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Human Rights in Eastern Europe and Central Asia - Review of 2019 - Tajikistan [EUR 01/1355/2020]

The space for people to exercise their rights to freedom of expression, association and peaceful assembly without fear and discrimination shrank ever further. The authorities continued to invoke national security and public order concerns to persecute and silence political opposition activists, independent lawyers, journalists, human rights defenders, LGBTI people and their families. Impunity for torture and other ill-treatment remained pervasive and those who reported abuses faced reprisals. Dozens of prisoners, including political opposition activists, were killed and hundreds injured in prison riots, and at least 14 died during prisoner transportation.

Background

Concerns about national security, counter-terrorism and public order dominated the political agenda. A new law on states of emergency signed by the President in May granted the authorities wide-ranging powers to restrict rights to freedom of expression and peaceful assembly during public emergencies. The authorities used these powers arbitrarily and in violation of international standards to block access to internet and mobile communications and impose censorship during police and counter-terrorism operations, such as during the prison riots in May and border incursions by armed groups in November. This made it difficult to independently verify allegations of human rights violations and contributed to a climate of fear and impunity.

Freedom of association

In January amendments to the Law on Public Associations in relation to the financing of terrorism introduced additional reporting obligations for NGOs and gave the Ministry of Justice broad powers to report organizations to the police and security services for investigation. NGOs feared that the authorities would use the amendments to silence critical voices.

During the review of Tajikistan's implementation of the ICCPR in July, the UN Human Rights Committee (HRC) raised concerns that recent counter-terrorism legislation had a “chilling effect” on the activities of civil society groups.

Rights of lesbian, gay, bisexual, transgender and intersex people

Public officials continued to use homophobic and transphobic rhetoric against LGBTI people with impunity. The UN HRC was concerned at a statement by the Ombudsman for Human Rights that Tajikistan could not uphold the rights of LGBTI people because they were “contrary to the moral and ethical norms of relationships...”. Law enforcement officials routinely targeted LGBTI people via intimidation, beatings, arbitrary arrests and extortion.

Repression of dissent

The authorities persevered in their crackdown on all forms of dissent, targeting their critics at home and abroad.

In July at the end of their first visit to Tajikistan the UN Working Group on Enforced or Involuntary Disappearances (WGEID), expressed concern about numerous allegations of forcible returns and enforced disappearances of members of the banned opposition party Islamic Renaissance Party of Tajikistan (IRPT) and political opposition movement Group 24 living in exile. At least five were forcibly returned from Turkey and the EU to Tajikistan.

In February, Sharofiddin Gadoev, the exiled leader of Group 24, was arbitrarily detained by police in Russia and forcibly returned to Tajikistan. He was held in an undisclosed location for two weeks and forced to incriminate IRPT members and other political opposition activists under duress, before being allowed to return to the Netherlands following international pressure.[1]

In August, the UN HRC expressed serious concern at the ongoing harassment, ill-treatment and arbitrary detentions of family members of banned political opposition parties and groups, including IRPT and Group 24, in retaliation for exiled activists voicing dissent abroad.

Justice system

In April, the government adopted a programme of judicial and legal reforms to further strengthen safeguards for detainees, including the right to have access to a lawyer. In practice, however, law enforcement officers continued to obstruct access to lawyers.

Persecution of lawyers

Lawyers who took up politically sensitive cases, especially those related to national security and counter-terrorism, continued to face harassment, intimidation, ill-treatment, arbitrary arrest and prosecutions on politically motivated charges.

In April law enforcement officers arbitrarily detained lawyer, Abdulaziz Abdurahmonzoda, in his office in Dushanbe. They allegedly beat him to force him to confess to bribing court officials, a charge the lawyer denied. He was awaiting trial on charges of fraud at year’s end. His lawyer, Saidbek Nuritdinov, the chairperson of the Union of Lawyers, was also threatened.

The case of Buzurgmekhr Yorov – update

Human rights lawyer and prisoner of conscience, Buzurgmekhr Yorov, continued to be held in the Strict Regime Prison Colony No.1 in Dushanbe in cruel, inhuman and degrading conditions. He had been sentenced to a total of 28 years in prison after being convicted of anti-state crimes in unfair trials in 2016 and 2017. During his detention, he has been tortured, denied access to a lawyer and adequate healthcare, and spent long periods in solitary confinement.

In an Opinion issued in May, the UN Working Group on Arbitrary Detention (WGAD) concluded that his detention was arbitrary and called for his immediate release.

In May, Buzurgmekhr Yorov told his family that the authorities were preparing additional criminal charges of fraud against him, however, the family was not able to obtain confirmation or further information.

Buzurgmekhr Yorov was nominated for the international Homo Homini Human Rights Prize.

Torture and ill-treatment

Torture and ill-treatment continued to be routine and pervasive despite ongoing reforms.

The NGO Coalition against Torture registered 44 new cases of torture or other ill-treatment in 2018 and 11 in the first quarter of 2019. According to the NGO these figures represented a mere fraction of the total number of torture cases because fear of reprisals deterred survivors and their relatives from lodging complaints.

IRPT deputy leader Mahmadali Hayit, who was sentenced to life imprisonment in 2016, showed his wife injuries inflicted by prison officials to punish him for refusing to denounce exiled IRPT activists when she was granted a prison visit in March. He described being kept in solitary confinement and tortured on a regular basis. He was denied access to necessary healthcare.

Deaths in custody

Dozens of prisoners were killed and hundreds injured in a riot at a high security prison in Vakhdat in May and at least 14 died during prisoner transportation in July.

The authorities refused independent monitors access to the prison to verify official claims that members of banned Islamist groups, in particular the armed group calling itself Islamic State (IS), instigated the violence. Three senior IRPT members, convicted of politically motivated charges in 2016, were killed during the unrest.

The authorities also blamed IS members for similar violent unrest at a separate high security prison in Khujand in November 2018. Independent observers claimed that both riots were the result of the systematic torture and ill-treatment of prisoners.

In July, a court in Dushanbe convicted 33 prisoners in connection with the unrest in November 2018 and sentenced three to life in prison and 30 to terms of 14 to 24 years in a secret trial. Relatives of five of the accused claimed that the men had been tortured to confess to having organized the riots.

In December the Supreme Court convicted 28 prisoners of murder and extremism and sentenced them to prison terms of between 19 and 29 years for their role in the May Vakhdat prison unrest.

No effective independent investigations were launched into the deaths in custody and allegations of torture and ill-treatment in relation to both riots.

At least 14 prisoners died in suspicious circumstances when they were transported in prison vehicles from the northern Sughd region to Dushanbe in July. Human rights organizations cast doubt on the authorities' claim that the prisoners had died of food poisoning, instead raising concerns about the conditions during transportation, including overcrowding, high temperatures, poor ventilation, and inadequate provision of food and water.

[1] <https://www.amnesty.org/en/documents/eur60/9957/2019/en/>
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