



**UPR Submission
Tajikistan
September 2015**

Overview

This submission highlights Human Rights Watch's key concerns regarding the Tajik government's compliance with its international obligations since its last Universal Periodic Review (UPR). Tajikistan's already poor rights record has dramatically worsened since the last cycle of the UPR, as authorities have banned the country's leading opposition party, imprisoned opposition activists and journalists, sought the extradition of and kidnapped government critics from abroad, and harassed non-governmental organizations with onerous, unjustified checks designed to restrict their freedom of association and expression. The Tajik government has also regularly blocked numerous internet sites and continued its multi-year campaign to enforce severe restrictions on religious practice. Since its last UPR, there have been numerous cases of torture in pre-trial custody and prisons. Domestic violence against women and children is pervasive. Lesbians, gays, bisexuals, and transgender people are subjected to wide-ranging discrimination and homophobia.

Dismantling the Opposition, Targeting Activists Abroad

In spite of having accepted general recommendations to "take all measures in order to protect and encourage the freedom of expression and make the limitations to the freedom of expression to comply with the international obligations" during its previous UPR in 2011, Tajik authorities have dramatically widened a crackdown on the political opposition.

In January 2015, a court sentenced prominent human rights lawyer Shukhrat Kudratov to nine years in prison following a politically motivated trial. Kudratov, who is also deputy head of the opposition Social Democratic party, was found guilty on charges of fraud and bribery. A few months before being jailed Kudratov had served as the attorney for Zayd Saidov, a businessman and opposition figure who was sentenced in December 2013 to 26 years in prison in a politically-motivated case that appeared to be retaliation for his stated intention to run in the November 2013 presidential election. In August 2015, prosecutors brought additional charges against him, resulting in a further three years being added to his sentence.

On March 5, 2015, assailants shot and killed political opposition figure Umarali Kuvvatov in Istanbul. Kuvvatov previously headed Group 24, an opposition political group that called for democratic reforms and leveled corruption allegations at President Emomali Rahmon and members of the ruling elite. Three Tajiks citizens are on trial in Turkey for Kuvvatov's murder. The circumstances of the shooting, and previous efforts by Tajik authorities to detain Kuvvatov in various countries, support Group 24's assertion that the killers may have been acting on orders from Dushanbe.

Since the announcement by Group 24 of plans to lead a rally in October 2014 Tajik authorities have actively sought to arrest anyone associated with Group 24, convicting several individuals alleged to be members of Group 24 in Tajikistan on "extremism" charges and seeking the extradition from abroad of other activists residing in Russia, Belarus, and Moldova.

In July 2015, a Dushanbe court sentence Maksud Ibragimov, the leader of the opposition group Tajikistan's Youth for Revival, to 17 years imprisonment on extremism charges after a deeply flawed trial. Ibragimov stated that Tajik security services officers kidnapped him off the street in Moscow, where he had lived for over ten years, forcing him onto a plane back to Dushanbe, where he was immediately arrested upon landing.

In another case, on July 15, 2015, Belarusian authorities detained a peaceful Tajik activist, Shabnam Khudoydodova, in the city of Brest, as she was crossing the Russian-Belarusian border. Khudoydodova, a member of "Group 24" who lives in St. Petersburg, had also publicly called for democratic reforms in Tajikistan. After learning on July 12 that Tajik authorities might be preparing to kidnap or forcibly return her to Tajikistan, Khudoydodova fled Russia to Belarus, where she had planned to apply for refugee status with the United Nations refugee agency in Minsk. Tajik authorities have also charged her with extremism and are seeking her extradition. Human Rights Watch is concerned that Khudoydodova could face torture if returned to Tajikistan.

Sobir Valiev, deputy head of the Congress of Constructive Forces of Tajikistan and deputy head of Group 24, was detained by migration police in Moldova in August at the request of Tajik authorities, who are pursuing his extradition on politically-motivated extremism charges. On September 9, Moldova authorities released Valiev and rejected the extradition request, but Human Rights Watch remains concerned that Tajik authorities will continue a politically motivated pursuit of Valiev who could face torture if returned to Tajikistan.

In March 2015, the Islamic Renaissance Party (IRPT), Tajikistan's leading opposition party, was completely shut out of parliament—the first time in Tajikistan's modern history—in a vote monitors from the Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE/ODIHR) said was marred by ballot-stuffing and government intimidation.

In June 2015, IRPT leader Muhiddin Kabiri went into exile, fearing prosecution on bogus charges. That same month, 20 videos appeared online of IRPT members saying they were "voluntarily" abandoning the party. IRPT deputy head Mahmatali Hayit told Human Rights Watch that members were acting under pressure from regional officials. In August 2015, the Ministry of Justice ordered the closure of the IRPT, giving the party ten days to wrap up its activities.

Recommendation

- Uphold the freedoms of expression, association, and assembly; release opposition figure Zayd Saidov, activist Maksud Ibragimov, independent lawyer Shukhrat Kudratov, and all other persons imprisoned on politically-motivated charges.

Freedom of Expression

During its previous UPR in 2011, Tajikistan had accepted recommendations to "abolish criminal provisions on defamation and insult," "introduce simplified and more transparent procedures for obtaining broadcasting licenses," to "consider changes in legislation and administrative procedures with the view to facilitate the establishment of independent media" and to "take concrete steps to meet its obligations to create an environment that fosters freedom of expression." However, authorities' attempts to restrict media freedoms and access to independent information, including on the Internet, and the intimidation or imprisonment of journalists and NGOs harmed freedom of expression.

Despite 2012 amendments removing libel as an offense from the criminal code, Tajikistan retains criminal sanctions for "insulting the president" or any government officials, creating a chilling effect on freedom of speech.

On July 20, 2015, authorities announced a rule barring media outlets from reporting “official news” without citing Khovar, the state-run news agency. The Tajik presidential press service said all government agencies must send their reports to the Khovar agency, while other media outlets can now use official information only by citing Khovar. The authorities’ move was condemned by Nuriddin Karshiboev, head of Tajikistan’s National Association of Independent Media, who said that the new regulation violates the constitution’s guarantee of equal access to official information.

Under the pretext of protecting national security, Tajikistan’s state telecommunications agency regularly orders the blocking of websites that carry information potentially critical of the government, including Facebook, Gmail, Radio Ozodi, the website of Radio Free Europe’s Tajik service, and various opposition websites.

In June 2014, Tajikistan’s security services arrested scholar Alexander Sodiqov in Khorog during an interview he was conducting with a leader of earlier anti-government protests. For several days, authorities refused to confirm he was in their custody. They later confirmed that they were holding him in a Dushanbe detention facility where he was detained for months without charge on suspicion of espionage. Following a robust international campaign, authorities allowed Sodiqov and his family to leave the country.

In August 2015, a Dushanbe court convicted independent journalist Amindzhon Gulmurodzoda of forgery, sentencing him to two years imprisonment. Gulmurodzoda is the editor of the news site faraj.tj.com, works for the Center for Investigative Journalism and previously reported for Radioi Ozodi, the Tajik service of Radio Free Europe. Security services officers accused Gulmurodzoda and his late father of obtaining falsified documents in 1989, when Gulmurodzoda would have been five or six years old. They further claimed that Gulmurodzoda’s passport, which he had obtained in 1998, 17 years before the criminal charges were laid, was a forgery. Gulmurodzoda maintained he acquired the documents legally.

Numerous NGOs reported increasing government harassment during 2015. As of July 2015, 22 NGOs told Human Rights Watch that various authorities, including the Tax Committee, Ministry of Labor, and Ministry of Justice were conducting extensive and intrusive checks into their activities at the official request of Tajikistan’s security services. Also in July, Justice Ministry officials filed for the liquidation of Nota Bene, an independent think tank for alleged registration violations.

The Justice Ministry also proceeded to introduce a bill that, if adopted, would require NGOs to register grants from foreign donors in a state registry prior to being able to access them. The move raised concerns that the government planned to adopt measures to restrict the activities of independent NGOs similar to the “Foreign Agents” law adopted in Russia and Azerbaijan.

Recommendation:

- Rescind undue 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;
- Revise the penal Code to remove criminal sanctions for “insulting the president” or any government officials;

- Support the development of a strong, vibrant, and independent civil society by allowing the unimpeded operation of independent local human rights and other civil society groups in Tajikistan, including by dropping a draft law that would require NGOs to register all sources of funding from foreign sources.

Social and Economic Rights of Rogun Dam Resettlers

Tajikistan's Rogun Dam and Hydropower Plant stand to displace over 42,000 people before they become operational. Since 2009, the government has resettled 1,500 families to other regions around Tajikistan. Despite government commitments to comply with international standards on resettlement that protect the rights of those displaced, it has not provided the necessary compensation to displaced families to replace their homes or restore their livelihoods. Many families have suffered serious disruptions in access to housing, food, water, and education.

Recommendation:

- Uphold the social and economic rights of all persons resettled as a result of or otherwise affected by the Rogun Dam and Hydropower Plant, including by ensuring the overall standard of living of resettlers does not suffer as a result of resettlement. This means providing adequate compensation to resettlers in accordance with international standards, ensuring access to adequate drinking water, proper sanitation, educational, medical, and employment opportunities in areas of resettlement.

Criminal Justice and Torture

During its previous UPR in 2011, Tajikistan had accepted the recommendations to "bring the definition of torture in domestic law in line with the definition of article 1 of CAT" as well as to "take concrete actions to eradicate the use of torture." Despite some positive steps by authorities to bring the definition of torture in Tajikistan's criminal code into line with international standards and provide compensations for some victims, torture and ill-treatment remain widespread in the criminal justice system. Police and investigators routinely use torture to coerce confessions and deny detainees access to counsel in pretrial custody.

In April 2015, officers of the Drug Control Agency of Tajikistan detained 25-year old Shamsiddin Zaydullov. Visiting him the following day in custody at the drug control agency, his mother told a local NGO: "When I petted his head he said I shouldn't touch the back of [it] because it was swollen and painful. I asked him in a low voice whether he was beaten and he nodded." For the next three days, under various pretexts, authorities prevented her from gaining entry to see him. Early on April 13, the family learned Zaydullov was dead. His parents told their lawyer that when they saw his body in the morgue it was covered in bruises. An initial autopsy conducted by the authorities said the cause of death was pneumonia. The family's lawyer has petitioned the Prosecutor General's office for a new autopsy and an investigation into torture allegations.

On January 19, 2014, 34-year-old Umedjon Tojiev, a member of the IRPT, died in a prison hospital in Khujand in northern Tajikistan. His death followed serious injuries he sustained on November 2, 2013, after allegedly jumping from the third floor window of a police station in the northern city of Isfara. According to his lawyer and relatives, Tojiev only leapt as he had been subject to three days of torture by police, including electric shock, asphyxiation with a plastic bag, severe beatings, and sleep deprivation. Authorities had arrested him on suspicion of belonging to a banned Islamist organization.

Recommendation:

- Publicly acknowledge the scope and gravity of the problem of torture in Tajikistan, and ensure that prompt, thorough and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment, and implement the recommendations of the UN special rapporteur on torture based on his visits to the country in 2012 and 2014.

Freedom of Religion

During its previous UPR in 2011, Tajikistan has accepted a recommendation to “Guarantee freedom of religion and worship, also by fighting all forms of discrimination against people belonging to religions minorities” but rejected more specific calls to “repeal laws that negatively impact religious freedom” or to “revise its Law on the Responsibility of Parents.” Tajikistan had also clarified that it is “a secular country and does not intervene in the decisions of religious institutions.”

However, in practice, Tajik authorities maintained tight restrictions on religious freedoms, including on religious education and worship. Authorities suppress unregistered Muslim education throughout the country, bring administrative charges against religious instructors, control the content of sermons, and have closed many unregistered mosques. Regulations also restrict religious dress; headscarves are banned in educational institutions, and beards are prohibited in public buildings. A controversial 2011 Parental Responsibility law stipulates that parents must prevent their children from participating in religious activity, except for state-sanctioned religious education, until they turn 18. Under the pretext of combating extremism, Tajikistan continues to ban several peaceful minority Muslim groups. Some Christian minority denominations, such as Jehovah’s Witnesses, are similarly banned despite a ruling by the UN Human Rights Committee that such restrictions violate Tajikistan’s obligations under the International Covenant on Civil and Political Rights (ICCPR).

Recommendation:

- Amend the restrictive 2009 religion law, the 2011 parental responsibility law, and other relevant legislation on religion to bring them into conformity with Tajikistan’s international and OSCE commitments to protect freedom of religion, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations.

Domestic Violence

During its previous UPR in 2011, Tajikistan had accepted recommendations to “Adopt and implement efficiently a law against domestic violence.” Authorities took some steps to combat domestic violence against women and children in 2015, establishing several police stations staffed by female police inspectors who received training in gender-sensitive, community policing. However, survivors of domestic violence, lawyers, and service providers reported that Tajikistan’s 2013 law on the prevention of violence in the family remains largely unimplemented and that victims of domestic violence continue to suffer inadequate protection.

Recommendation

- Implement and enforce the provisions of a domestic violence law passed in March 2013 and ensure that victims of domestic violence receive adequate protection and services.