



**Submission by Human Rights Watch
to the UN Human Rights Committee
in advance of its country report task force on Tajikistan**

June 2019

This memorandum provides an overview of Human Rights Watch's main concerns with respect to the human rights situation in Tajikistan, submitted to the United Nations Human Rights Committee ("the Committee") in advance of its pre-sessional review of Tajikistan in July 2019. We hope it will inform the Committee's preparation for its upcoming review of the Tajik government's compliance with its obligations under the International Covenant on Civil and Political Rights ("the Covenant"). For additional information, please see Human Rights Watch Country page on Tajikistan:

<https://www.hrw.org/europecentral-asia/tajikistan>.

Since 2014, Tajik authorities have jailed many government critics, including opposition political figures and activists, lawyers, journalists, and relatives of peaceful dissidents abroad, for lengthy prison terms on politically motivated grounds, including life imprisonment, merely for peacefully exercising their fundamental right to freedom of expression.

Human Rights Watch estimates that since 2014 well over 150 persons have been imprisoned on politically-motivated grounds in Tajikistan. The crackdown on the freedoms of expression, association, assembly, and religion has extended to virtually any manifestation of dissent—even to social media users who express mild criticism of government policy and have received prison terms ranging from 5 to 10 years.

Disturbingly, Tajik authorities have also regularly, since 2015, led a campaign of state-orchestrated retaliation against the relatives of peaceful dissidents abroad in the form of mob violence, threats of rape, arbitrary detention, confiscation of passports and bans on travel outside of the country. They have also regularly abused the Interpol system of "red notices" to detain, extradite, and force the return to Tajikistan of peaceful political dissidents abroad, including numerous individuals from Russia, Turkey, Belarus, Greece, and elsewhere.

Article 6 – Right to Life

In November 2018 and May 2019, two prison riots in the cities of Khujand and Vahdat, respectively, resulted in the deaths of dozens of prisoners and some prison guards in circumstances which remain unclear. Authorities announced that it was necessary to use lethal force to put down apparently violent uprisings or riots within the two prisons and in both cases dozens of prisoners were killed. Both incidents raise questions about the Tajik authorities use of disproportionate or excessive lethal force in quelling the prison riots and the arbitrary deprivation of the right to life. Human Rights Watch also received concerning information that there are tensions between prisoners deemed to be associated with ISIS and prisoners who are members of the Islamic Renaissance Party of Tajikistan (IRPT) and other persons held on politically-motivated grounds. These tensions have reportedly led to physical assaults on IPRT members, and allegations that they may have been targeted during the prison riots which occurred in May 2019. While the full circumstances and details of the riot remain unclear, not least due

to a lack of an effective and transparent investigation, this raises serious concern about the current and future safety of the IPRT prisoners and others held on politically motivated grounds.

The Human Rights Committee should urge the government of Tajikistan to:

- Provide accurate information on those killed in the prison riots, the circumstances surrounding their deaths, and ensure prompt, effective and impartial investigations are carried out into both of these incidents, holding officials accountable for the violations of human rights such as the disproportionate or excessive use of lethal force;
- Immediately take demonstrable steps to guarantee the safety of imprisoned members of the Islamic Renaissance Party of Tajikistan (IRPT) and other persons held on politically-motivated grounds in detention, including considering their release, as their imprisonment is in violation of Covenant protections, or at a minimum, their transfer to house arrest.
- Allow the International Committee of the Red Cross (ICRC) access to prisons and places of detention in Tajikistan.

Article 7 – Prohibition of Torture

The Tajik authorities continue to torture and otherwise ill treat prisoners and to hold them in terrible conditions of detention. For example:

- During a visit on March 9, 2019, imprisoned political activist and deputy head of the Islamic Renaissance Party of Tajikistan (IRPT) Mahmadali Hayit showed his wife, Savrinisso Jurabekova, injuries on his forehead and stomach that he said were caused by beatings from prison officials to punish him for refusing to record videos denouncing Tajik opposition figures abroad. Jurabekova said that her husband said he was not getting adequate medical care, and they both fear he may die in prison as a result of the beatings. Hayit has spent more than three years in prison and is currently being held at detention center (SIZO) number 1 in Dushanbe.
- In February 2019, Tajik and Russian officials arbitrarily detained and forcibly returned to Tajikistan Sharofiddin Gadoev, a peaceful opposition activist who was visiting Moscow from his home in the Netherlands. Russian and Tajik authorities used physical force to detain him in Moscow and forced him onto the plane, and beat him in Moscow and on the flight to Tajikistan. Gadoev, 33, is a member of Tajikistan's opposition National Alliance and the former deputy head of the banned Group 24 opposition political movement. While he was held in Tajikistan, the government issued a series of choreographed videos and photographs designed to show that he "voluntarily" returned to Tajikistan. For example, on February 15, 2019, Tajikistan's Interior Ministry announced that Gadoev had flown from Moscow to Dushanbe of his own accord to "surrender" to authorities at the airport for various crimes. Each day thereafter, the government displayed Gadoev in a series of orchestrated videos and photographs where he was seen meeting with his mother, sister, and other acquaintances. In the videos, Gadoev states that he returned to Tajikistan of his own free will and denounces other opposition figures. Gadoev's relatives and other sources investigating the case told Human Rights Watch that Gadoev's statements on camera were made under duress through physical and psychological pressure. The activist was returned in March 2019 to the Netherlands following an international campaign.
- In August 2018, Human Rights Watch and other human rights groups received credible reports that several imprisoned members of the now banned opposition Islamic Renaissance Party of Tajikistan (IRPT) have been tortured, including Rahmatullo Rajab, Mahmadali Hayit, and other members of the banned political party. Fourteen members of the party were sentenced to

lengthy prison terms, ranging from life imprisonment to 6-10 years in June 2016 following a flawed trial.

- In September 2017, Buzurgmehr Yorov, Tajik human rights lawyer and member of the opposition Social Democratic Party of Tajikistan, was beaten by prison guards so badly that he suffered extensive injuries that make it difficult for him to walk. Yorov had been arrested in September 2015 and sentenced to 28 years in prison for having represented in court political opposition leaders. In June 2019, the UN Working Group on Arbitrary Detention issued a ruling declaring his detention unlawful and demanded his immediate and unconditional release.
- Zayd Saidov, businessman, political opposition figure, and former Tajik government official, who suffers from disabilities and from a severe gastro-intestinal disorder, is allegedly being held under the “strict regime” in prison, which requires intrusive “check-ins” with guards every 2 hours. He has also been unable to access the food or medicine needed to manage his condition. Saidov was arrested in May 2013 and is serving a 29 year sentence after being prosecuted when he sought to establish a new opposition party.

The Human Rights Committee should urge the government of Tajikistan to:

- Provide information on any measure taken to ensure prompt, effective and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment, and whether any individuals have ever been held accountable for such violations;
- Implement the recommendations of the UN Special Rapporteur on Torture based on his visits to the country in 2012 and 2014;
- Publicly acknowledge the scope and gravity of the problem of torture in Tajikistan and meaningfully investigate all allegations of torture and hold all those responsible accountable.

Article 9 – Deprivation of liberty

While there is no complete list of political prisoners in the country, local activists have reported hundreds of persons imprisoned on politically motivated charges, with well over 150 of them landing in prison since 2014 during the last period of review of Tajikistan’s compliance with the ICCPR.

Among the primary targets are members of the Islamic Renaissance Party of Tajikistan (IRPT), the country’s leading opposition party until the arrest of its senior leaders in September 2015, after which authorities outlawed the party and declared it a terrorist organization in October 2015. Other targeted groups are activists from Group 24, lawyers, journalists, and peaceful religious believers.

- The September 2015 arrests involved more than 14 senior figures of the party, including first deputy chairman **Saidumar Husaini**, deputy chairman **Mahmadali Hayit**, both sentenced to life imprisonment, and assistant deputy chairman **Rahmatullo Rajab** and other party leaders **Sattor Karimov**, **Kiyomiddini Azav**, and **Abdukahhori Davlat**. All were accused, without credible evidence, of participation in an alleged coup and then sentenced to 28 years in prison following a closed and unfair trial and allegations they had been tortured in pre-trial custody. **Karimov** was killed in a deadly prison riot in Vahdat prison which resulted in the deaths of 29 prisoners and 3 prison guards.

Authorities have also targeted other political groups, such as the peaceful political movement Group 24, whose members called for democratic reforms, and as a result was declared “extremist” by Tajikistan’s Supreme Court. Among them:

- On May 19, 2015, **Ehson Odinaev**, member of Group 24 and Youth of Tajikistan for Revival (YRT) and outspoken critic of the Tajik government, left his apartment in Russia and has not been seen since. His family believes he was forcibly disappeared by Tajik authorities, returned to Tajikistan, and is being held incommunicado there or has been killed.
- On March 4, 2015, a Dushanbe court sentenced **Umedjon Salikhov** to 17 years and six months in prison on various extremism charges. He had agreed to return to Tajikistan from Russia after Tajik security services threatened to prosecute his relatives in Tajikistan and was detained immediately on his arrival at the Dushanbe airport in October 2014.
- On 14 March 2015, **Firdavs Mukhiddinov**, 25, and **Farhod Karimov**, 20, were sentenced to 16 years and six months each in prison on various extremism charges. Karimov had confessed only to possessing an “insulting” photograph of President Rahmon on his computer.
- On October 13, 2015, **Shamshullo Rakhimov**, who had joined Group 24 while living in Russia, was sentenced to eight and a half years in prison on charges of participating in illegal demonstrations, calling for “mass disorder” in Tajikistan, and distribution of photographic and video material.
- In October 2015, **Ilhomiddin Aliev** was sentenced to three years on charges of anti-constitutional activity (article 307.3) for expressing support for Group 24 on social media, and **Ilhomiddin Allanazarov** was sentenced to three years for cooperating with Group 24 on the basis of statements he had made during live meetings.

Also, in 2013, businessman and former government official turned opposition figure, **Zayd Saidov**, was sentenced to 29 years in prison on specious charges after he attempted to form an opposition party known as “New Tajikistan”.

In May 2018, the UN Working Group on Arbitrary Detention released an opinion finding IRPT deputy chairman **Mahmadali Hayit**’s detention and imprisonment since September 2016 a violation of Tajikistan’s international human rights obligations and called for his immediate release. In July 2018, this body, the UN Human Rights Committee, declared the continued imprisonment of opposition figure, **Zayd Saidov**, a violation of the Covenant and urged his immediate release.

Lawyers who defended political cases also face harassment and heavy prison sentences. This includes:

- In October 2016, a court convicted lawyers **Buzurgmehr Yorov** and **Nuriddin Makhkamov** to harsh sentences of respectively 21 and 23 years in prison following a politically motivated trial, in retaliation for representing political opponents or their willingness to take on politically sensitive cases. Other prominent human rights lawyers have received death threats and been threatened with trumped up charges. In June 2019, the UN Working Group on Arbitrary Detention issued an opinion finding the detention of Tajik human rights lawyer Buzurgmehr Yorov to be a violation of international law. The UN concluded that the charges against Yorov were baseless and that the motivation of the government was to punish him for his representation of members of the political opposition. The UN called on the Tajik government to release Yorov.
- The authorities also detained lawyers Shukhrat Kudratov (released in August 2018), **Fakhriddin Zokirov**, **Jamshed Yorov** (released in September 2016 and fled Tajikistan), **Dilbar Dodojonova** – as well as **Firuz** and **Daler Tabarov**, sons of Iskhok Tabarov, another prominent lawyer.

The Human Rights Committee should urge the government of Tajikistan to:

- Provide a list of persons detained who are associated with opposition political groups, including the IPRT, Group 24 and the movement “Youth for the Revival of Tajikistan,” the New Tajikistan political party, as well as lawyers arrested and detained since 2014;
- Implement the opinion of the UN Working Group on Arbitrary Detention on Mahmatali Hayit and its own decision on Zayd Saidov, urging his immediate release;
- Disclose the whereabouts and or fate of those forcibly disappeared, including Ehson Odinaev, Nematullo Kurbonov and Maksud Ibragimov and urge their immediate release.
- Immediately and unconditionally release individuals imprisoned on politically motivated charges;
- Allow the Renaissance Party, Group 24, and other peaceful opposition groups to operate freely and exercise the freedoms of assembly, association, expression, and religion, in accordance with international human rights norms and Tajikistan’s constitution.

Article 12 – Freedom of movement

The government also imposed travel bans on the immediate relatives, including children and grandchildren, of opposition activists. For several years, authorities refused to allow Ibrahim Hamza Tillozoda, the 4-year old grandson of exiled IRPT leader Muhiddin Kabiri, to leave the country to receive potentially life-saving medical treatment for testicular cancer. Authorities relented, however, on July 29 2018 following international pressure.

A similar story happened to Fatima Davlyatova, the 10-year-old daughter of exiled activist Shabnam Khudoydodova, whom border guards removed from a flight on August 4 when she and her relatives attempted to leave the country to reunite with her mother in Europe. Following a social media campaign, authorities allowed her and her relatives to leave Tajikistan on August 11, 2018.

Authorities also harassed the relatives of peaceful dissidents abroad. Activists based in France, Germany, and Poland told Human Rights Watch that their relatives in Tajikistan are regularly visited by security services who pressure them to denouncing their relatives, provide information on their whereabouts or activities, and threaten them with imprisonment if their relatives continue their peaceful opposition work. In September 2018, a Dushanbe court sentenced Rajabali Komilov, the brother of a Germany-based IRPT member, to ten years in prison; it is believed the case was brought to coerce the return of his brother to the country.

Tajikistan authorities have also harassed dissents in exile and sought their extraditions.

- On September 18, 2018, Belarusian migration police at Minsk International Airport detained Parviz Tursunov, 43, a popular former professional Tajik football player in his country’s premier soccer league, under a Tajik extradition request. When he was living and playing football in Tajikistan in 2011, authorities had demanded that Tursunov shave his beard, which he wears as a manifestation of his religious belief. When he refused, the Khayr team dismissed him. The authorities labeled Tursunov an adherent of “extremist” Salafi Islam for wearing a beard. Tursunov and his family had been living outside of Tajikistan for several years, when in September 2018, they decided to travel to Europe via Belarus, and he was detained on Tajik charges of making “public calls for carrying out extremist activity” under art. 307(1)(2) and “organizing an extremist community” under art. 307(2)(1) of Tajikistan’s criminal code. Authorities routinely invoke article 307 charges in politically motivated cases. Tursunov was eventually released in November 2018. Over the past decade, Tajikistan has imposed a de facto ban on men wearing beards and women wearing the hijab as part of a wide-ranging crackdown on independent Muslims, who practice Islam outside strict state controls.

- Pursuant to an Interpol “red notice” advanced by the government of Tajikistan, Greek migration officials detained IRPT activist Mirzorakhim Kuzov on October 9, 2017 in Athens International Airport in transit after he attended a human rights conference in Poland. Kuzov was detained until November 30.
- On February 16, 2018, police in Istanbul detained Namunjon Sharipov, a businessman and IRPT member who fled Tajikistan in 2015. Following an 11-day detention, Tajik officials forced him to board a plane to Dushanbe. On February 20, Sharipov resurfaced on Tajik public television, stating that his return to the country had been “voluntary.”
- In April 2018 Turkish police also detained Group 24 chairman Suhrob Zafar and member Nasimjon Sharipov (unrelated to Namunjon Sharipov) pursuant to an extradition request by Tajik authorities. A court granted the stay and later released Sharipov in July. Zafar was released later during 2018.

The Human Rights Committee should:

- Ask the government of Tajikistan to explain and justify measures it takes to pursue Tajikistan activists abroad including use of Interpol ‘red notices’;
- Urge the government of Tajikistan to end all retaliation and harassment of relatives of activists in exile;
- Urge Tajikistan to stop targeting political opposition activists in exile with abusive extradition requests and to withdraw outstanding requests against them.

Article 18 – Freedom of religion and belief

The Tajik government severely curtails freedom of religion or belief, proscribing certain forms of dress, including the hijab for women and long beards for men.

In August 2018, authorities charged opposition blogger Junaydullo Khudoyorov over his alleged ties to Salafi extremists. He faces up to 5 years in prison. The Salafi brand of Islam has been officially banned in Tajikistan since 2011 and authorities regularly arrest individuals for alleged membership in Salafi groups. In August 2018, Tajikistan amnestied seven Salafists, previously extradited from Russia, after they announced their withdrawal from the movement.

In 2018, the Ministry of Culture published a “Book of Recommendations,” outlining in detail “approved” dressing styles for women aged seven to seventy. Authorities banned Barbie dolls in hijabs, promoting “national dress” instead. Men had to shave their beards, which violates their faith, to have their documents returned from confiscation.

The Human Rights Committee should urge the government of Tajikistan to:

- Bring its legislation in line with international obligations to respect and protect freedom of religion, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations
- Revise the restrictive 2009 religion law, the 2011 parental responsibility law, and other relevant legislation on religion.

Article 19 – Freedom of expression

Authorities persistently block access to popular social media and news sites, including Facebook, YouTube, and Radio Free Europe, and periodically cut access to mobile and messaging services when

critical statements about the President, his family, or the government appear online. Over 25 journalists have been forced in recent years to leave the country and to live in exile.

On August 22, 2018 a Tajik appellate court overturned the twelve-year prison sentence of independent journalist Khayrullo Mirsaidov, a well-known independent journalist arrested in December 2017 after he wrote a public letter to President Emomali Rahmon that revealed corruption by local officials. Mirsaidov's sentence was replaced on appeal with a fine of 80,000 somoni (\$8,500) and one year of community service. An international campaign #FreeKhayrullo had earlier highlighted his case.

In August 2018, a court sentenced Umar Murodov to five and a half years imprisonment for "insulting" President Rahmon on the social media site Odnoklassniki. A fall 2017 law amendment provided for criminal liability for "public insult or slander against [the President,] the Founder of Peace and National Unity, the Leader of the Nation."

Also, in August 2018, a court sentenced Bezhan Ibragimov, a National Guard soldier, to seven years for "extremism" after he had allegedly posted a photo of the flag of an Islamic extremist group Ansarullah and had allegedly chatted online with a former classmate who was residing in Syria or Iraq.

The Human Rights Committee should urge the government of Tajikistan to:

- Implement the recommendations of the UN Special Rapporteur on Freedom of Expression based on his 2016 visit;
- Remove restrictions on the media, including the July 2015 rule barring media from reporting news about government actions and policies without citing reports by the official state news agency *Khovar*;
- Respect freedom of information, including on the internet, and tolerate all forms of legitimate speech, including criticism of the government and its policies, and revise the penal Code to remove criminal sanctions for "insulting the president" or any government officials.

Article 26 – Non-discrimination

Lesbian, gay, bisexual, and transgender (LGBTI) people face deep-rooted homophobia and discrimination in Tajikistan, although homosexuality is not criminalized. In October 2017, authorities announced the creation of a special registry including 367 "proven" LGBTI persons, after conducting law enforcement operations called "Morality" and "Purge," purportedly to protect sexual minorities and halt the spread of sexually transmitted diseases. The creation of the registry exposed hundreds of individuals to the risk of detention and extortion by police and severe social stigma.

The Human Rights Committee should urge the government of Tajikistan to:

- Unequivocally condemn all forms of homophobia and discrimination against members of the LGBTI community and ensure the passage of anti-discrimination legislation protecting their civil rights.
- Immediately disband the special registry of proven LGBTI persons and end law enforcement operations which result in the arbitrary detention, abuse, and extortion of members of the LGBTI community.