitoring via the SORM system.<sup>3</sup> Because surveillance conducted via SORM is achieved by direct state access to networks in secret, CSPs themselves are not aware of how often, or why, the authorities access their networks.<sup>4</sup>

Privacy International also documented the use of monitoring centres by the Uzbekistani authorities, which, as of 2013, were capable of monitoring up to 600 IP-based subscribers, as well as thousands of circuit-switched subscribers.<sup>5</sup>

State-owned Uztelecom controls access to the internet in Uzbekistan, while the activities of internet café users are subject to surveillance, and purchasing SIM cards requires production of a passport.<sup>6</sup>

In July 2015, leaked internal documents from the Italian company Hacking Team, who sell commercial spyware, revealed that Uzbekistan had purchased software from the company via NICE systems.<sup>7</sup> The purchased product – Remote Control System (RCS) – enables the authorities to infect a target's phone or computer with malware that can access all of the device's content, as well as intercept communications, track its location and remotely activate and monitor the device's microphone or camera.<sup>8</sup>

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<sup>1</sup> Privacy International, "Private Interests: Monitoring Central Asia," <https://www.privacyinternational.org/node/293> (hereinafter "Private Interests")

<sup>2</sup> Variants of the SORM system are used in Russia and many former-Soviet states. See, for example, Amnesty International, "It's Enough for People to Feel it Exists: Civil Society, Secrecy and Surveillance in Belarus," EUR 49/4306/2016, July 2016, <https://www.amnesty.org/en/documents/eur49/4306/2016/en/>

<sup>3</sup> Law of the Republic of Uzbekistan on Telecommunications, Article 18, [http://www.lex.uz/Pages/GetAct.aspx?lact\\_id=33152](http://www.lex.uz/Pages/GetAct.aspx?lact_id=33152); see also Presidential Decree 513 On measures to increase effectiveness of organization of operative investigation measures on telecommunication networks, <http://ict.gov.uz/files/o%20povishenii%20effektivnosti.doc>

<sup>4</sup> See, for example, Teliasonera Law Enforcement Disclosure Report, January-June 2016, [https://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/ledr\\_oct2016\\_final.pdf](https://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/ledr_oct2016_final.pdf), at p. 17 ("When it comes to governments' direct access, i.e. signals intelligence (intelligence gathering through analysis and processing of communication signals) and real-time access without requests (technical systems for more extensive monitoring of telecommunications), Telia Company has no insight into the extent of such surveillance and cannot provide any statistics"). Telia Company have publicly opposed such direct access systems: <https://www.freedomonlinecoalition.com/how-we-work/working-groups/working-group-2/direct-access-systems/>.

<sup>5</sup> Private Interests, p. 42.

<sup>6</sup> Freedom House, Freedom on the Net, Country Report: Uzbekistan, 2016, <https://freedomhouse.org/report/freedom-net/2016/uzbekistan>

<sup>7</sup> Privacy International, Eight Things We Know So Far from the Hacking Team Hack, 9 July 2015, <https://www.privacyinternational.org/node/619>; The Guardian, Hacking Team hacked: firm sold spying tools to repressive regimes, documents claim, <https://www.theguardian.com/technology/2015/jul/06/hacking-team-hacked-firm-sold-spying-tools-to-repressive-regimes-documents-claim>

<sup>8</sup> <http://www.computerworld.com/article/2851498/detekt-tool-finds-the-hacking-teams-secret-surveillance-malware-on-pc.html>

## 2.2 THE ROLE OF TELECOMMUNICATIONS COMPANIES

Surveillance in Uzbekistan is facilitated by private telecommunications companies, who are required to provide direct, remote-control access to their networks to the Uzbekistani authorities.

As laid out in the UN Guiding Principles on Business and Human Rights (UNGPs), companies have a responsibility to respect human rights wherever they operate in the world. The UNGPs require that companies take pro-active steps to ensure that they do not cause or contribute to human rights abuses within their global operations and respond to any human rights abuses when they do occur. In order to meet that responsibility, companies must carry out human rights due diligence to “identify, prevent, mitigate and account for how they address their human rights impacts.” The corporate responsibility to respect human rights exists independently of a state’s ability or willingness to fulfil its own human rights obligations and over and above compliance with national laws and regulations protecting human rights. For example, the interpretative guidance on the UNGPs specifically notes that a company may contribute to a human rights violation if it provides “data about Internet service users to a Government that uses the data to trace and prosecute political dissidents contrary to human rights”.<sup>9</sup>

In January 2017 Amnesty International wrote to two major private mobile communications providers operating in Uzbekistan as well as their foreign parent companies – UCell, a subsidiary of the Swedish Telia Company, and Beeline (Unitel), a subsidiary of the Dutch company Veon (formerly VimpelCom) – asking what steps they had taken to identify, prevent and mitigate human rights risks connected to their operations or those of their subsidiaries.

UCell and Beeline did not respond.

In their response to Amnesty International, Veon did not point to specific measures that they undertake to prevent or mitigate the risk to human rights posed by their operations in Uzbekistan. They noted generally that they are a signatory to the UN Global Compact<sup>10</sup> and that they publish an annual Corporate Responsibility report. Their response, as well as these reports, acknowledge that they operate in countries which require direct access to networks by the authorities and which prohibit disclosure of information on the nature or extent of access to data by the authorities.<sup>11</sup>

Telia Company told Amnesty International that they have repeatedly and publicly argued that direct access by governments to companies’ networks harm free expression rights.<sup>12</sup> They regularly publish transparency reports which document instances of law enforcement requests for data, and in direct access countries where this is not possible, publish details on domestic legislation relevant to government access to networks.<sup>13</sup> As part of their announced intention to withdraw from Central Asian markets, Telia have published a human rights risk assessment of their exit from the market that acknowledges risks posed by SORM,<sup>14</sup> and have a system in place for escalating – and where possible publicizing – unconventional data requests. These are welcome steps to identify human rights risks from their operations, and will hopefully over time help play a role in preventing problematic arrangements such as direct access. However, in the short run, they do not appear adequate to prevent or mitigate the human rights risks of Telia’s subsidiary’s operations in Uzbekistan.

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<sup>9</sup> UN Office of the High Commissioner for Human Rights, *The Corporate Responsibility to Respect Human Rights: An Interpretive Guide*, p. 17 [http://www.ohchr.org/Documents/Publications/HR.PUB.12.2\\_En.pdf](http://www.ohchr.org/Documents/Publications/HR.PUB.12.2_En.pdf).

<sup>10</sup> <https://www.unglobalcompact.org/>

<sup>11</sup> <https://www.vimpelcom.com/Global/Files/Responsibility%202016/2015%20Corporate%20Responsibility%20Report.pdf>

<sup>12</sup> See, for instance, [http://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/public-policy/telia-company\\_group-policy\\_freedom-of-expression-in-telecommunications.pdf](http://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/public-policy/telia-company_group-policy_freedom-of-expression-in-telecommunications.pdf), <https://www.freedomonlinecoalition.com/how-we-work/working-groups/working-group-2/direct-access-systems/> and <http://www.teliacompany.com/en/newsroom/news/news-articles/2016/respecting-freedom-of-expression--telia-company-view-on-changes-of-law-on-electronic-communications-in-lithania/>.

<sup>13</sup> see, e.g. [http://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/ledr\\_oct2016\\_final.pdf](http://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/ledr_oct2016_final.pdf)

<sup>14</sup> <http://www.teliacompany.com/globalassets/telia-company/documents/about-telia-company/bsr-telia-company-hria-summary.pdf>

## 2.3 HUMAN RIGHTS IN UZBEKISTAN: A CLIMATE OF FEAR

Amnesty International has documented serious human rights violations, including pervasive torture by security forces and arbitrary detention, in Uzbekistan.<sup>15</sup>

Torture and other ill-treatment have long been defining features of the Uzbekistani criminal justice system, and central to how the Uzbekistani authorities deal with dissent, combat actual or perceived threats to national security, and repress political opponents. Torture and the threat of torture are used routinely by security services to obtain forced confessions; punish detainees, prisoners and their relatives; incriminate others; or extort money.<sup>16</sup>

Human rights defenders, government critics and independent journalists have been forced to leave Uzbekistan to escape arrest or sustained harassment and intimidation by security forces and local authorities. Those few who remain in the country are routinely monitored by uniformed or plain-clothes security officers. Human rights defenders and journalists continue to be summoned for questioning at their local police stations, placed under house arrest or otherwise prevented from attending meetings with foreign diplomats and delegations, or from taking part in peaceful demonstrations. They are often beaten and detained by law enforcement officers or beaten by people suspected of working for the security services.<sup>17</sup>

The national press continue to regularly broadcast and publish programmes and articles denouncing independent journalists and the international networks they work for, and calling them traitors. Human rights defenders, both those active abroad and in Uzbekistan, also regularly find themselves and their families the target of extensive and repeated media campaigns, both on government-owned or controlled websites and printed press.<sup>18</sup>

It is a common and widespread practice in Uzbekistan for local authorities, police and SNB (*Sluzhba Natsionalnoi Bezopasnosti*, the Uzbekistani National Security Service) officers to harass and threaten families as a means of exerting pressure on them to disclose a suspect's whereabouts, or to make suspects hand themselves in to the police or the SNB, sign a "confession", incriminate others, retract a complaint or pay a bribe.<sup>19</sup>

Security forces frequently beat relatives of suspects, threaten them with rape or the murder of their children, sexually humiliate them, call them in for repeated questioning or force *mahalla* (local neighbourhood) committees to expel them from their homes and employers to dismiss them from their jobs. They do not hesitate to resort to other physical and psychological abuse amounting to torture or other ill-treatment in order to trace and secure the conviction of a suspect.<sup>20</sup>

Former-President Karimov explicitly endorsed this practice, as it relates to relatives of so-called "Islamist fundamentalists."<sup>21</sup>

Starting in 2014, the law formally codified the practice of keeping lists of people suspected of being at risk of committing crimes. Individuals are then monitored by *mahalla* committees and the security forces.<sup>22</sup>

In this environment, working as a human rights defender is extremely difficult. The UN Human Rights Committee has expressed concern about "consistent reports of harassment, surveillance, arbitrary arrest and detention, torture and ill-treatment by law enforcement officers and prosecutions on trumped-up charges of

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<sup>15</sup> Secrets and Lies: Forced Confessions Under Torture in Uzbekistan, EUR 62/1086/2015, <https://www.amnesty.org/en/documents/eur62/1086/2015/en/>

<sup>16</sup> Amnesty International, Fast Track to Torture: Abductions and Forcible Returns from Russia to Uzbekistan, EUR 62/3740/2016, <https://www.amnesty.org/en/documents/eur62/3740/2016/en/>

<sup>17</sup> Amnesty International Submission to the UN Human Rights Committee, [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT\\_CCPR\\_ICO\\_UZB\\_17734\\_E.doc](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT_CCPR_ICO_UZB_17734_E.doc)

<sup>18</sup> Amnesty International Submission to the UN Human Rights Committee, [http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT\\_CCPR\\_ICO\\_UZB\\_17734\\_E.doc](http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/UZB/INT_CCPR_ICO_UZB_17734_E.doc)

<sup>19</sup> Amnesty International, Fast Track to Torture: Abductions and Forcible Returns from Russia to Uzbekistan, EUR 62/3740/2016, <https://www.amnesty.org/en/documents/eur62/3740/2016/en/>

<sup>20</sup> Amnesty International, Fast Track to Torture: Abductions and Forcible Returns from Russia to Uzbekistan, EUR 62/3740/2016, <https://www.amnesty.org/en/documents/eur62/3740/2016/en/>

<sup>21</sup> Secrets and Lies: Forced Confessions Under Torture in Uzbekistan, EUR 62/1086/2015, <https://www.amnesty.org/en/documents/eur62/1086/2015/en/>

<sup>22</sup> Secrets and Lies: Forced Confessions Under Torture in Uzbekistan, EUR 62/1086/2015, <https://www.amnesty.org/en/documents/eur62/1086/2015/en/>



independent journalists, government critics and dissidents, human rights defenders and other activists, in retaliation for their work.”<sup>23</sup>

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<sup>23</sup> United Nations Human Rights Committee, Concluding Observations: Uzbekistan (2015), CCPR/C/UZB/CO/4, para. 23.

### **3. DMITRY TIKHONOV: FORCED TO FLEE THE COUNTRY BECAUSE OF AN E-MAIL HACK**



**“There is now one less human rights defender in Uzbekistan ... I had to leave my home country and it is impossible to hold anyone responsible for that.”**

Dmitry Tikhonov

Dmitry Tikhonov is a human rights defender who – until recently - worked inside Uzbekistan. In 2015 he was working on a project to document forced labour, including child labour, during the cotton harvest. Reports of forced labour, including of children, have been made repeatedly by Uzbekistani and international human rights groups.<sup>24</sup> Cotton is a billion-dollar industry in Uzbekistan, and controlled by a small elite linked to the government.<sup>25</sup>

Because of the sensitivity of this work, Dmitry had to take measures to ensure that surveillance did not compromise the identity or safety of the people he worked with, or spoke to:

“As a human rights defender, I have been monitoring the situation around forced labour (children and adult) in cotton manufacturing in Uzbekistan, for many years...

I did my best not to discuss personal details of a particular individual. I never discussed what he went through, what happened. We only discussed when and where to meet and possibly dropped some hints of what we might talk about. That was it. All the details were discussed face-to-face only.

It is a matter of safety of those people who disclose that information.”<sup>26</sup>

Around September 2015, he began to experience renewed problems with the authorities, including being summoned by the police over his work documenting labour conditions in the cotton industry. He began to suspect he was subject to physical surveillance. Subsequently, video footage he had collected as part of his work was leaked from his personal Google Drive account and placed online, which resulted in an administrative charge being brought against him:

“When I realised I was under surveillance, I left my city and moved to another town. I decided to wait for this situation to pass while being there, as I realised everything was serious. After several days – I left on 30 of September and that happened sometime in the middle of October – one of the websites published an article that undermined my reputation. The article stated I was a fraud stealing money from companies and that I published video footage of some women illegally.

...I realised all that information was taken from my email account because this information was nowhere in public access. I didn't publish this data and it was impossible for it to appear anywhere. I realised that my email account was hacked, all the information from there was stolen and it was used against me.

All of that happened because the information was stolen from the Internet. My information.

Then they initiated two administrative cases. The second case was based on a video that I stored on my Google disk, in my email account. They took that video and published it on Youtube and on the same website. Then they showed that to the women present in the video and told them that Tikhonov published this on YouTube without their permission

They initiated an administrative case. But I didn't published that video in the Internet. It wasn't meant to be published anywhere at all. There shouldn't have been any publicity.”<sup>27</sup>

Including these charges, Dmitry soon had three administrative charges pending against him, and so he again went into hiding, and re-emerged only when news reached him that his house had been burnt down:

“I went to another city and switched all my mobile phones off. I removed the batteries and sim-cards and stored all that stuff separately. I completely ceased using my phones. You know, they can use phones for GPRS navigation and it is possible to find a person by a phone call. I found another phone and used it.

Those people – my acquaintances, my circle of contacts, those people who knew me well and communications with whom might cause me to be located – I ceased any communication with all those people at that moment, in order to prevent them finding me.

<sup>24</sup> Uzbekistan is the world's fourth largest exporter of cotton. International organizations accused the government of continuing to use forced labour in the cotton industry on a massive scale. They estimated that in order to fulfill annual quotas issued by the central government local authorities compelled over a million public sector employees to work in the cotton fields. See, e.g., <http://www.cottoncampaign.org/>; <http://www.globallslaveryindex.org/country/uzbekistan/> and <https://www.hrw.org/news/2013/01/25/uzbekistan-forced-labor-widespread-cotton-harvest>

<sup>25</sup> [https://www.amnesty.org.uk/webfm\\_send/1273](https://www.amnesty.org.uk/webfm_send/1273)

<sup>26</sup> Amnesty International Interview with Dmitry Tikhonov, 2016.

<sup>27</sup> Amnesty International Interview with Dmitry Tikhonov, 2016.

I didn't communicate with the external world at all until I found out that my house was burnt down.

...On the 20th of October my house burned down. In about 5 days I found out about that. On the 27th of October I came to my house. I had money there, I had documents there and it was important for me to try to save at least something somehow

I found some of my belongings there: I managed to find two documents but money and most of the stuff burned down, only two bags of stuff left. Everything else was gone, everything burned down.”<sup>28</sup>



↓ Dmitry Tikhonov inspects the remains of his house after it was burned (photo credit: Uzbek-German Forum for Human Rights)



Dmitry again left town, but soon his legal troubles became too serious to ignore any longer, and he was forced to flee Uzbekistan:

“Then I left again, I was hiding. On the 17th of December the police caught me, right in city. The very same day a court hearing of those cases against me was organised... In three days an article appeared on the Internet, on the Zamandosh web site. It stated that I bore a relation to a terrorist organisation. The article stated that my neighbours found some instructions of how to construct explosive devices in my burnt house and gave them to the author of the article

I realised what was the general tendency. Three administrative cases could amount to a criminal case, it was a prison term.

You know what getting into a prison means for a human rights defender.

Then there was a publication that stated I was a terrorist, the punishment for such a crime was up to 15-20 years in prison. And if they take you to a police station, you sign anything there. If they hang you to the ceiling and beat you with clubs. That's it. And I realised I had to leave.

There is now less one human rights defender in Uzbekistan (I am here), there is less one journalist in Uzbekistan (I am in another country), I had to leave my home country and it is impossible to hold someone responsible for that. Everyone knows who is to blame for that but it is impossible to hold anyone responsible. This means that the same is going to happen to other people.”<sup>29</sup>

<sup>28</sup> Amnesty International Interview with Dmitry Tikhonov, 2016.

<sup>29</sup> Amnesty International Interview with Dmitry Tikhonov, 2016.



# 4. DON'T PHONE HOME: SURVEILLANCE KEEPS REFUGEES FROM THEIR FAMILIES

Because of the pervasive fear of surveillance, many Uzbekistani asylum seekers and refugees are forced to cut off contact with family inside Uzbekistan, for fear their phone calls (or other communications) could lead to their relatives facing questioning, harassment or even detention or prosecution by the authorities. The inability to remain in contact with loved ones in Uzbekistan is particularly painful for refugees as they struggle to re-establish their lives in new countries.

## “DILSHOD”<sup>30</sup>



Dilshod (not his real name) is a refugee living in Sweden. He is an activist in the political opposition.

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<sup>30</sup> Not his real name

“In Uzbekistan everyone knows that the government is monitoring communications.

There is surveillance on the ordinary people’s normal conversations

If we call our relatives, friends and families, everything will be heard, we know that.

We [people in Sweden] won’t be under pressure or face problems, but if we call them, [our relatives] they will be in trouble.

For example, many of my relatives and friends, they are not willing to talk to me. The reason is, if we talk, the same day or next day police, security services or someone from the local authorities will go and ask them what they have talked about. While they have already recorded our conversation and have already listened to all of them. Just to keep those people that we talked to under pressure and threats, they just go and question them. But they do not go just one person but rather they go with a couple of police officers.

Not only mobile phones, but even landlines are under surveillance. Not only telephone, but even computers are under surveillance. Even if you write a letter they are all under surveillance, everything is under surveillance.

The reason that they [his family] are afraid is because every month or two, the security service visit the family and ask questions and get an understanding letter<sup>31</sup> signed.

For that reason, in order not to disturb them or cause them trouble I do not call my family often.

Because, if I talk on the phone, it is inevitable, I might say something that I should not.

Even the closest people to me are afraid of having contact with me.

As soon as they talk to me or contact me, the *Mahalla* committee [Local Committee] or police or local prosecutor office will send them letter.

Even I have an aunty who was very close to me. She was very sick. I found her telephone and wanted to ask how she is doing before she died. When I called, the police or the people who do surveillance operations, they found her home and visited her.

They told her that you talked on the phone at this time, and this person called you, who is he? Though they knew me and my number.

Still in order to scare them they went with a few people to question them with a serious manner and angrily. They could have gone with only one person and ask, but they visited them along with a few police officers.

When the police came, before that [my family] had never had so many police visit them. As the people in the village saw so many police officer going to their house, people start gossiping, then my auntie’s family got scared. Because they have never been interrogated by the police before.

Two years ago my aunty passed away. After I called them, and police visited them, my cousins [the sons of my deceased aunty] were scared. They called my nephew and other relatives and asked them who had given their number to me.

Even my own sister, switched off her number and does not want to contact me.”<sup>32</sup>

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<sup>31</sup> A letter confirming that they understood what had been discussed between them and security service.

<sup>32</sup> Amnesty International Interview with “Dilshod” [pseudonym], Sweden, 2016

## NADEJDA ATAYEVA



Nadejda Atayeva is the President of the Association for Human Rights for Central Asia. Since 2006, she has lived in France. Her activism for human rights in Uzbekistan has had a cost for her ability to remain in contact with her family inside Uzbekistan:

“My relatives’ phones have been under surveillance since we left the country, almost 17 years ago. And the other political immigrants are in the same situation.

The thing is, my relatives were summoned multiple times and there were attempts to force them to denounce us. And they were asked questions related to what we discussed in our phone conversations.

[My relatives were asked] to file claims with a statement that they refuse to consider me their relative, that they don’t want to communicate with me, that I was a bad person, a dangerous person. That is why they refuse to communicate with me.

I personally have not called them at all for 17 years. It was my father who was calling them. He is the only person who communicated with them.

You see, when people are connected by family ties, feelings of responsibility and guilt are mixed. When people want to be together, meet each other and they have no such right – This is such a high pressure. This is very hard.

It is always very hard when you see how dangerous it is for that person to be there [in Uzbekistan] but it is not only the distance that divides you – You often feel helpless, defenceless. You have not the slightest opportunity to help those people who are dear to you. It is hard. That is why many political immigrants suffer from various heart diseases. This stems from the emotional tension. The sense of guilt and despair affects your temper and health.”<sup>33</sup>

## GULASAL KAMOLOVA

<sup>33</sup> Amnesty International Interview with Nadejda Atayeva, Le Mans, France, 2016



Gulasal Kamolova is a journalist. She fled Uzbekistan in 2015, after she started to receive threats because of her work as a journalist for an independent news website (see Uznews, below). She now lives in France:

“I have been here in France for 11 months already, and all that time the Uzbekistani secret service has been dreaming of finding my number, my French mobile number. I have not called Uzbekistan a single time during all that time - 11 months.

I avoid phone communications. I have got very few people in Uzbekistan who I communicate with now. I do not communicate with my family, I communicate with my acquaintances. And I use Internet only.

Because they have already found all those people who used to be my close friends in Uzbekistan and demanded my number from them. Because they were surprised: how could I not to communicate with them. And I indeed do not communicate with them. I found out this information. Of course, I just would have got them in trouble, while being here. And those people live there and my family that now has no contacts with me whatsoever, and I know, I heard that they were constantly pressured with inquiries about my phone and how to find me. It has been going on for 11 months.

When they told me: ‘you’re safe now, in France’ I responded: ‘I don’t feel safe, even being in Europe’. I have a reason for that. During one of the conversations with [an officer in Uzbekistan] of the secret service he said: ‘wherever you are, we will find you, anywhere’.

It was a direct threat.

You know – why I would like to tell about all of that openly – because I am actually not afraid. I have nothing to lose apart from my work and my work is here, I continue working. And I am glad that here I can write, can talk freely and tell about things that I think are worth telling. And I think this is my response to all those threats and persecution by the secret service in Uzbekistan. I am not afraid of that, but I know that they are present here. I don’t feel safe but I am not afraid.”<sup>34</sup>

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<sup>34</sup> Amnesty International interview with Gulasal Kamolova, Paris, France, 2016.

# 5. UZNEWS.NET: JOURNALISM AND PRIVACY IN AN INTER- CONNECTED WORLD

## 5.1 AN EMAIL HACK IN BERLIN



**“It was clear that the idea behind all these things was to shut us down, to force me to stop doing journalism.”**

Galima Bukharbaeva

For nearly a decade, Galima Bukharbaeva was the editor of Uznews.net, one of the few online sources of independent news about Uzbekistan. Galima left Uzbekistan in 2005, following the Andijan massacre<sup>35</sup>, and ran her website from abroad, most recently from Berlin, Germany. Operating from abroad offered her some protection from the repressive legal environment for journalism inside Uzbekistan.

All that changed in November, 2014, when she discovered that her email account had been hacked.

“I woke up and found out that my email account was hacked, and the whole content of my email was published online so it was available for everyone in the world.

But the worst thing was that the hackers actually targeted not me that much as a person, but the job that I was doing. Lots of information which was related to my organization, to Uznews, my news platform, was published. And it was clear that the idea behind all these things was to shut us down, to force me to stop doing journalism.

[The attackers] sent me a link, so I checked my email and I followed the link and then I was absolutely shocked and devastated, because I could see that the stuff they have is real, it is from my email account, and it is serious.

It was quite shocking to suddenly realize, or to find yourself in a situation, that actually you can be accessible wherever you are. I'm now in Berlin, but they managed to hack my email account and to penetrate into my private territory.”<sup>36</sup>

Galima had fallen victim to credential phishing. This type of attack tricks the target into entering their login details into a site that is controlled by the attackers, thus giving the attackers access to their account. Often these fake sites can be virtually indistinguishable from the sites they are imitating.

In Galima's case, she had previously been subject to online harassment by unknown individuals. This often took the form of people sending her links that led to websites that featured Galima's head digitally pasted onto pornographic images. These attacks, in addition to exacting a psychological toll on Galima, made the credential phishing attack appear more credible when it arrived, since it appeared to be a notice from Google that her account had been involved in distributing illegal pornography.

“It was actually clear how they got me. Before that, I don't know who, but twice someone created a porn page for me using my public photos and they created a page on Russian social networks, so I would receive a link saying like, ‘Oh, Galima, is it your page?’

And you open it and suddenly you see your own photo, and then you open it further, and it's absolute porn.

Then a bit later, I got another thing, it was another Russian network. Again, absolutely ugly page like that with all my details, with everything that is like, correct information about me.

Then I received a message from Google which said that your email account is used to distribute porn. And just having that experience with those ugly porn photos, and I had to go through the link and to confirm that the email account belongs to me and I don't distribute porn, etc... So it was phishing, and the email looked just like Google, and it was absolutely identical except for the email address. But actually

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<sup>35</sup> On 12-13 May 2005 armed men attacked a number of military barracks and government buildings in the city of Andizhan, in southeastern Uzbekistan close to the border with Kyrgyzstan. They broke into the city prison, where they freed hundreds of remand and convicted prisoners, and later occupied a regional government building on the main city square and took a number of hostages. From the early hours of 13 May, thousands of residents – mostly unarmed and among them some of the freed prison inmates – gathered in the city square, where many spoke out to demand an end to poverty, corruption and injustice. Then, in the early evening, security forces surrounded the demonstrators and started to shoot indiscriminately at the crowd killing hundreds, including women and children. The authorities claimed that the protest was an armed uprising organized by members of banned Islamist groups inside and outside Uzbekistan. Some 500 demonstrators, including women and children and dozens of the men accused by the authorities of having organized the violent uprising, escaped across the border. In the aftermath of the events the government severely clamped down on all forms of dissent and tried to suppress independent reporting of the killings. Hundreds of demonstrators were detained and reportedly tortured or otherwise ill-treated; witnesses were intimidated. Journalists and human rights defenders were harassed, beaten and detained; some were held on serious criminal charges. Secrets and Lies: Forced Confessions Under Torture in Uzbekistan, EUR 62/1086/2015, <https://www.amnesty.org/en/documents/eur62/1086/2015/en/>

<sup>36</sup> Amnesty International interview with Galima Bukharbaeva, Berlin, Germany, 2015

it was a certain tactic you could see. They bring you to a certain point where you are really ready to click what you are not supposed to click.”<sup>37</sup>

Galima cannot prove who targeted her, but she believes it was a group based in Russia, upset about Uznews’ coverage of the conflict in Ukraine. However, whoever was behind the attack, the information from Galima’s account soon found its way onto websites based in Uzbekistan.

## 5.2 GULASAL AND VASILIIY: JOURNALISTS IN UZBEKISTAN PUT AT RISK

Shortly after the attack on Galima’s email account, news stories began to appear on websites widely perceived to be aligned with – if not controlled by – the government of Uzbekistan which included information from Galima’s private emails.

Until that point, journalists in Uzbekistan who worked for Uznews.net had done so secretly. Journalists can be prosecuted for working for foreign news outlets without authorization from the Ministry of Foreign Affairs,<sup>38</sup> which is rarely granted. Journalists who do not have this permission cannot report – or therefore pay taxes on – any income derived from such work if they lack permission, which in turn exposes them to the risk of prosecution for tax evasion.

Galima explained:

“They found everything. There were tons of materials over, I think, seven years I was using that [e-mail] address. They went through everything from the very first proposal I made when I found myself in exile in 2006 to the donors, financial reports, budgets; from the very first attempt to find funding, to the very last agreement with a donor which was signed in 2013.

It wouldn’t be a problem if it were a democracy in Uzbekistan, everything would be open, public. But the problem is I used to work with journalists who work inside Uzbekistan, undercover.

The most devastating thing was that the government obtained their names – real names – and documents which proved their connection with Uznews: financial relations, contracts, passports. And everything was published online. So it was targeting personalities inside the country who were very, very vulnerable because of their journalistic activity.”<sup>39</sup>

So when Gulasal Kamolova and Vasiliy Markov, two Uzbekistani journalists, saw their names begin to appear in articles linking them to Uznews.net, they knew they may be in danger.

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<sup>37</sup> Amnesty International interview with Galima Bukharbaeva, Berlin, Germany, 2015

<sup>38</sup> See, for example, Ministry of Foreign Affairs of the Republic of Uzbekistan, “Accreditation,” <http://mfa.uz/en/press/aboutpress/>

<sup>39</sup> Amnesty International interview with Galima Bukharbaeva, Berlin, Germany, 2015



**“When they told me: ‘you’re safe now, in France’ I responded: ‘I don’t feel safe, even being in Europe’. I don’t feel safe but I am not afraid.”**

Gulasal Kamolova

Gulasal recounted:

“When the information appeared on some Uzbekistani web sites – and receipts with the money transferred and everything else – it was autumn, I was in Prague doing an internship.

That information appearing in such a way was a shock for all of us. There was a moment when many of my friends said: ‘Stay in Prague, do not come back to Uzbekistan after those documents have been published.’

The fact that there was a hacking attack was uncovered by the Uzbekistani media and then the same was stated by the international media that published articles on this topic. That was how we found out. There was no thought of this being done by someone other than the secret service. This is them who hire those hackers. This is never done just for fun. There was an order, for sure.”<sup>40</sup>

**Аргумент первый.** В результате фактически преступной беспечности Галимы Бухарбаевой всем, кому удалось ознакомиться с личной перепиской главного редактора сайта uznnews, стали известны имена журналистов, сотрудничавших с оппозиционным изданием.

Ташкент: Алексей Волосевич, Василий Марков, Виктор Крымзалов, Рифат Гумеров, Павел Кравец, Саид Абдурахимов, Олег Карпов, Хуррамов Шухрат, Инна Люлько, Константин Агафонов, Гульнора Ахмедова, Шарифулина Фарида, Ольга Фазылова; Ташкентская область: Дмитрий Тихонов; Джизак: Абдукосим Мамарасулов, Уктам Пардаев, Зиедулло Раззаков; Фергана и Наманган; Владимир Ахунов и Аделаида Когтева; Андижан: Гарун Машуров; Самарканд: Солеҳ Яхьяев; Бухара: Гulasal Камалова; Кашкадарья: Гульшан Караева; Нукус: Мурад Уббиниязов; Есть в списке и лица, находящиеся в других странах, они, судя по всему ответственны за техническое обслуживание сайта и редактирование статей: Вадим Артемяк, Инной Гадзинская, Казимиренко Яна (Украина), Кудрат Бабаджанов (Швеция), Дмитрий Аляев (Россия).

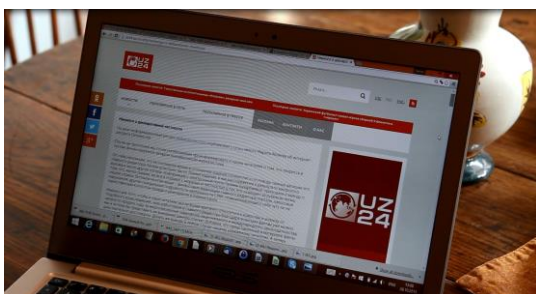
Естественно, что корреспонденты, сотрудничающие с frau Бухарбаевой на условиях абсолютной конфиденциальности, сейчас подвергаются серьезной опасности вплоть до уголовного преследования. Главный редактор сайта не исполнила свои обязательства о конфиденциальности и это ее персональная вина с далеко идущими последствиями для ее узбекских коллег. Предположения о том, что будет происходить в Узбекистане в журналистском сообществе, оставляю читателям.

<sup>40</sup> Amnesty International interview with Gulasal Kamolova, Paris, France, 2016.

↑ A screengrab from uz24.uz, a website some activists believe is government-controlled, listing Vasily Markov, Dmitry Tikhonov and Gulasal Kamolova as journalists working for Uznews.com. It mentions that their connection to Uznews came to light as a result of the attack on Galima Bukharbaeva's email, and notes that these journalists may be vulnerable to prosecution.

Vasily also clearly remembers the moment he learned of the hack:

“I started to think that it is a big problem when it was published by Uzbek[istani] website, UZ24.uz, because if an Uzbek[istani] site publishes such information, it means the start of problems, and that website is controlled by SNB (security service). So, from this date, I started to think I was in big trouble.”<sup>41</sup>



*The appearance of articles on websites they perceived to be government-controlled led Gulasal and Vasily to fear they were in danger.*

Both journalists began to experience threats and intimidation. Gulasal described the tension she experienced during the period between the e-mail hack after her return from Prague, and her decision – six months later – to leave Uzbekistan:

“There was this fear. There was a moment when I thought they would come and say: 'We have a criminal case against you' and would take me away. Because the documents no one knew about were published there.

And it was a hard moment. For several months. A tense anxiety. It was hard.

There was always a fear that every noise, at night or just unusual, was them coming to arrest me. I was facing this fear all those months.

The documents that appeared in the Internet were evidence that I worked without having accreditation to work for foreign media in Uzbekistan (as Uznews.net was not registered in Uzbekistan). First, working without having accreditation. Second, tax evasion. In fact, I was unable to pay tax, to abide by this law. If I had been paying tax, I would have been obliged to disclose for what, for what kind of work; that would have been impossible without being accredited. And becoming accredited in Uzbekistan has been unachievable for the last 11 years, after what happened in Andijan. They simply would not give you accreditation.”<sup>42</sup>

<sup>41</sup> Amnesty International interview with Vasily Markov, France, 2016.

<sup>42</sup> Amnesty International interview with Gulasal Kamolova, Paris, France, 2016.



**“The authorities can charge us with anything. They can charge us with these tax violations - they could - but they could charge us with working without permission from the Ministry of Foreign Affairs, for defamation...anything could happen.”**

Vasily Markov

Vasily too experienced a period of extreme anxiety about his safety:

“First of all, a policeman came to our house, where I live with my family.

My mother was visited by people from the criminal search division of our district of Tashkent. I had to go [to the police] to stop these visits to my mother and they asked me: Where do you work? For whom do you work? How much money do you get? Who are your friends? What are you writing? And so on. It was the first time for me that such attention...that situation was changed.

There was a general accusation of avoiding to pay taxes. It was not a direct accusation of working for an organization that is not allowed [to operate] in Uzbekistan, because by Uzbekistan law, any foreign journalist or journalist working for foreign media has to have permission from the Ministry of Foreign Affairs. We didn't have [this], of course.

I made the decision (to leave Uzbekistan) after a month, maybe more. After the first signs of unusual attention.

I could not wait so long, because I wasn't alone. I had a family and little kids. So I made my decision very quickly.”<sup>43</sup>

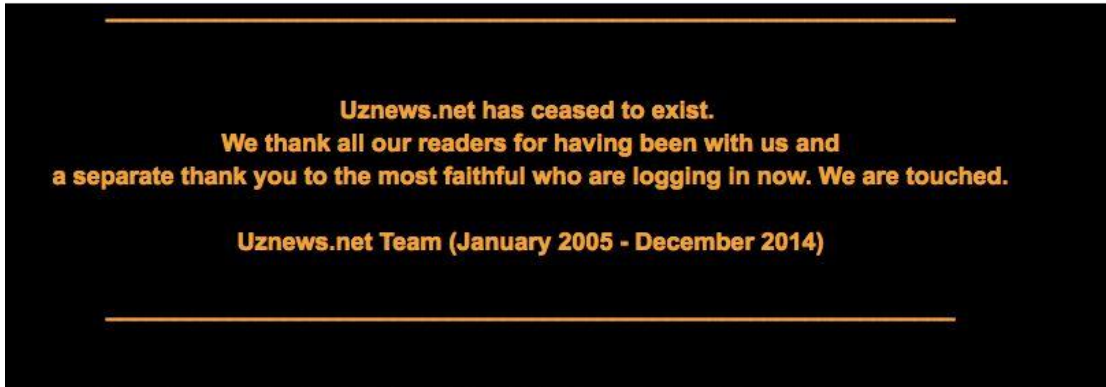
Within six months of the attack on Galima's e-mail account in Berlin, both Vasily and Gulasal were forced to permanently flee their homes in Uzbekistan, and seek asylum abroad.


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<sup>43</sup> Amnesty International interview with Vasily Markov, France, 2016.

## 5.3 UZNEWS.NET IS FORCED TO CLOSE

In part in an effort to protect those journalists and others who had worked for her, Galima Bukharbaeva was forced to close Uznews.net, thus reducing even further the already small number of independent news sources on Uzbekistan.



 ↑ Uznews.net was forced to shut down following the e-mail hack.

Galima explained:

“It was a very hard decision for me to take down the website. It was like my child, which I created back in 2005 in Uzbekistan.

Then suddenly we were forced to close it down.

And of course, it was not our failures as journalists, but our success and influence that brought us down.

It was hard.”





# RECOMMENDATIONS

## 5.4 TO THE GOVERNMENT OF UZBEKISTAN

- Reform laws governing surveillance - including the Law on Telecommunications and Presidential Decree 513 - to bring the legal regime and related surveillance practices in line with international human rights law and standards.
  - o At a minimum, such reforms should ensure that interception and access to communications or associated data takes place only on the basis of a judicially authorized warrant based on individualized reasonable suspicion of criminal wrongdoing, and subject to independent judicial oversight.
- Cease all harassment or targeting of family members of criminal suspects or other people sought by the authorities for any reason.
- Repeal requirements for authorization for independent journalists working for foreign news outlets and allow journalists to operate without legal hindrance.

## 5.5 TO OTHER GOVERNMENTS

- Ensure that no licenses are granted for surveillance technology to Uzbekistan until such time as surveillance law and practice in Uzbekistan is reformed to conform to international human rights law and standards.

## 5.6 TO TELECOMMUNICATIONS COMPANIES

- Carry out human rights due diligence to identify, prevent, mitigate and account for human rights impacts of your operations, or those of your subsidiaries. If it is not possible to prevent or mitigate adverse human rights impacts, consider ending the relationship, taking into account credible assessments of potential adverse human rights impacts of doing so.

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# “WE WILL FIND YOU, ANYWHERE”

## THE GLOBAL SHADOW OF UZBEKISTANI SURVEILLANCE

Surveillance in Uzbekistan helps reinforce the already repressive environment for human rights defenders, journalists, political activists and others in Uzbekistan.

Unlawful surveillance in Uzbekistan is facilitated by technical and legal systems that fail to provide checks against abuse, contrary to international law and standards.

Inside Uzbekistan, hacking attacks and data breaches can lead prosecution, and force people to flee the country. But in today’s interconnected world, hacking and surveillance outside Uzbekistan can also have devastating effects for people in Uzbekistan, thousands of miles away.

The converse is also true, even outside of Uzbekistan, the threat of surveillance continues to exert its pressure on those who have fled. Because of the fear of surveillance, many refugees outside Uzbekistan are afraid to contact their families, fearing that even a phone call from abroad could trigger harassment from the authorities.

Unlawful surveillance in Uzbekistan keeps families apart and harms the rights to free expression around the world, and limits the ability of people inside and outside of Uzbekistan to receive information.

This briefing highlights stories of seven Uzbekistani people, in Uzbekistan and in the diaspora, whose human rights have been negatively affected by the unlawful surveillance of the government of Uzbekistan.