

**Submission to the UN Human Rights Committee**

**in advance of its country report task force on Tajikistan**

**October 2018**

Human Rights Watch welcomes the opportunity to contribute to the List of Issues of the Republic of Tajikistan in preparation for the third periodic review of the country’s compliance with the International Covenant on Civil and Political Rights. We would appreciate if the areas of concern highlighted below could be reflected in the list of issues submitted to the Government of Tajikistan ahead of its review by the Committee.

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.

***Article 7 – Prohibition of Torture***

The Tajik government continues to imprison hundreds of individuals, subjecting many of them to ill-treatment, torture and terrible conditions of detention. For example:

* 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, arrested in September 2015 and sentenced to 28 years in prison for having represented in court political opposition leaders, was beaten by prison guards so badly that he suffered extensive injuries that make it difficult for him to walk.
* Zayd Saidov, businessman, political opposition figure, and former Tajik government official arrested in May 2013 and currently serving a 29 year sentence in response to attempts to establish a new opposition party, and 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.

The Human Rights Committee should:

* Ask the government of Tajikistan to provide information on any measure taken to ensure prompt, thorough 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;
* Ask the government of Tajikistan to inform it about measures taken to implement the recommendations of the UN special rapporteur on torture based on his visits to the country in 2012 and 2014;
* Urge the government to 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 those most targeted 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.

* 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 sentenced to 28 years in prison. All were accused, without credible evidence, of participation in an alleged coup and then sentenced following a closed and unfair trial and allegations they had been tortured in pre-trial custody.

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 to 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 Saido***v, 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, the UN Human Rights Committee declared unlawful the continued imprisonment of another opposition figure, ***Zayd Saidov***, urging 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.
* The authorities also detained layers 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:

* Ask the government of Tajikistan to provide a list of persons detained for their association 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;
* Ask the government of Tajikistan what measures were taken to implement the opinion of the UN Working Group on Arbitrary Detention on Mahmadali Hayit and its own decision on Zayd Saidov, urging his immediate release;
* Ask the government to disclose the whereabouts and or fate of those forcibly disappeared, including Ehson Odinaev, Nematullo Kurbonov and Maksud Ibragimov and urge their immediate release.
* Urge the government to immediately and unconditionally release everyone imprisoned on politically motivated charges;
* Urge the government to 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 took place with 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 thie case was brought to coerce the return of his brother to the country.

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

* 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 remains in detention.

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’;
* Ask the government of Tajikistan what measures it takes to prevent the retaliation and harassment of relatives of activists in exile;
* Urge Tajikistan to refrain from targeting political opposition activists in exile with abusive extradition requests.

***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 2018Tajikistan 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:

* Ask the government of Tajikistan what measures were taken to bring its legislation in line with international obligations to protect freedom of religion, including eliminating legal and other restrictions on peaceful religious practice and worship for all denominations
* Urge the government of Tajikistan to 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:

* Ask the government of Tajikistan to inform about measures taken to implement the recommendations of the UN special rapporteur on Freedom of Expression based on his 2016 visit;
* Ask the government what measures were taken to 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;
* Urge the government to 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.
* Urge the government of Tajikistan to 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.