

HUMAN RIGHTS IN TAJIKISTAN

In the Wake of Civil War

**Human Rights Watch/Helsinki
(formerly Helsinki Watch)**

The Inter-Republic Memorial Society

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Human Rights Watch/Helsinki (formerly Helsinki Watch)

Human Rights Watch/Helsinki was established in 1978 to monitor and promote domestic and international compliance with the human rights provisions of the 1975 Helsinki Accords. It is affiliated with the International Helsinki Federation for Human Rights, which is based in Vienna, Austria. Jeri Laber is the executive director; Lois Whitman is the deputy director; Holly Cartner and Julie Mertus are counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Christina Derry, Ivan Lupis, Alexander Petrov and Isabelle Tin-Aung are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.

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This report is based in part on a fact-finding mission conducted jointly by the Memorial Human Rights Center (Memorial HRC) and Human Rights Watch/Helsinki Watch in Tajikistan from May 26 through June 8, 1993. The mission initially joined a group of government officials from the Russian Federation — including Sergei Kovalev, Chairman of the Human Rights Committee of the Russian Supreme Soviet, two parliamentary staff members, and one official from the Ministry of Foreign Affairs — whose visit to evaluate the human rights situation in Tajikistan was at the official invitation of the government of Tajikistan. Both groups met jointly with certain Tajikistan government officials; Memorial HRC and Human Rights Watch/Helsinki Watch subsequently gathered additional information independent of the Russian government group. Our conclusions in no way reflect those of the Russian government.

During a two-week stay in Tajikistan, Memorial HRC and Human Rights Watch/Helsinki Watch spoke to officials from the Committee on National Security, the Ministry of Internal Affairs, the Republic Procuracy, the Ministry of Foreign Affairs, and the Russian Army, and to victims of and witnesses to human rights abuses and their relatives, former refugees, detainees in pre-trial detention, local government officials, representatives of international relief organizations, and journalists. Our work took us to Dushanbe and various other regions of the country.

Members of the mission included Barnett Rubin, Associate Professor of Political Science at Columbia University; Rachel Denber, Research Associate for Human Rights Watch/Helsinki Watch; and Oleg Orlov, Aleksandr Sokolov, and Evgenii Yurchenko, members of Memorial HRC. Oleg Orlov at the time was also a staff member of the Russian Supreme Soviet Human Rights Committee. The report was written by Rachel Denber and Barney Rubin. It was edited by Jeri Laber, Executive Director of Human Rights Watch/Helsinki Watch. Alexander Petrov and Christina Derry, Human Rights Watch/Helsinki Watch Associates, provided valuable support.

We appreciate the cooperation of the Tajikistan Ministry of Interior, the Committee on National Security, and the Republic Procuracy. We thank the United Nations High Commission on Refugees for its extraordinary generosity and technical assistance, and many other individuals who helped us during our mission.

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CONCLUSIONS AND RECOMMENDATIONS

In a span of only six months in 1992, Tajikistan's civil war claimed as many as 20,000 lives (some estimates run as high as 50,000) and, according to various international relief organizations working in the region, displaced about 400,000 - 500,000 people, or roughly one in ten residents of Tajikistan. It has cost an estimated 300 billion rubles in damages to the economy. Memorial HRC and Human Rights Watch/Helsinki Watch do not assign blame for the civil war that swept Tajikistan in 1992, nor do we attempt in this report to provide an account of violations of humanitarian law (the rules of war) that took place during it. Rather, our focus is the current government's human rights record in the wake of this tragic conflict.

As the victor in this devastating war, the government of Tajikistan has taken certain steps toward re-establishing law and order in its troubled country; at the same time, it has broken its international human rights commitments and tolerated gross violations of human rights. The government has not achieved national reconciliation, one of its proclaimed goals; rather, it has imprisoned individuals for their political activities, destroyed independent political and social organizations that supported the previous government, and eliminated the independent and opposition press. Memorial HRC and Human Rights Watch/Helsinki Watch believe that the government not only is aware of, but is directly responsible for torture and other cruel treatment in pre-trial detention facilities.

Furthermore, the government of Tajikistan has not yet put an end to summary executions, disappearances, "informal prisons," and ethnic-regional discrimination. It has not guaranteed full security and other basic needs to returning refugees and displaced persons, although it has taken steps toward this end. Finally, the government continues to tolerate certain warlords and informal paramilitary groups, which openly operate and terrorize civilians.

Instead of recognizing the dreadful violence committed by *all* sides in the armed conflict, affecting people of all political persuasions in Tajikistan, the government squarely blames the political opposition for the bloodshed and remains unwilling to admit that pro-government forces engaged in systematic human rights abuses and continue to do so, albeit on a milder scale. Memorial HRC and Human Rights Watch/Helsinki Watch recognize that the human rights record of the coalition government, which was in power from May 11 through mid-November 1992, was seriously flawed, but we believe that the human rights abuses of that government cannot and should not be used to justify the current government's unacceptable human rights practices.

RECOMMENDATIONS TO THE GOVERNMENT OF TAJIKISTAN

We believe the Tajikistan government should:

- conduct its internal policy in accordance with international human rights standards, including those embraced in the International Convention on Civil and Political Rights (ICCPR), the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment, the Helsinki Final Act, and other international human rights instruments;**
- immediately cease the practice of torture, beating, and other forms of cruel treatment of individuals in custody, and take disciplinary and criminal action against law enforcement officials who engage in this practice;**
- allow detained individuals to inform their family or loved ones of their whereabouts upon**

detention;

- **immediately cease the practice of detaining individuals for the sole purpose of gaining information about relatives who are hiding from law enforcement bodies;**
- **cease criminal prosecutions of individuals held only for expressing their views;**
- **investigate thoroughly incidents of killings by paramilitary forces, including the Popular Front of Tajikistan, and, in a manner that complies with international human rights standards, punish the perpetrators;**
- **actively seek the return of the disappeared; in particular, investigate the existence of "informal prisons," abolish those that are found to exist and, in a manner that complies with international human rights standards, punish the individuals who maintained them;**
- **provide fully for the personal security and basic needs of returning refugees, and carefully monitor the behavior of local government authorities in areas where returnees are found;**
- **punish, in a manner consistent with due process of law, those who attack or threaten returning refugees;**
- **in areas where refugees are returning, assure restitution of stolen or confiscated property, provide compensation for destroyed property and punish those who refuse to return property stolen from refugees;**
- **end warlordism on the part of all regional-political factions in Tajikistan and seek criminal sanctions against those warlords who have committed acts of violence against political opponents;**
- **using United Nations guidelines as a standard, carefully review the records of paramilitary members now serving in the national army and in Ministry of Internal Affairs troops and exclude those who may have committed gross human rights abuses against civilians;**
- **cease intimidation of, violence against and other forms of pressure on opposition journalists and encourage a free press; and**
- **encourage the formation of independent political organizations and, once the latter are established, conduct free and fair elections that will be observed by international monitors.**

RECOMMENDATIONS TO THE GOVERNMENT OF THE RUSSIAN FEDERATION

Tajikistan has been made into a symbol of instability posing the threat of Islamic fundamentalism. Some Central Asian leaders use this symbol as a pretext for violating basic human rights in their own countries in the interests of stability. Russia also uses it, among other reasons, to justify its continued, wide-scale military presence along Tajikistan's border. It is unfortunate that Russia and other countries in

the Commonwealth of Independent States at the same time remain silent on human rights violations in Tajikistan. Given Russia's active engagement with Tajikistan, Russia has a special responsibility to monitor human rights there. Specifically, Russia should, in our view:

- **in accordance with Article 18 of the Tajik-Russian Treaty on Friendship, Cooperation and Mutual Assistance, in the immediate future create an inter-government commission on human rights that would grant consultant status to independent experts and international human rights organizations. The commission should consider its mandate the entire spectrum of human rights issues, in accordance with Articles 9-12 of the Treaty on Friendship, Cooperation and Mutual Assistance;**
- **until the creation of the above-mentioned commission, instruct the Russian embassy in Dushanbe actively to gather information on human rights violations in Tajikistan against all individuals, and not only ethnic Russians;**
- **require the Department on International Humanitarian and Cultural Cooperation of the Russian Federation Ministry of Foreign Affairs to prepare public, bi-annual reports on human rights developments in Tajikistan;**
- **publicly condemn human rights violations of all people in Tajikistan, and not just ethnic Russians; and**
- **condition military assistance and certain forms of economic aid (excluding aid that is considered necessary for basic human needs) on Tajikistan's fulfillment of its international human rights obligations, as reflected in the above mentioned reports and those of independent human rights organizations.**

RECOMMENDATIONS TO THE UNITED STATES GOVERNMENT

- **continue regularly to raise human rights issues in meetings with government officials;**
- **publicly condemn human rights violations in Tajikistan;**
- **condition all aid, except that used for basic human needs, to Tajikistan on fulfillment of its human rights commitments;**
- **continue its programs encouraging democracy and the free press in Tajikistan.**

RECOMMENDATIONS TO THE GOVERNMENT OF AFGHANISTAN

- **immediately offer the UNHCR full access to refugees from Tajikistan located in all portions of Afghanistan;**

- **restrain and punish those who use force or threats to impede the voluntary return of refugees to Tajikistan;**
- **investigate the case of Ali Haliman and others who may have used lethal force to prevent refugees from returning to Tajikistan, and punish them in accordance with due process standards established by international law;**
- **allow freedom of movement to refugees within Afghanistan, and punish anyone who attempts to use them as a shield.**

A NOTE ON GEOGRAPHY, DEMOGRAPHY AND REGIONS

Tajikistan, a member of the Commonwealth of Independent States (CIS), declared its independence from the USSR on September 9, 1991. It became a member of the Conference on Security and Cooperation in Europe (CSCE) in January 1992, and of the United Nations in March of the same year. Tajikistan covers a mostly mountainous land mass of 143,100 square kilometers, bordering China, Uzbekistan, and Kyrgyzstan. Significantly, it shares a border of more than 1,000 kilometers with Afghanistan. According to the 1989 USSR census, the last census to be taken in the country, Tajikistan's population was 5.1 million. Of those counted, about 61 percent (3.2 million) identified themselves as Tajik, 23.5 percent (1.2 million) as Uzbek, 7.6 percent (388,000) as Russian. New studies estimate the country's current population at 5.6 million.¹ Tajik, the state language of Tajikistan since 1989, belongs to the western Iranian language group and is similar to the Persian spoken in Iran. Most Tajiks are Sunni Muslims, with the exception of Pamiris (see below), who are Ismaili Muslims.

Tajikistan's five regions are distinct from each other in terms of topography, economic development, culture, and — in certain cases — in terms of religion, ethnicity and language. They play a critical role in internal politics and were crucial in determining loyalty in the civil war. Perhaps the most distinct ethnically is Gorno-Badakhshan, located southeast of Dushanbe, the capital of Tajikistan. Set in the Pamir mountain range, the Gorno-Badakhshan Autonomous Oblast² is the least developed economically. Its inhabitants practice a different form of Islam than other Tajiks, speak about six different dialects of eastern Iranian that are related to Tajik, and are thought to consider themselves as Pamiris, as distinct from Tajiks. The Garm valley, northeast of Dushanbe, is a mainly agricultural, mountainous region whose population is known for being among the most religious in Tajikistan. The Leninabad Oblast' (whose capital is Khujand), to the north, and Hissar, to the west of Dushanbe, are the most developed economically and have significant Uzbek communities (31.3 percent Uzbek and about forty-five percent Uzbek, respectively). Leninabad was the source of traditional communist-party elites.

To the south are the former Kuliab and Kurgan-Tiube Oblasts, now joined together into the Khatlon Oblast'. The current government is dominated by people of Kuliab origins or from Kuliab, a region of mixed topography and economy. Kurgan-Tiube, previously desert land, in the 1940s and 1950s was irrigated for growing cotton and other crops. The area was populated mostly as a result of Stalin's policy of forced migration, under which a significant portion of Kurgan-Tiube's population was moved in from Garm and Gorno-Badakhshan.

¹ International Monetary Fund, *Economic Review: Tajikistan*, May 1992, p. 20. The IMF estimated the total population at the end of 1991 at 5.5 million. At an estimated population growth rate of 2.9 percent per year, this would have increased to slightly under 5.7 million by the end of 1992. Emigration of the Russian-speaking population might have decreased this to about 5.6 million.

² An autonomous *oblast'* is a territorial administrative unit inherited from the Soviet era.

MAP³

³ This map appeared in the Refugees International report on Tajikistan dated October 12, 1993.

BACKGROUND

The civil war that has plagued post-Soviet Tajikistan reflects a struggle for power between the old guard, Communist Party elite and a coalition of diverse opposition parties and movements, including the Democratic Party of Tajikistan (DPT), the Islamic Revival Party (IRP), the national movement Rastokhez, and La'li Badakhshan, a movement for the autonomy of the Pamiri minority. These movements became known collectively as the "Islamic-democratic" political opposition.⁴

The struggle for power and the civil war, often viewed as a struggle between communism and Islam, can perhaps better be understood as a struggle between the old guard and political reformers, and as a struggle among regions (see above): the old guard communist elite drew on the support of people from Leninabad (hereinafter, "Leninabadis") and people from Kuliab (hereinafter, "Kuliabis"); the political opposition enjoyed the loyalty of people of Garmi origins (hereinafter, "Garmis) and Pamiri origins (hereinafter, "Pamiris").

After the end of seven decades of Soviet control, Tajikistan—the poorest republic under the Soviet Union—saw a rebirth of national and religious awareness and the rise of regionalism and regional loyalties. The power struggle began in earnest after the failed attempt in August 1991 to overthrow Mikhail Gorbachev, which heralded the break-up of the Soviet Union. On September 21, under pressure from the anti-communist political opposition, Tajikistan's Acting President Kadriddin Aslonov banned the Communist Party and ordered its property seized.⁵ Several days later the Communist Party leaders forced Aslonov to resign, installed First Communist Party Secretary Rakhmon Nabiev as acting president, reversed the ban on the party, declared a state of emergency,⁶ and re-asserted control over the republic. These actions triggered more than a week of mass demonstrations by the political opposition, which demanded the government's resignation. To resolve the political crisis, Nabiev resigned as Acting President, pending presidential elections. In the elections, held on November 25, 1991, Nabiev, a Leninabadi, defeated Davlat Khudonazarov, a Pamiri supported by the political opposition.⁷

THE SPRING 1992 DEMONSTRATIONS: A PRELUDE TO CIVIL WAR

Demonstrations in the spring of 1992 galvanized the sides that fought in the civil war. The

⁴ The popular movement Rastokhez (Tajik for "rebirth") was founded in 1989 to revive Tajik culture and promote democratic ideas and institutions. The Democratic Party of Tajikistan was founded in August of 1990. The Islamic Rebirth Party originally was an underground movement throughout the former Soviet Union. The Tajikistan IRP was registered in 1991. Its founding charter enshrined democracy and parliamentarism, and endorsed an Islamic state, while recognizing that Tajikistan was not ready for an Islamic state. La'li Badakhshan was created in 1989 as an organization to promote the interests of Tajikistan's mountainous regions and to promote Badakhshani culture.

⁵ See James Rupert, "Soviet Asian Communists Strike Back," *The Washington Post*, September 24, 1991, p. A1.

⁶ The state of emergency was lifted on October 1, 1991.

⁷ Khudonazarov had been a reformist deputy in the USSR Supreme Soviet and the Chairman of the USSR Union of Cinematographers.

demonstrations originally began on March 23 on Shokhidon (Martyrs') Square with demands by the political opposition — Pamiris and their supporters — for the resignation of Safarali Kenjaev.⁸ Very quickly participants increased in number and their political base widened, with the DPT, the IRP, La'li Badakhshan, and Rastokhez playing key organizational roles. The demonstrators broadened their demands, calling for a constitutional referendum, parliamentary elections, and eventually the resignation of then-President Rakhmon Nabiev and the formation of a coalition government. Consistent with political-regional loyalties, a large proportion of the demonstrators supporting the political opposition on Shokhidon Square hailed from Dushanbe, Gorno-Badakhshan, and the Garm Valley; their ranks also included residents of Kurgan-Tiube who were of Garm or Pamir origins.

Pro- and anti-government demonstrations took place in Kuliab and Kurgan-Tiube throughout April. On April 26, these pro-government forces were bused from the provinces into Dushanbe, where they staged a mass demonstration on Ozodi (Liberty) Square in support of the government and of Mr. Kenjaev. Dushanbe became paralyzed by the two demonstrations, located less than a mile apart. Violence frequently broke out between the two sides, both of which had informal paramilitary groups. There were scattered instances of hostage-taking, beatings and killings. Violence significantly escalated after May 1, when President Nabiev issued a decree authorizing the distribution of 1,800 automatic weapons among his supporters on Ozodi Square in order to create an extraordinary battalion of the national guard.⁹ One of the worst violent incidents between this "national guard" and opposition supporters took place on May 5, in a village about twenty kilometers south of Dushanbe. Local residents refused to allow a column of buses transporting people from Kuliab to the pro-government demonstrations. An armed skirmish broke out after President Nabiev's "national guard" and armed bands from Shokhidon Square arrived on the scene. Village residents told Memorial HRC and Human Rights Watch/Helsinki Watch that at least two men from the extraordinary battalion were killed, as were about fifteen local men.

On the following days the political opposition and pro-government forces engaged in armed clashes for key government buildings in Dushanbe with opposition forces, gaining, among others, the television studio. On May 7 President Nabiev signed an agreement with political opposition forces that granted the latter eight ministerial portfolios (including the ministries of interior, security, defense and foreign affairs), significantly diminished his own power, and provided for the disbanding of his guard. This marked the beginning of a coalition government.

Both demonstrations in the squares disbanded, but the violence did not subside. On May 10 thousands of opposition demonstrators demanding that President Nabiev address them marched to the building of the State Committee on Security (KNB, formerly KGB), believing he was there. As the largely unarmed crowd approached the KNB building and began to take down a barbed-wire barricade, security troops, presumably KNB security troops, fired on them, killing about fourteen and wounding dozens of others.¹⁰

⁸ Kenjaev, then-speaker of the Supreme Soviet of Tajikistan, had publicly accused the Minister of Interior, a Pamiri, of corruption.

⁹ Decree of the President of Tajikistan on Creating a Special Force Brigade. Decree signed May 1, 1992, published in *Vechernyi Dushanbe*, May 5, 1992, p. 1

¹⁰ These facts were determined by a Memorial HRC-Human Rights Watch/Helsinki Watch joint fact-finding mission to Dushanbe in June 1992.

Tensions and violence between pro-and anti-Nabiev sides continued, and at first took the form of violence against pro-Nabiev Kuliabis. As a convoy of empty buses headed for Dushanbe to take pro-Nabiev supporters back to Kuliab, the bus drivers were taken hostage in Kofarnikhon, beaten, and then released. MVD and KGB staff members who were guarding the buses were killed in the incident. In Dushanbe a wave of robberies of homes belonging to Kuliabis reportedly began. The pro-Nabiev "national guard" did not surrender its weapons, as the May 7 protocol had required them to do, and armed clashes broke out between pro- and anti-opposition forces in Kuliab. Defeated divisions of supporters of the IRP and the DPT in Kuliab fled to Dushanbe in early June, and other opposition supporters and their families reportedly suffered continued violent attacks.

POLITICAL CHAOS

Throughout the summer of 1992, President Nabiev proved powerless and ineffective in ending the civil war that was surging through Kurgan-Tiube. The struggle for power within the coalition government continued, and Dushanbe sank further into chaos. On August 31 an opposition paramilitary group called the Youth of Dushanbe, along with a group of refugees from Kurgan-Tiube and Kuliab, seized the Presidential Palace, and with it several hostages, one of whom was brutally killed. Mass demonstrations in the ensuing days called for President Nabiev's resignation. On September 7 an opposition paramilitary group forced him to resign at gunpoint at the Dushanbe airport. Many believe that after this the influence of radical leaders of the IRP sharply increased. Dushanbe fell victim to warlordism and high crime, with dozens of paramilitary headquarters forming in the capital. Members of the old communist elite left the coalition government.

The Islamic-Democratic (IRP-DPT) government resigned in early November 1992 in preparation for the opening of 16th session of the Tajikistan Supreme Soviet in Khujand, which lasted until December 2. The Khujand session intended to create a government of national reconciliation, and included representatives of the former coalition government, field commanders fighting the civil war, and political leaders from Leninabad Oblast'. The parliament elected a new government (which continues to rule to this day), dominated by Kuliabis and the former Communist Party old guard, and elected Emomali Rakhmonov Supreme Soviet Chairman and Acting President. All parties to the armed conflict signed a cease-fire, which, like the others that had preceded it, was not observed.

ARMED CONFLICT

The spring demonstrations ended in May 1992, but the violence they engendered between armed factions spread throughout Kuliab and Kurgan-Tiube, in the south of Tajikistan. Since most supporters of the IRP and DPT fled Kuliab early on, the main fighting took place in Kurgan-Tiube. In early June, this took the form of local armed bands engaging each other and threatening civilians.¹¹ These bands had originated on the two opposing squares in Dushanbe: residents of Garmi and Pamiri origins supported the DPT and the IRP; ethnic Uzbeks and local Tajiks, including Kuliabis, residing in Kurgan-Tiube supported the old communist elite.

¹¹ See, for example, Aleksandr Karpov, "Tajikistan: Shooting in the Capital, Now — in the Outskirts," *Izvestiia*, June 11, 1992, p. 2.

These local, rag-tag bands received outside help in late June. The Kuliab-based national guard created by President Nabiev in May came to the aid of the Kuliabis in Kurgan Tiube, led by Sangak Safarov. Safarov, also known as "Bobo (Tajik for "uncle") Sangak," had served twenty-three years in prison for murder and was a leader of the pro-government demonstrations in the spring. This national guard was later succeeded by the "Popular Front,"¹² which was officially registered as a public organization¹³; the legal status of its paramilitary units is murky at best. Forces favoring the DPT and the IRP were organized by the National Salvation Headquarters, established on June 19 in Dushanbe and led by Davlat Usmon, deputy chairman of the IRP, and Shodmon Iusup, chairman of the DPT.¹⁴ Their ranks included Special Brigade Force (OMON) troops (who were overwhelmingly of Pamiri origins), some conscripts, and volunteers. Military commanders emerged in individual districts of Kurgan-Tiube, such as Ali Pundur, who operated in the Shartuz Raion. According to many different press accounts, Afghanistan, Uzbekistan, other CIS countries and Islamic states sent weapons, instructors and other military assistance to both sides.

By the end of June, both sides had scattered pieces of heavy artillery, including armed personnel carriers.¹⁵ Throughout the summer and fall the war raged in Kurgan-Tiube, as the Popular Front and other Kuliabi forces advanced through Kurgan-Tiube. The war was fought with cruelty that has become legendary. One field commander for anti-opposition forces noted to Memorial HRC and Human Rights Watch/Helsinki Watch that the savage war in Kurgan-Tiube was fought by both sides "without rules, and without wounded, only corpses." Neither side distinguished itself by humanitarian conduct in the war; ultimately, the side that won committed more atrocities. Civilians identified with one of the opposing sides became objects of horrendous brutality, including mass shootings, hostage-taking, disappearances, torture, and looting. After Kuliab's victory in Kurgan-Tiube in October, and after a significant portion of its population had fled their homes, most villages believed to have supported the opposition were systematically looted and burned.

By late November 1992, the Popular Front and other forces opposing the DPT-IRP coalition that were fighting with it had gained control of most of Kurgan-Tiube. Much of the rest of the country was under control of forces favoring the old guard as well, except for Dushanbe and Gorno-Badakhshan, which was protected by the high Pamir mountains. On October 24 military divisions from Kuliab and Hissar (to the west of Dushanbe) led by Safarali Kenjaev, attempted, but failed, to capture Dushanbe. The battle for the capital continued after Emomali Rakhmonov's government was elected in Khujand in November, despite the fact that DPT-IRP opposition forces, which still controlled Dushanbe, had recognized the new government and claimed they were prepared to greet it peacefully. Only in early December did paramilitary bands headed

¹² Nikolai Mular, Head of the Public Order Department of the Tajikistan MVD explained to Memorial HRC and Human Rights Watch/Helsinki Watch that the Popular Front "defended the constitution and the legal government. President Nabiev's decree in May granted them weapons. But back then they were formed as a [national] guard, and then since they didn't give up their arms they became the Popular Front."

¹³ The Popular Front was officially registered as a public organization only in October in Tursunzade.

¹⁴ Western diplomats claim this group answered to a radical mullah in Dushanbe, Abdul Gaffur, who is now a member of an IRP-sponsored "Opposition in Exile" in northern Afghanistan.

¹⁵ See Aleksandr Karpov, "Five-hour Battle in Tajikistan Opens a New Front on CIS Territory," *Izvestiia*, June 29, 1993, p. 1.

by the Popular Front enter Dushanbe and force DPT-IRP forces to retreat. In response to the unruliness and cruelty of these bands, Emomali Rakhmonov's government deployed a Ministry of Internal Affairs Special Force Brigade on December 10, which included among it Uzbekistan Ministry of Internal Affairs troops. Arriving in Dushanbe in tanks and armored personnel carriers, they met virtually no resistance from the local population and, according to one Western observer, succeeded in expelling one of the paramilitary bands. Several weeks later government troops (now loyal to Emomali Rakhmonov) and the Popular Front captured Kofarnikhon, an opposition stronghold. The war then shifted eastward, toward Garm and Romit, until the two regions were captured by government forces in February and March 1993, thanks in part to Uzbek military assistance.

The war in the south created nearly 100,000 refugees. In November Tajiks fled en masse to Pianj, a town in Tajikistan that borders Afghanistan, where they were victims of attacks by pro-government forces and faced harsh weather and lack of food and medicines. When Tajik government forces seized control of Pianj in late December, about 90,000 crossed the border into Afghanistan.

RECENT EVENTS

While thousands of refugees have, since May 1993, been repatriated from Afghanistan, many more remain in refugee camps. An estimated 3,000 Tajik men are believed to have been trained and armed in refugee camps by Afghan factions. The Tajik rebels and Afghan mujahadin in recent months sparked clashes with Russian border guards along the Tajik-Afghan border, which have become nearly a daily occurrence. The most intense of these, on July 13, resulted in the death of twenty-five Tajik families and twenty-five Russian servicemen¹⁶ and produced a sharp reaction in Russia, recalling that country's ten-year war in Afghanistan.¹⁷ In response, Russia reportedly shelled and bombed rebel positions in northern Afghanistan.¹⁸

Rebel activity continued through the summer of 1993 in the Garm mountains and in Gorno-Badakhshan.¹⁹ Tajikistan government forces bombed rebel positions in Gorno-Badakhshan, reportedly beginning in early August. About the same time, a summit of Central Asian and Russian leaders in Moscow brought about promises from the presidents of Kazakhstan, Uzbekistan and Kyrgyzstan to contribute border troops to the Tajik-Afghan border, and a promise from Tajikistan President Emomali Rakhmonov to enter into negotiations with the armed opposition.²⁰

¹⁶ See, Aleksandr Karpov and Viktor Litovskii, "Hundreds of Deaths Result from the Mujahaddin Provocation of the Tajik-Afghan Border," *Izvestiia*, July 15, 1993, p. 1, and "What Russian Servicemen Are Dying for on the Tajikistan's Borders," *Ibid*, July 16, 1993, p. 1.

¹⁷ Mukhammad Umar Asir, Afghanistan's ambassador to Tajikistan, remarked on the similarity between Russia's involvement in his country and in Tajikistan: "The current situation in Tajikistan is a one-for-one repetition of the situation in our country: partisans in the mountains — and in the valleys, government forces and Soviet troops." See Igor Rotar, "Military Union Between Moscow and Dushanbe," *Nezavisimaia Gazeta*, July 9, 1993. See also, Igor Rotar, "The 'Afghanization' of the Tajik Conflict," in *Ibid*, August 3, 1993, p. 3.

¹⁸ The Russian Ministry of Defense denied this.

¹⁹ See Oleg Panfilov, "Opposition Attack Becoming Likely," *Nezavisimaia Gazeta*, July 9, 1993, p. 3.

²⁰ See Vera Kuznetsova, "Talks in Moscow and Solving the Tajik Problem Are Not Synonymous," *Nezavisimaia Gazeta*,

THE ROLE OF RUSSIA AND UZBEKISTAN

Upon the signing of the Tajik-Russian Treaty on Friendship and Cooperation (hereinafter, the Friendship Treaty), Tajikistan Supreme Soviet Chairman Emomali Rakhmonov, expressing his gratitude to Russia for its assistance to his troubled country, stated that if it were not for "Russia and Boris Yeltsin personally, and Uzbekistan and Islam Karimov personally, then Tajikistan would already have ceased to exist."²¹ This statement bespeaks the current Tajik government's extraordinary dependence on Russia and Uzbekistan. Russia furnishes at least seventy percent of Tajikistan's desperately-needed economic aid,²² in addition to significant military assistance; Western diplomats have estimated that Russia provides up to fifty percent of Tajikistan's state budget. The Friendship Treaty, signed on May 25 and ratified by the Russian parliament on July 15, 1993, provides for wide military, economic, trade, and legal and cultural cooperation.²³ Significantly, it requires the observance of human rights of all persons in Tajikistan, and mandates the establishment of a mixed government commission on human rights (Article 18). On the eve of the pact's signature, Russia granted Tajikistan five billion rubles in straight economic assistance and extended twenty billion rubles in credits.²⁴

Russia's military commitment in Tajikistan consists of the 201st Motorized Division, subordinate to the Russian Federation Ministry of Defense and stationed in Dushanbe and Kurgan-Tiube, and the border guards, who are subordinate to the Russian Federation Ministry of Security.²⁵ According to the Friendship Treaty, these forces shall remain in Tajikistan during a transitional period, until such time as Tajikistan has formed its own border guards. Russian Ministry of Defense border troops constitute the overwhelming majority of the border forces guarding the Tajik-Afghan border. In July 1993, after Afghan and Tajik rebels killed twenty-five Russian border guards, Defense Minister Pavel Grachev denounced the attack, stating that it was "a direct threat of interference in Russia's domestic affairs and an undeclared war waged by some militant groups against Russia."²⁶ President Boris Yeltsin, Minister of Defense Pavel Grachev, and Minister of Foreign Affairs Andrei Kozyrev have each stated that Tajikistan is an area of special interest to Russia.

Many question Russia's claim that its military forces have been neutral throughout the political

August 8, 1993, p. 1.

²¹ Vera Kuznetsova, "Yeltsin and Rakhmonov Confirm their Mutual Positions." *Nezavisimaia Gazeta*, May 26, 1993, p. 2.

²² Tajikistan Minister of Foreign Affairs Rashid Olimov, in a meeting with representatives of the Russian Federation Ministry of Foreign Affairs and Supreme Soviet Human Rights Committee, Dushanbe, May 27, 1993.

²³ Many believe that the border attack on July 13 speeded up the Russian parliament's ratification of the Treaty. See Albert Plutnik, "Don't Let Tajikistan Become A Second Afghanistan," *Izvestiia*, July 17, 1993, p. 8.

²⁴ Meeting with Sergei Kovalev and Tajikistan's Foreign Minister Olim Rashidov, May 27, 1993.

²⁵ Two-thirds of the officers in the Tajikistan Ministry of Defense are Russian. These are not to be confused with the Russian officers serving in the 201st.

²⁶ Nanette van der Laan, "Russia Vows to Avenge Tajik Border Attacks," *The Moscow Times*, July 17, 1993, p. 5.

turmoil and civil war in Tajikistan.²⁷ When in May 1992 President Nabiev distributed 1800 Kalashnikovs to his supporters on Ozodi Square, it was believed this was done with the assistance of the 201st Division. Colonel Anatolii Ivlev, Deputy Commander of Public Relations of the 201st Division, vigorously denied this in a meeting with Human Rights Watch/Helsinki Watch in June 1993. However a retired colonel who worked as an instructor in the 201st Division told Human Rights Watch/Helsinki Watch that "we gave out [the guns] after [then defense committee chairman] Rakhmonov gave arms to the [local Nabiev supporters]. We taught them how to aim and shoot. Of course the guns disappeared after that."²⁸

Russian Army equipment and personnel were reportedly used in several armed clashes on the side of Nabiev, and then Rakhmonov, supporters during the civil war.²⁹ Many speculate that the forces favoring the current government either bought, received as gifts, or simply stole their weapons from the 201st Division.³⁰ Throughout the war the 201st Division, to its credit, delivered humanitarian relief aid and, in some cases, protection to fleeing refugees.³¹ In other cases, Russian soldiers have been implicated in either shooting or failing to protect fleeing refugees. Although by its mandate the 201st Division does not intervene in Tajikistan's internal security matters, during the winter and spring it conducted joint operations with the Tajikistan MVD and KNB to search and seize weapons in Kurgan-Tiube, Dushanbe, Kuliab and "wherever they asked our assistance."³² The 201st Division's role in these operations is to provide protection to the KNB and MVD forces. Its other role is to protect, in coordination with the Ministry of Defense border troops, Tajikistan's border with Afghanistan.

Another part of the 201st Division's mandate is protecting the Russian minority in Tajikistan. With this in mind, Colonel Ivlev told Human Rights Watch/Helsinki Watch that the majority of the 201st Division's officers have stated that they have a moral duty to remain in Tajikistan until "there is a civilized way of settling the issue of where the Russians will live — whether they will be moved to Russia or whether they want to stay here." Having lost to emigration significant numbers of troops, the 201st Division is actively hiring "*kontraktniki*" — ethnic Russian men who grew up in Tajikistan, already served their obligatory military service, and are willing to serve for short periods in the 201st Division. It is unclear how many *kontraktniki* currently work for the 201st Division, but Colonel Ivlev allowed that in some divisions they make up two-thirds of the ranks.

Uzbekistan also has a significant military commitment in Tajikistan. It is reportedly assisting the

²⁷ See Mark Champion, "The Guise of Neutrality," *The Moscow Times*, March 13-14, 1993, p. 1.

²⁸ Anonymous interview, February 9, 1993.

²⁹ See Human Rights Watch/Helsinki Watch letter to President Yeltsin of November 1, 1993, on the involvement of Russia's armed forces in the conflicts outside Russia.

³⁰ Colonel Anatolii Ivlev, Deputy Commander of Public Relations and spokesman for the 201st Division denied in an interview with Human Rights Watch/Helsinki Watch that members of the 201st sold weapons to either parties to the armed conflict in Tajikistan. Interview on June 7, 1993.

³¹ According to Colonel Anatolii Ivlev, Deputy Commander of Public Relations, Human Rights Watch/Helsinki Watch interview in Dushanbe, June 7, 1993.

³² *Ibid.*

Tajikistan government in establishing new security forces,³³ including the Ministry of Defense, the KNB, and the MVD. Indeed, one Western diplomat in Dushanbe characterized Tajikistan's security forces as "driven by Tashkent."³⁴ Uzbekistan MVD patrols Khujand, and its national army troops guard key government buildings in Dushanbe. Airplanes used to bomb rebel positions in Garm reportedly belonged to Uzbekistan (Tajikistan does not have an air force). Uzbekistan President Islam Karimov denied that the planes were under Uzbekistan command, claiming that they were under the commander of CIS forces, Evgenii Shaposhnikov.³⁵ Some Western diplomats believe that Uzbekistan exerts a positive political influence on Tajikistan, and, along with Russia, encouraged the government to negotiate with the armed opposition. In meetings with Human Rights Watch/Helsinki Watch diplomats in Dushanbe also pointed out Uzbekistan's humanitarian assistance to Tajikistan, which included food and medicine to Gorno-Badakhshan in February 1993.³⁶ At the same time, the government of Uzbekistan has repeatedly used unrest and the "Islamic fundamentalist threat" in Tajikistan as a pretext to justify systematic human rights abuses in its own country.³⁷

³³ The defense minister and commander of the planned national army of Tajikistan, General Aleksandr Shashlianikov, is a Russian from Tashkent whose appointment was reportedly personally approved by President Karimov. Officers in the Turkestan Military District in Tashkent (mostly Russian speakers) have been offered three years of credit toward their pensions for each year they volunteer to serve in the Tajikistan army. Human Rights Watch/Helsinki Watch interviews with official of the Ministry of Defense of Uzbekistan, Tashkent, May 13, 1993, and with officials of the Uzbekistan KNB, May 14, 1993.

³⁴ Human Rights Watch/Helsinki Watch interview, June 5, 1993.

³⁵ Human Rights Watch/Helsinki Watch telephone interview with Chris Bowers, BBC correspondent in Tashkent, March 1993.

³⁶ Western diplomats dismissed widespread Tajik fears that Uzbekistan's military commitment in Tajikistan is aimed at claiming land and fulfilling Uzbekistan's historic role as the dominating power in the region.

³⁷ See, Helsinki Watch, *Human Rights in Uzbekistan*, April 1993.

CIVIL AND POLITICAL RIGHTS

INTRODUCTION

In the first few weeks after the current government came to power, pro-government paramilitary forces came to Dushanbe and committed appalling human rights violations, including summary executions, capturing and beating or torturing presumed supporters of the opposition, and terrorizing civilians. Toward the end of January these incidents became less frequent; at the same time the procuracy began arresting, or issuing arrest warrants for, leaders of the opposition.

Internal Security

Government officials interviewed by Human Rights Watch/Helsinki Watch and Memorial HRC did not deny that through January many incidents of murder, robbery and violence took place. They maintained that law enforcement bodies were disorganized and depleted, having lost the Pamiris who had made up a significant portion of the MVD's command structure and its Special Purpose Police (OMON) (they were either killed in the civil war or were forced to flee to Gorno-Badakhshan); moreover, a significant portion of other law enforcement forces were killed in the civil war. In the estimation of the Deputy Minister of Internal Affairs Colonel Gennadi Blinov, the period of paralysis in the MVD ended only in the second half of January.

Until its dissolution in spring 1993, the Popular Front was formally under the supervision of the MVD, carrying out orders of law enforcement bodies. After they succeeded in taking Dushanbe, the Popular Front reportedly regrouped in the south, toward the Afghan-Tajik border.

Colonel Blinov told Memorial HRC and Human Rights Watch/Helsinki Watch that "a significant number of people who fought against the former government split off from the Popular Front and began to commit crimes — armed assault and robberies." At the same time, MVD officials claim that the Popular Front members were not guilty of any of the above crimes, and that any armed band acting in the name of the Popular Front was falsely using the latter's name. Based on its on-site research, Memorial HRC and Human Rights Watch/Helsinki Watch consider this explanation insufficient. While it is clear that a number of unruly militias, including the Popular Front, were operating during this period, they were fighting for the government, which must take responsibility for punishing the perpetrators of crimes. According to Saidimir Zukhurov, Chairman of the KNB, individuals from Kuliab make up forty percent of criminal suspects in custody, among them members of the Popular Front, the MVD and other law enforcement bodies. However, according to the procuracy, not a single criminal case has been opened against a member of the former Popular Front for atrocities and other crimes committed during the winter of 1992-1993.

In addition, Memorial HRC and Human Rights Watch/Helsinki Watch are alarmed that, given the human rights abuses committed by the Popular Front, hundreds of members of the Popular Front (which was disbanded this past spring) have been absorbed into the Ministry of Internal Affairs troops. Former Popular Front members constitute the base of a recently-formed MVD special brigade, led by Abdugaffur Mirzoev, and several regiments of the Popular Front have been completely absorbed into the national army

of Tajikistan, among them the battalion led by the notoriously brutal Faizali Saidov, now deceased.¹

Continuing Warlordism and Government Response

Various paramilitary groups — some believed to have emerged from the Popular Front — continue to threaten human rights and public order in Tajikistan by killing, seizing hostages, and robbing and occupying homes. Their targets have mainly been opposition activists and people of Pamiri and Garmi origins, and they have threatened or carried out acts of violence sometimes in the presence of law enforcement officials. In at least two incidents (see below), their targets were government officials of Garmi or Pamiri origins who had been specifically invited by the Tajikistan government to return from exile to their government jobs. Such actions call into question the government's promises of safety to returning members of parliament and reflect a lack of willingness or ability on the part the current government to fulfill its stated policy of national reconciliation.

In other incidents, warlords simply acted with impunity in the presence of law enforcement officials. On June 30, for example, Abdukodir Kholiqzoda, a member of the board of Rastokhez, was called to a district procurator for questioning. During the questioning a group of four armed men burst into the room and took Kholiqzoda away, threatening to kill him. Mr. Kholiqzoda told Human Rights Watch/Helsinki Watch that the armed men put him in a car with Kuliabi license plates, in which he saw, also being held, Makhmadali Rabiev, a district Rastokhez chairman from Kuliab who had disappeared in March (see below). The armed men drove Mr. Kholiqzoda to the republic procuracy, where they took him from the car and threatened to shoot him near the procuracy building. The incident came to an end when republic procuracy officials approached the scene. The armed men were not arrested.

On March 25, 1993, armed men took seventeen-year-old Jamshid Shapirov from class in a Dushanbe technical institute. Jamshid was not in any political movement, but during the unrest in September 1991 had been among the hunger strikers who protested, demanding political change. According to Jamshid's mother, Chinigul Karimova (see below), the men held him in the institute's dormitory (which they apparently had been using as a headquarters), where they beat him, burned his fingers, and threatened to kill him if he did not deliver one million rubles within three days. During his detention the armed men reportedly said to Jamshid, "I know all those people who went on a hunger strike on the square. They should all be killed." Police eventually broke down the door to the room where the paramilitaries were holding Jamshid, and took the him and the leader to the police station. Both were released.

Government Responses to Human Rights Inquiries

In meetings with Memorial HRC and Human Rights Watch/Helsinki Watch, as well as in correspondence with Human Rights Watch/Helsinki Watch, government officials always begin their response to specific human rights inquiries by recounting human rights abuses that allegedly took place under the coalition government.² We were told about the coalition government's blockade of Kuliab and

¹ According to Nikolai Majar, Head of Public Order Department of the Tajikistan MVD. Memorial HRC- Human Rights Watch/Helsinki Watch interview, June 3, 1993.

² See Appendix.

the famine that resulted from it, hostage-seizing (victims of which included members of parliament and other government officials, some of whom met with Memorial HRC and Human Rights Watch/Helsinki Watch), and of specific, gruesome incidents of summary executions of people opposed to the coalition government, who were reportedly tortured before they were shot. Government officials express understandable consternation that no human rights organization sent fact-finding missions or wrote letters of protest during that turbulent period. Memorial HRC and Human Rights Watch/Helsinki Watch recognize that human rights abuses took place under the previous government and regret that we were unable to conduct a thorough investigation at that time.³ We do not believe, however, that these practices in any way justify the current government's human rights record.⁴

SUMMARY EXECUTIONS AND OTHER VIOLENCE BY PRO-GOVERNMENT PARAMILITARY FORCES

Summary executions are strictly forbidden by basic international human rights documents, including the ICCPR (Article 6.1).

Dushanbe

After government forces and pro-government paramilitary groups arrived in Dushanbe, the number of murders committed in the capital increased dramatically. The Deputy Minister of Internal Affairs told Memorial HRC and Human Rights Watch/Helsinki Watch that it was impossible for him to estimate the number of murders that took place in December and January, but suggested that there were about ten murders per day. About the same number of disappearances took place every day, which Colonel Blinov considered essentially "the same as murders." He further noted that eighty percent of murder cases now registered relate to murders that took place last year.

Many of these killings are believed to have been politically motivated summary executions. Beginning in mid-December, according to eyewitnesses interviewed by Memorial HRC and Human Rights Watch/Helsinki Watch, Popular Front soldiers and other pro-government forces stopped buses and trolley buses, stopped people on streets, and deployed forces at the Dushanbe airport in order to check individuals' documents. In many instances, those whose passports indicated that they were born in Pamir or Garm were killed or simply taken away and never heard from again.

Alarmed by the killings of Pamiris, in December 1992 the Gorno-Badakhshan (Pamiri) Soviet created a commission to investigate the deaths. The commission, headed by its Chairman Shabozov, went to Dushanbe and gathered a list of more than 300 Pamiri deaths by making rounds in morgues, mass graves, and in private homes. In addition, it helped Pamiris flee Dushanbe. M.Z., a history teacher at the Dushanbe Pedagogical Institute and a member of the commission, told Human Rights Watch/Helsinki

³ Human Rights Watch/Helsinki Watch criticized the coalition government's human rights record in the Human Rights Watch's 1993 *World Report*.

⁴ Typical of the Tajikistan government's attitude toward human rights investigations and reports was its reaction to Amnesty International's report, "Hidden Terror," in a statement by the Ministry of Internal Affairs press center published in *Narodnaia Gazeta*, June 10, 1993. The statement dismissed Amnesty International's findings, and charged that Amnesty International was an "imperialistic organization."

Watch that in their meetings with the MVD, Procuracy and KNB, "We showed them the facts, and they seemed convinced. But they would say, 'we're powerless, because our guys can't fight the massive level of crime.' Yet on the other hand the KNB had given a warning [at the end of November] that a kind of offensive was going to take place against Pamiris."⁵

M.Z. noted that their visits to the morgue were frustrating because morgue staff workers were afraid to allow photographs to be taken or tests to be run on the corpses.

M.Z. described two of the commission's trips to the Dushanbe city morgues:

We would go to the morgues. ... We went there on January 28 and saw the bodies of twenty-one guys who had been seized in Varzob. On the 30th and 31st we went back and saw bodies that were brought in on January 28 from the Takob Sovkhoz [state farm, about forty kilometers from Dushanbe], which is ten percent Pamiri. Most of the Pamiris who lived there fled, and the ones who stayed were arrested. There were fourteen bodies from Takob, and they were burned. A woman from the [state farm] identified the bodies for us. They had been shot from under the chin, through the skull and the back of the head. [Some of them] had their heads split. Their hands and feet had been tied together, and some of them had their legs broken in several places.

They had shown two of the boys from Takob we found [in the morgue] on television. It was obvious just by looking at them that they had been beaten. Behind them there were two fighters with automatics. The boys shuddered when they talked. The announcer asked them if they took part in the [spring] demonstrations, if they had guns, who gave them guns. This was on January 28, about 8:30 p.m. They interrupted the regular evening program. The whole thing took ten minutes or less.

M.Z. also told Human Rights Watch/Helsinki Watch of several other cases of murdered Pamiris he had learned about, but whose corpses he did not see at the morgue. These included Alior Shokaidarov, a thirty-year-old physicist, and his twenty-two-year-old brother, Alikhaidar. The two were reportedly taken from their home in the 33rd microraiion by armed men at about 8:00 p.m. on January 28. The wife of the elder Shokaidarov, who recounted the case to M.Z., found the two bodies near the Dushanbe river.

A correspondent working for an international wire service described what she experienced in Dushanbe on December 14:

If you were Russian, Uzbek or a foreigner, you could stay on the buses. If you were a Tajik, they would check your papers or make you get off. They would say, "Let me see your documents," and if you were a Garmi or a Pamiri they would make you get off.

On [the 14th], they stopped a bus in front of the Circus, at the extreme east end of town. It's a huge intersection. It was about mid-day. There were three soldiers, one Russian, one Tajik, and one Uzbek. They spoke in Russian, not in Tajik. No one on the bus asked who they were, and they didn't offer any explanation. Some people showed their passports, but others didn't have them with them. The Tajik soldier let a few people go who said they didn't have their passports with them.

⁵ Interviews with Human Rights Watch/Helsinki Watch in Moscow, February 11, 1993 and July 10, 1993.

Two young men refused to show their passports. They were about eighteen or twenty. They didn't want to go in the truck (that was parked there). The soldiers killed them. The whole thing took ten or fifteen minutes.

A journalist who asked Human Rights Watch/Helsinki Watch not to use his name recounted an incident typical of the above-mentioned pattern. On December 15 or 16, as he was riding along with his neighbor and his neighbor's wife on a crowded trolleybus, paramilitaries stopped the trolley at a checkpoint on Nigakatarabaeva Street. The armed men forced six people off the bus, among them the journalist's neighbors, who were Pamiris. Their bodies were found two weeks later in the 65th microrai.

Khikmatullo Davlatov, a twenty-year-old resident of the former Kurgan-Tiube Oblast', arrived in Dushanbe on December 22, 1992, after finishing his military service in the Russian Navy. Several days later Mr. Davlatov, who is of Garmi origins, became frightened by the events in Dushanbe and attempted to leave the country, in the words of his father, "to save his life." Armed men seized him from an airplane as it was waiting on the tarmac at the Dushanbe airport, and took him away. His father told Memorial HRC that he was able to find his son's body only five months later in a grave outside Dushanbe that contained eight other corpses.

Normukhamad Taborov, a twenty-three-year-old man of Pamiri origins whose relatives were close to the political opposition, was captured by men in camouflage while he was driving past a city checkpoint on January 15. His parents told Memorial HRC that they informed the police of their son's disappearance, and Tajikistan television announced the incident and ran a photograph of the young man. An anonymous teenager informed the police that he had witnessed the killing of Mr. Taborov and several others in the village of Kul'pista, outside Dushanbe. Mr. Taborov's body was found a week later, his face mutilated. Although the man's death continues to be investigated, no suspect has been found. Taborov's relatives believe that it would be fairly simple for government officials, had they the will, to find the paramilitaries who manned the checkpoint on January 15.

Paramilitary bands also broke into individual homes. On December 26 a band of about twenty paramilitaries reportedly arrived by armed personal carrier to a residential district of Dushanbe, broke into the home of Mukhtabar (the woman asked Human Rights Watch/Helsinki Watch that her true name not be revealed and to conceal her age and profession), beat her and her husband, made cigarette burns on her nine-year-old child's face, demanded to know where they were hiding weapons (they had none), and shouted accusations that they were "vovchiks," or Islamic oppositionists. Mukhtabar said she saw the paramilitaries take her husband away in the armored personnel carrier.

Mukhtabar told Human Rights Watch/Helsinki Watch:

It was about 9:00 p.m. It was after dinner, I just had a bath and my husband was watching t.v. The doorbell rang. My husband opened the door, then they immediately slammed the door open and came in. They were in camouflage uniforms. They were heavily armed, with stuff on their belts. There must have been twenty or twenty four of them. They were in the apartment and in the APC. They pulled out the telephone, they hit me on the head, and I fell unconscious.

When I came to, I saw them holding my son in the air and saying, "let's shoot him in the

mouth, he's a Pamiri. [My son] was so scared he wet himself. They were taking down the carpets from the wall and were taking everything. I asked them what they were doing, and they said they were looking for guns.

They kept ordering me around, telling me to sit down, get up, tossing me around like a ball. They pulled me by the hair and threw me down. They searched me everywhere. They told me to take off my clothes, and said, "you know, some women hide hand grenades in their [private parts]." Three of them put their fingers there. [At one point] I said, "But we aren't from Garm, we're not Pamiris!" They called me a "vovchick" whore, Kazi's [religious leader of Tajikistan] wife.

They beat my husband terribly on the balcony, but he didn't scream. He just said, "Don't touch my wife." They took us out to the street about 10:00, I was cold, I had no clothes on. They shot their guns in the air and put my husband in the APC.

I had blood everywhere and bruises all over my body.

According to Mukhtabar, her husband's dead body, which neighbors helped her locate the next day in the city morgue, was missing his nose, ears, and lips and fingertips. She reported that there was a bullet behind his right ear. The forensic record indicated that the body had been found by the Karabola bridge.

It is important to note that not all armed people who committed summary executions belonged to pro-government forces. A teacher in a Dushanbe university — an ethnic Uzbek whom Memorial HRC and Human Rights Watch/Helsinki Watch have met several times — reported that on January 4 a group of armed men called her nephew, a member of the Popular Front, onto the street. They shot him point-blank in the back of his neck.

During its mission in Dushanbe, Human Rights Watch/Helsinki Watch received reports of the deaths of three MVD officials and one KNB official, all Pamiris. Davlatsho Shirinbekov had been a MVD major and had served about twenty years in the MVD. He fled Dushanbe in December and returned to Dushanbe in May, reportedly at the government's invitation. On May 31, a few days after Mr. Shirinbekov returned to his job, armed men reportedly seized him from work, at mid-day. His body was found the next day on Sovkhoz Ilichurchii. On May 26, armed men reportedly seized Alisher Arabshoev and Davlatsho Zardabilov, both about age twenty-seven, from the Dushanbe airport, where they had flown from Khorog, the capital of Gorno-Badakhshan. Their bodies were found on June 1 near a school in Dushanbe. Thirty-year-old Nehmat Hikmatov, a KNB employee, was reportedly seized at his home in Dushanbe on May 26. His body, reportedly mutilated, was found four days later at the Fakhrabad Pass.⁶

Subulak

On December 26, a paramilitary division that identified itself as the Popular Front stopped on its way to Garm to spend the night in Subulak, a village of about 110 families located forty kilometers northeast of Dushanbe. About sixty or seventy fighters were reported to have come to Subulak with eight or nine

⁶ Human Rights Watch/Helsinki Watch is grateful to Amnesty International for some of the details concerning these four cases.

tanks and armed personnel carriers. They were reportedly well-received by villagers, who claim they prepared a meal and beds for them. According to five villagers, interviewed separately by Memorial HRC and Human Rights Watch/Helsinki Watch, the village was politically neutral and had never quartered opposition rebels. That evening two Popular Front troops were killed in unclear circumstances, and by early morning the Popular Front reportedly had shot between forty-three and forty-seven villagers (including the chairman of the local government, the chief of police, and two women, who were apparently shot by accident), and forced the remaining villagers to collect the bodies and bring them to the village mosque. The fighters also reportedly raped several women, robbed many homes, and stole twenty-two cars and several trucks. The fighters returned to the village four or five times; during the last visit — which took place about one week before Human Rights Watch/Helsinki Watch's visit — the fighters came in civilian clothes and demanded registration papers for the stolen automobiles.

While none of the villagers who talked to Memorial HRC and Human Rights Watch/Helsinki Watch witnessed the killings, three reported that most of the dead had been shot in the head. Begnazar Oiev, a village elder who had worked on the kolkhoz all his life, went to the mosque after the bodies had been gathered. He told Human Rights Watch/Helsinki Watch that "there were sixty-three or sixty-four bodies, we counted them ourselves. Of them forty-three were ours [from our kishlak] and the others were from the road, were visiting. They were shot in the eyes and ears. [On most of them] the rest of their bodies were all right, except for the heads and the eyes. They were all men, from twenty to sixty years old. They were all in their own clothing."

Among the dead were Mr. Oiev's eldest son, his brother, Bogdishor, and his brother's two sons, Baiderdy and Magreddin.

According to "Rashid," who had helped bring the bodies to the mosque and bury them, many of the bodies had gunshot wounds in the forehead. A woman whose husband and son were among the killed told Memorial HRC and Human Rights Watch/Helsinki Watch that her husband's body had six bullet wounds in his head and in other parts of his body, and that her son's head had been smashed. The woman, who was in her fifties and asked not to be named, told Human Rights Watch/Helsinki Watch that the trouble began late at night:

They came here, to our kishlak. We put them up in the school. We slaughtered a lamb and brought them blankets and sleeping pads. One of my sons was in the kitchen helping to prepare the meal for them. He came home at midnight and said, 'those soldiers say that they are going to check passports and search for refugees and weapons.' Starting around one you could here shooting here and there. Then they surrounded the kishlak, and by five the big shooting started.

I didn't go out of my house. They started beating my husband and son near the barber shop. They thought [the soldiers] were going to take them to a headquarters and ask them for their passports. We found my husband's body near the shop and my son's body near the barber shop. They killed my son in front of my husband, and my husband said, 'Don't kill my son, I have gold and money, I'll give it all to you, just don't kill him.' There were people who survived, and they told me this.

Reports from other residents of the kishlak confirm the woman's statement that the victims were shot in different places in the village. "Rashid," for example, told Human Rights Watch/Helsinki Watch that:

Some were shot near their homes, some they had chased to the road, they shot them here, there, wherever. Some people who they wanted to shoot stayed alive. They wanted to shoot them, but stopped and said, 'Ekh, we don't need that one,' or 'Ekh, let's let this one go.' There wasn't anyone they listened to, like a commander, and they didn't even listen to each other. When they shot the village chairman, afterwards one said to the other, 'What did you do that for?'

I don't know any of those Popular Front fighters, but they say that one of them was named Sasha Mirzoev, from Regar. They were drinking, and they were on drugs.

Villagers reported that the procuracy questioned villagers but did not open an investigation of the incident. A man who asked not to be named told Human Rights Watch/Helsinki Watch that:

Two parliamentary deputies from our district came with a Popular Front commander and a KGB chairman. I know them. . . I had talked to them several times before. We met with them, and they told us the truth. Two of their men from the Popular Front also had been killed. They said, "you see, our guys were killed, so we did that."

A high-level MVD official in Dushanbe seemed unaware of the incident, but merely commented at length that Garmis in other villages had been known to "kill their own" and blame Kuliabis for the deaths simply in order to incriminate Kuliabis.

Ovul

Located on the outskirts of Dushanbe, Ovul was a base for DPT-IRP rebels in late November and early December. Most of Ovul's civilian population — Garmis by origin — fled the village along with the rebels when government forces began shelling it. On December 10 the Popular Front and a paramilitary group from Hissar took control of Ovul with no resistance; they stayed for two weeks, whereafter they returned regularly through the spring. One hundred seventy-six houses — nearly all the homes in Ovul, with the exception of a few belonging to people of Kuliabi origins — were robbed and burned. Memorial HRC representatives and a staff member of the Human Rights Committee of the Russian parliament who visited the village noted that most of the houses did not appear to have been destroyed in combat, but rather as the result of intentional burning.

Villagers who remained throughout December reported to Memorial HRC that paramilitary forces — presumably seeking rebels or men of military age — searched apartment buildings on the outskirts of the village, brought out men (mostly of military age), and shot them on the streets. Among the dead was a man of sixty or seventy and two children, one age six and the other, eleven. After villagers returned to Ovul, they discovered the bodies of fifty-two people from the village, and a total of 150-238 bodies. Residents claimed that paramilitaries would bring people they had arrested to Ovul and shoot them there, and that the bodies of the dead were often burned. Ovul residents told Memorial HRC that threats, beatings and robberies by armed bands continue to this day. Residents of Ovul face circumstances similar to that of returning refugees in the south of Tajikistan (see below): they lack protection from paramilitary groups, live in devastated homes, and have few reconstruction materials.

Apparently no law enforcement officials came to Ovul to examine the bodies before they were

buried, nor did they question residents about the corpses. Highly-placed officials in the Ministry of Internal Affairs and the procuracy informed Memorial HRC and Human Rights Watch/Helsinki Watch that they were investigating the circumstances surrounding the destruction of houses in Ovul, and claimed both that the destruction resulted from combat activities and that opposition forces themselves burned the houses. They denied that pro-government forces were involved in any illegal activities there.

Kyrgyzon

Military activities to oust armed rebels from Kyrgyzon, a village about twelve kilometers northeast of Dushanbe, ceased toward the end of December. On January 17 the Popular Front organized a "people's court" and public execution of Makhmarajab Nazarov, a thirty-one-year-old man whom neighbors had accused of murdering their two sons. According to the man's father, interviewed by Human Rights Watch/Helsinki Watch, on January 16 the Popular Front captured the man and brought him to the police station, which it was using as its headquarters. The next day the "trial" took place before the kolkhoz's 2,000 or so inhabitants, and consisted of armed men asking Nazarov, whose face was covered with bruises, to repeat what he had apparently said at the Popular Front headquarters. The armed men asked Nazarov one question: "Did you murder the two sons of your neighbor?" After Nazarov answered yes, two gunmen — in the presence of the kolkhoz chairman — shot him, pumping two magazines of bullets into his body. The local procurator called Nazarov's father, sixty-three-year-old Abdunazar for questioning on January 25 and on February 10. Upon learning that the man's son had "confessed" before being executed, the procurator reportedly said, "Well, that means he was guilty." No investigation was opened into the summary execution.

The elder Mr. Nazarov's said that the incident began when the parents of the dead men came to his house, demanding Makhmarajab. He recounted the incident to Human Rights Watch/Helsinki Watch:

The neighbors came for him at night and they all started looking for [their dead sons]. They even went to Dushanbe to look for them. Then they started looking again and Makhmarajab found one body near the railroad; they found the other near the mosque. The parents accused Makhmarajab of doing it. They went to the Kofarnikhon district police.

Together with a doctor, some fighters came and said they were from the militia. They questioned people, . . . but they did not ask me anything. They took Makhmarajab while he was digging a grave for [my neighbor's dead sons]. They came back at about 8:00 that night with Makhmarajab and searched the place, and said they were going to investigate, and then went away and took my son with them. The next day at noon armed men came back and said they had found the murderer. They said they were going to do a show trial and shoot the murderer. The kolkhoz [work] brigade leader went from house to house to announce this. At first they said they had found three people, but they brought out only my son.

They had the "trial" by the railroad tracks, where they found the bodies. They said to the people, "All right, he is the one who did it. We found the murderer. We'll kill him the same way Stalin killed such murderers." We begged them to wait a few days, that they would find the murderer, but they didn't want to. They started to shoot with two automatics. Makhmarajab put his hands up to say something but they didn't let him. Everyone in the crowd was silent. They gave us a half hour to bury him. His fingers were tied together. They wouldn't let us bury him according to Islamic custom.

The gunmen — I didn't know them. They had beards and were wearing camouflage uniforms. [I think] they decided that Makhmarajab was guilty because I am from Garm and because some of my family members fled to Garm.

Iuzhnii

The village of Iuzhnii, part of the city of Dushanbe, was a base for opposition rebels until the beginning of December. On December 6, a group of men dressed in traditional Tajik robes and caps were riding in a truck to the burial of a religious man. An armored personnel carrier, with the name "Faizali" (one of the Popular Front commanders) apparently drove by and, upon learning that the men were about to bury a religious man, reportedly said, "We've been looking for them, and the `vovchiks' are here." As the truck drove away the APC opened fire, killing seventeen of the men on the truck. The wife of one of the deceased, who asked not to be identified, related the incident to Memorial HRC.

Leninskii Ralon

In the last days of December unidentified armed men came to the home of Gaibullo Abdulloev, a teacher who was studying Islam. His wife told Memorial HRC that the armed men took Mr. Abdulloev and instructed the other family members not to leave the house. About twenty minutes later the family heard shots, and several hours later found Mr. Abdulloev's dead body by a water tower about 800 meters from their home.

Kuliab

During the Memorial HRC-Human Rights Watch/Helsinki Watch mission in Tajikistan, we were informed that Pirimkul Sattori, a journalist for the Kurgan-Tiube newspaper *Khatlon*, had disappeared May 28. His body was reportedly found several days later in a cotton field. Although the circumstances of his death are unknown, there is reason to fear that he was the victim of a summary execution by paramilitary bands.

The shooting deaths of Sheikh Kamol, a seventy-year-old member of the IRP from Kuliab, and his seven sons and six-year-old nephew, appears to have been politically motivated. Unidentified gunmen in camouflage (but bearing no marks of affiliation) reportedly committed the murders at Mr. Kamol's home, and, according to other reports, in other downtown areas of Kuliab in mid-May. "Muhammed," a DPT member from Kuliab who is living more or less in exile in Dushanbe,⁷ told Human Rights Watch/Helsinki Watch that on May 20, 1993, he saw Mr. Kamol's brother, M.H.; the two men had been neighbors and colleagues in Kuliab. Muhammed told Human Rights Watch/Helsinki Watch that when he met M.H. in Dushanbe, "he started crying and described what happened. The killings [took place] in their home, in the center of Kuliab, on Kuibyshev Street. He just cried . . . he said the `it was all the same trouble;' some people came with automatic rifles and shot them. They were wearing camouflage, [but] they all wear camouflage

⁷"Muhammed" is not the man's real name.

now." Mr. Kamol's eight sons were Kholik (age twenty-three), Abdullo (age forty-three), Jabbar (age forty), Zoir (age thirty-eight), Rakhim (age thirty-two), Said (age thirty), Khurshed (age sixteen); his six-year-old grandson was Majid Abdulrahmanov.

DISAPPEARANCES AND INFORMAL PRISONS

Memorial HRC and Human Rights Watch/Helsinki Watch received many reports of disappearances that took place throughout the winter of 1992-1993. The disappearances during this period followed a general pattern: the kidnapers were armed men, often in uniform, who either seized their victims at checkpoints or picked them up and deposited them in cars (and occasionally in armored personnel carriers with the name of a Popular Front commander painted on the front). Tajikistan government officials claim that it is impossible for them to find the captors and their captives; Memorial HRC and Human Rights Watch/Helsinki Watch, however, believe that in some cases it would not be difficult to locate captors, and, moreover, that in other cases law enforcement officials may be involved in the disappearances. An highly-placed MVD officer, in an informal conversation with Memorial HRC alleged that MVD staff members sometimes collaborate in kidnappings. In addition, he stated that the MVD is most likely aware of the general pattern of disappearances and the reported existence of "informal prisons."

According to various sources, one "informal prison" was believed to be located in Shamabari, a health resort in Hissar, and another near Varzob, a village several kilometers north of Dushanbe. A Memorial HRC representative attempted to visit the latter but was turned back by armed men several meters before the road turnoff leading to it. At the turnoff a local police officer told him that "further along the mountain ridge . . . about one and a half kilometers, there is some *pomeshchenie* (building). It's guarded by an informal armed band (called "Family") that doesn't belong to us. . . I can't let you go anywhere near there because they'll kill you." When a green van with a red cross and broken windows passed along the road leading to the dormitory, the Memorial HRC's driver indicated that this was the type of vehicle used to bring people to the "informal prison." This supposition, however, has not been confirmed.

Human Rights Watch/Helsinki Watch spoke with a man who claims he had been held in the Varzob "informal prison." Alisher (not the man's real name) was taken from work in March by several armed men, one of whom showed MVD identification. The latter reportedly told Alisher, "We're going to hold you for awhile, ask you what we have to ask you, then let you go." Alisher was then taken to Varzob, where unidentified Kuliabis beat him, threatened to kill him, and questioned him about his boss, the Kazi, and his boss's car. "All the time they were beating me and asking questions, `where is he, where's his family, where's his son, we know you're spying for him.'" The man who claimed he was from the MVD reportedly stayed throughout the questioning and beating, but had little verbal interaction with the paramilitaries at Varzob. Among themselves, the paramilitaries reportedly said, "He was X.Y's driver, we should kill him. He's from the opposition, he had an automatic, he knows everything."⁸ His captors released Alisher the next morning, after he had taken them to his former boss's car, which they stole.

Alisher told Human Rights Watch/Helsinki Watch that it took two weeks for his bruises to heal.

The number of such kidnappings and/or disappearances has diminished in recent months, but

⁸ Alisher named the commander of the Varzob headquarters who seemed to be in charge of the questioning and the beating, but requested that we not name him in our report.

certain new cases are cause for alarm. Among them is the disappearance of Ainiddin Sadykov, a neurosurgeon of Kuliabi origins who disappeared at about 10 a.m. on April 21 after he got off a trolleybus in Dushanbe. Dr. Sadykov's relatives told Human Rights Watch/Helsinki Watch that they believed his disappearance was politically motivated. Three factors support this notion. First, when he was kidnapped Dr. Sadykov had with him the medical records of Bozor Sobir — an imprisoned poet (see below) — which he had reportedly obtained that very morning. Second, Dr. Sadykov was chairman of the Frunze Raion division of the DPT and had served as a doctor at the rallies on Shokhidon Square, where he also made several speeches. Third, Dr. Sadykov's relatives reported to Human Rights Watch/Helsinki Watch that after the current government came to power, his superiors and colleagues at the hospital reportedly told him, "We won, and now we can really put down you democrats."

Dr. Sadykov had taken a vacation from the hospital at the end of October, and never returned to work. His wife explained to Human Rights Watch/Helsinki Watch that:

Under the new government there was pressure on democrats, and he was the only democrat in a hospital with 500 doctors. Things became hard for him at work, and so he stayed at home for six or seven months. He didn't go to work. Before he quit he said to me, 'All the same, I can't work there; all the same, they'll get rid of me.' He liked his work very much. At home he would always try to do something with his hands so that he wouldn't lose his sense for operating.

Dr. Sadykov's relatives believe that the KNB was involved in the kidnapping.

At the end of May, Dr. Sadykov's relatives were contacted by a credible witness to his kidnapping, who reported that five abductors — two of them armed — drove up to trolleybus stop in two cars, pushed Dr. Sadykov into one of the cars, and drove away. The witness was reportedly able to describe accurately the clothing Dr. Sadykov was wearing and the articles he was carrying that day.

Dr. Sadykov's relatives turned to the vice-chairman of the Supreme Soviet, and repeatedly turned to the MVD's department of investigation, which promised to look into the case. The KNB refused to receive Dr. Sadykov's relatives. In a meeting with Memorial HRC and Human Rights Watch/Helsinki Watch, KNB Chairman Zukhurov claimed he had no information on the case. Mr. Sadykov's relatives are convinced that the KNB could find him, had it the political will.

On May 15 local police in Iuzhnii arrested sixteen men while conducting an illegal weapons search. According to villagers, thirteen men were released after they had been severely beaten, but three — including two men over the age of 60 — have not been heard from since. Nikolai Mujar, Head of the Public Order Department of the MVD, told Memorial HRC and Human Rights Watch/Helsinki Watch that about fifteen or sixteen arrests had indeed taken place in Iuzhnii, that the men detained were charged with illegal possession of firearms and with attempting to overthrow the government, and that no one had been beaten in the process. However, neither the local branches of the MVD and KNB, nor the staff at pre-trial detention facilities, nor the police were able to tell the relatives the whereabouts of the three men.

Another alarming case is that of Makhmadali Rabiev, the chairman of the Parkharskii Raion (former Kuliab Oblast') branch of Rastokhez. Mr. Rabiev, a pharmacist of about thirty-six, was seized in Dushanbe in March and disappeared. A reliable eyewitness told Human Rights Watch/Helsinki Watch that he spotted Mr. Rabiev in Dushanbe on June 30 in the back seat of car with Kuliabi paramilitaries.

Ainiddin Zivauddin disappeared from Kolkhozabad on May 11. His relatives, seeking information about his whereabouts, eventually turned to the UNHCR office in Kolkhozabad. Only on June 3, in response to a request of the head of the UNHCR mission, did the head of the local police admit that Zivauddin had been arrested and was in his custody.

Saidsho Shoev was a deputy of the Supreme Soviet who had fled Tajikistan in the winter of 1993. The Tajikistan government requested Mr. Shoev and all other deputies who had fled to return, and guaranteed full security for Mr. Shoev and the other deputies who returned with him in late July. But on July 29, he and his brother, Siiarsho Shoev, aged thirty-five and thirty-nine respectively, disappeared from downtown Dushanbe.

Mr. Shoev's family members, who asked not to be named, told Human Rights Watch/Helsinki Watch that Saidsho Shoev indirectly received threats on his life as soon as he returned to the Supreme Soviet. On the afternoon of July 29, several days after Mr. Shoev returned to Dushanbe, and while he was en route to the Supreme Soviet building, Mr. Shoev's car was pulled over by a Volga GAZ-31 (which reportedly had Ministry of Defense license plates), from which gunmen emerged. They reportedly asked which of the passengers was "Shoev," and forced Saidsho Shoev into their car, beating him as he resisted. Mr. Shoev's brother was also in the car, but did not identify himself to the gunmen. The car then proceeded to the Supreme Soviet. Siiarsho Shoev, distressed that his brother had been seized and beaten, ran to the Supreme Soviet and attempted to see Vice-Chairman Dostiev to obtain help. He reportedly was seized by gunmen inside the Supreme Soviet building in the presence of police and KNB guards, who apparently made no attempt to stop the gunmen. Siiarsho Shoev was driven away in a Zhiguli. No news has been heard of either of them since. Human Rights Watch/Helsinki Watch was given the name of a warlord who most likely orchestrated the kidnapping, although we were asked not to mention it in print.

The Shoev family has sought help from Mr. Dostiev, and from the Tajikistan MVD, KNB and procuracy, none of which, unfortunately, has been able to provide any information on the whereabouts of the brothers.

**POLITICAL PRISONERS AND POSSIBLE POLITICAL PRISONERS;
MISTREATMENT IN DETENTION; DUE PROCESS**

The ICCPR guarantees freedom of expression (Article 19) and association (Article 22), forbids arbitrary detention (Article 9) and bans torture (Article 7), and guarantees criminal defendants the right to legal assistance of his own choosing (Article 14.3 d).

The current government lays blame for the civil war and all of its tragic consequences squarely on the so-called "Islamic-democratic" opposition, and sees the establishment of the coalition government as an illegal overthrow of the government that had preceded it. To this end, on January 5, 1993, the Procuracy of Tajikistan began a general criminal investigation of the "state coup, organization of mass public disorders, serious crimes during combat activities" and the like. On January 7 a criminal case was opened in absentia against the leaders of the opposition, including Shodmon Iusup, Chairman of the Democratic Party of Tajikistan, Davlat Usmon, Deputy Chairman of the Islamic Revival Party, and Akbar Kakharov (Kozi Kolon Turojonzoda), the religious leader of Tajikistan. At least fifteen leaders, activists or rank-and-file members of the political parties that made up this coalition are currently either in pre-trial detention or have already been convicted and are serving prison terms.

The government has issued at least three amnesties throughout the past year. While the 16th session of the Supreme Soviet was gathered in Khujand, one of the measures it adopted toward national reconciliation was an amnesty. Many had hoped the amnesty would apply to all people who had taken part in anti-government activities or who had fought in the civil war (except those who had committed crimes against civilians). Enacted November 25, the amnesty instead had a limited scope, freeing from criminal responsibility those who had seized government buildings or state enterprises; blocked transport routes and television and radio stations, organized, led, or participated in unauthorized demonstrations; stole government property prior to December 31, 1992 (provided they return the stolen property); or violated state borders (except in connection to drug trafficking). The amnesty does not apply to people who called for the overthrow of the government, organized public disorder, conspired to seize hostages, or other political acts. A March 1993 amnesty pardoned, among others, Type I and II invalids, persons over the age of fifty, women with young children, and pregnant women, among others. An amnesty decreed in June 1993 by Supreme Soviet Chairman Emomali Rakhmonov pardoned those who, by no fault of their own, took up arms during the civil war. Although the amnesties are commendable, it is unclear whether they have been applied to any specific cases.

Mirbobo Mirrakhimov, Akhmadsho Komilov, Khairiddin Kasymov, Khurshed Nazarov

On January 8, Tajikistan and Turkmenistan security forces arrested Mirbobo Mirrakhimov, age 37, in Ashgabat, Turkmenistan. Mr. Mirrakhimov, Chairman of the Tajikistan State Committee on Television and Radio under the coalition government, was handed over to Tajikistan authorities on January 20, and on February 17 the Republic Procuracy of Tajikistan brought charges against him for conspiring to overthrow the government (considered as treason in Article 61 of the Tajikistan Criminal Code). The next day the procuracy re-opened slander charges (Article 138.3) against Mr. Mirrakhimov in connection with having allegedly spread false rumors against the government on September 28, 1991. In meetings with Memorial HRC and Human Rights Watch/Helsinki Watch the procuracy and KNB repeatedly accused the Mr. Mirrakhimov and three other three journalists (see below) of inciting inter-ethnic hatred, although this does not figure in the official charges.

On January 16, Tajikistan security forces, coordinating with their Kyrgyzstan counterparts, arrested three television journalists in Osh, Kyrgyzstan. They were: Akhmadsho Komilov, age 35, director of the Tajikistan television studio during under the coalition government; Khairiddin Kasymov, age 34, and Khurshed Nazarov, age 25. According to the Tajikistan Republic Procuracy, the three men were charged on January 17 with "agitation and spreading propaganda for the violent overthrow of the government" (Article 67.1). According to procuracy officials who met with Memorial HRC and Human Rights Watch/Helsinki Watch, all three men are charged with theft of state property in connection with video cassettes found in their possession and a state car in which they left Dushanbe. On March 8, their case was merged with that of Mr. Mirrakhimov.

The procuracy based its charges against the four men by pointing out that they "occupied positions of authority in the State Committee on Television and Radio, and used the mass media in the interests of the opposition." Memorial HRC and Human Rights Watch/Helsinki Watch strongly believe the charges against the four journalists are politically motivated. Since the investigation has not yet been completed, the Procuracy would not inform Memorial HRC and Human Rights Watch/Helsinki Watch which particular incidents triggered charges of violating Articles 61 and 67.1.

Throughout most of the investigation Messrs. Mirrakhimov, Nazarov, Komilov and Kasymov had no lawyers, partly due to the fact that local lawyers reportedly feared taking on the case, and partly due to a lack of funds. In September Human Rights Watch/Helsinki Watch received reports from a local human rights activist in Dushanbe that throughout July and August lawyers representing Mr. Kasymov and Mr. Nazarov had been denied access to their clients. Investigators reportedly would tell the lawyers on any given day that they could not grant access, and that they should come back the next day or two days later.

Memorial HRC and Human Rights Watch/Helsinki Watch had since February received extremely disturbing reports that law enforcement officials beat and tortured Mirrakhimov, Komilov, Kasymov and Nazarov. Specifically, Mr. Kasymov's nose was reportedly broken and his front teeth smashed in early January. One of the main goals of our fact-finding mission to Tajikistan was to investigate these reports. Reliable sources reported to Memorial HRC and Human Rights Watch/Helsinki Watch that since about April i.e., toward end of the investigation, the cruel treatment toward the four men had ceased. Together with Sergei Kovalev, Chairman of the Human Rights Committee of the Russian Federation Supreme Soviet, we requested permission from high-level government officials — including Emomali Rakhmonov — to visit the four men in pre-trial detention. The Procurator General promised to assist in obtaining permission for such a visit, and instructed us to work out the details with the investigator heading the case. KNB Chairman Saidimir Zuhurov denied the mistreatment of any detainees in KNB holding cells, maintaining that, "We do not have any of that here, I can guarantee you. Moreover, from the first days I promised severe punishment to any [mistreatment], to hand it over to the courts. I can open our basement [holding cells] to you and you can be convinced of it."

The Procurator General and the KNB chairman, despite their promises, did not instruct the investigator to grant our group access. The latter, KNB investigator Makhmadali Shafogatov, refused to grant us access, due to the need to "maintain secrecy during the investigation." Yet Memorial HRC and Human Rights Watch/Helsinki Watch agreed that we would not speak to the men, that we simply wanted to see them close-up. Mr. Shafogatov then began to "bargain" meters: Mr. Shafogatov offered to let Memorial HRC and Human Rights Watch/Helsinki Watch see the men from a distance of fifteen, then ten meters, and eventually offered to let the men walk past our group from a distance of five meters. He categorically refused the possibility of having the men remove their shirts. Memorial HRC and Human Rights Watch/Helsinki Watch refused this offer, and left the meeting with even stronger suspicions. Stanley Escudero, United States Ambassador to Tajikistan, was permitted to visit Mr. Mirrakhimov several months later.

Memorial HRC and Human Rights Watch/Helsinki Watch have reason to believe that other individuals accused of advocating violent overthrow of the government have been grossly mistreated in detention. Among the factors that lead us to this conclusion is a letter smuggled out of pre-trial detention from a suspect (we reveal no details relating to the identity of this man for his own safety) to the United Nations in Dushanbe. The letter maintained that people arrested for political reasons were brutally tortured and humiliated in pre-trial detention facilities in Dushanbe and Kofarnikhon.

Bozor Sobir

On March 26, Tajikistan law-enforcement officials arrested Bozor Sobir, age fifty, a well-known poet and recipient of the Rudaki Poetry Award, at the Dushanbe airport en route to Moscow. The procuracy admitted to Memorial HRC and Human Rights Watch/Helsinki Watch that it had no legal reason for detaining Mr. Sobir at the time of his arrest. The Procurator General, Mamadnazar Solykhov, told Memorial

HRC and Human Rights Watch/Helsinki Watch that one of the reasons Mr. Sobir was taken in was because he had his passport for international travel with him:

We did not know he had his passport with him, we did not arrest him, after all. Then the police informed us that he was detained after having attempted to cross the country's borders. Then a detailed investigation began in relation to this. At the moment of his arrest no criminal case had been opened against him . . . We had a certain amount of information on him, but we needed more time to establish what the evidence was.

The procuracy issued a warrant for his arrest three days later, and on April 5 Sobir was charged with abetting illegal deprivation of freedom (Articles 17 and 13.2) and for attempting to incite inter-ethnic hatred (Articles 15 and 71). The Procuracy informed Memorial HRC and Human Rights Watch/Helsinki Watch that the first set of charges was raised in relation to an incident on April 21 at Shokhidon Square, where Mr. Sobir, addressing demonstrators, apparently said, "You can't say anything nice about these deputies, only bad things." Later that day a group of people seized as hostages members of parliament and other government officials, releasing them the following day. The second set of charges relate to "Mixing Blood and Flour," Mr. Sobir's allegedly anti-Russian poem published in *Charogi Ruz* (one of the main opposition newspapers), and to his unpublished article, "Red Pan-Turkism." The latter was found when investigators searched his apartment after his arrest.

Memorial HRC and Human Rights Watch/Helsinki Watch are not privy to the procuracy's evidence, but we generally believe that the first set of charges violate Mr. Sobir's right to free speech. Moreover, Memorial HRC and Human Rights Watch/Helsinki Watch consider "Mixing Blood and Flour" anti-Russia, but not anti Russian; it conveys the poet's anti-imperial views without casting ethnic slurs. Human Rights Watch/Helsinki Watch considers that levelling criminal charges against Mr. Sobir for writing this poem as well as for his unpublished article similarly violates his right to free expression.

Until 1988 Mr. Sobir worked as a consultant to the Union of Writers. He had been a member of the DPT; he quit, according to his wife, Gulchera Sobir, before the coalition government came to power because of disagreement with its leadership.

The Republic Procuracy allowed a member of our delegation to visit Mr. Sobir in pre-trial detention. The visit did not take place in private, as we had requested, but in the presence of Mr. Sobir's investigator. It is our view that Mr. Sobir was not subjected to physical violence, or to the threat thereof. Despite Mr. Sobir's poor health (he suffers from high blood pressure), and despite the request of a Russian government official, he was not transferred to house arrest. Mr. Sobir's first lawyer, a Russian citizen from St. Petersburg, was permitted access to his client. International organizations were also permitted to visit Mr. Sobir.

Mr. Sobir's trial began on September 16.

Oinikhol Bobonazarova

Oinikhol Bobonazarova was arrested on October 8, 1993, and charged with violating articles 69

(organizing activities that pose special dangers to the state) and 61 (conspiring to overthrow the government, considered treason) of the Tajikistan Criminal Code. The Procuracy brought the charges in connection with Ms. Bobonazarova's membership in the National Salvation Front. Ms. Bobonazarova was also a prominent member of the DPT, and since 1989 had been dean of the Tajikistan State University's law faculty. According to her husband, Junaid Ibodov,⁹ the charges were not linked with any specific action on the part of Ms. Bobonazarova, simply with the fact of her membership in the National Salvation Front. The Procuracy and KNB reportedly had frequently called her in for questioning throughout 1993, during which she was asked about her ties to the DPT, to the National Salvation Front, and to individual opposition leaders.

Ms. Bobonazarova's lawyer, Nazrisho Ubaidov, was permitted access to his client only once. In early November she was released under house arrest.

Other prisoners

Mullobek Faiziev, age forty-two, worked as a courier at the Ministry of Foreign Affairs and, although not a member of the DPT, reportedly sympathized with the opposition and participated in the demonstrations on Shokhidon Square. On February 26 Mr. Faiziev was arrested and eventually charged with treason (Article 69) and with abuse of office (Article 216) for allegedly participating in a hostage-taking incident in the fall of 1992. Faiziev allegedly took the victim, a journalist, from the Ministry of Foreign Affairs to the DPT headquarters, to the Kaziat, and then back to the DPT headquarters, where the victim, a journalist, was shot in the leg attempting to escape. Faiziev is not accused of shooting the victim, and has confessed to some of the charges against him. As of this writing his trial is in recess.

Upon an unsolicited invitation from the Republic Procuracy, Memorial HRC and Human Rights Watch/Helsinki Watch met with three members of the IRP — selected by the procuracy — in Pre-Trial Detention Facility Number 1. The visit took place in a separate room on the prison's premises and in the office of the prison warden, and not in the men's cells, and in the presence of an investigator. Memorial HRC and Human Rights Watch/Helsinki Watch objected to these conditions, as they diverge from our usual practice.

The three men were Ajik Aliev, Iskander Razykov, and Makhmad Nazymov.

Ajik Aliev, age forty-four, is a mullah and Chairman of the Dangarinskii Raion branch (in Khatlon Oblast') of the IRP. On August 25 the Supreme Court of Tajikistan sentenced Mr. Aliev to death on charges of terrorism, treason and conspiring to overthrow the government. Mr. Aliev allegedly killed nine policemen in Shanshar, in northern Khatlon Oblast'.

Makhmad Nazymov, age forty-five, is a member of the IRP and a resident of Sebiston in the former Kuliab Oblast'. On August 25 the Supreme Court of Tajikistan found Mr. Nazymov guilty of publicly calling for the violent overthrow of the government and sentenced him to three years in a medium-security prison. Mr. Nazymov is a Type I invalid, but the charges brought against him disqualified him from the March amnesty. In June he told Memorial HRC and Human Rights Watch/Helsinki Watch that he was not being treated by a physician.

⁹ Human Rights Watch/Helsinki Watch interview by telephone, October 30, 1993.

***Iskander Razykov*, age thirty-five, chairman of a village IRP branch in the Leninskii Raion was charged with publicly calling for the violent overthrow of the government.**

The three men have not been given full due process rights. First, they had very late access to a lawyer. Mr. Aliev told Memorial HRC and Human Rights Watch/Helsinki Watch that the investigator had required him to sign a statement that he refused a lawyer, which Mr. Aliev did not want to do. Mr. Aliev's lawyer began handling his case only in mid-June, after the investigation had been closed. The investigator maintained that Mr. Aliev refused the services of the lawyer whom the procuracy had appointed him. Mr. Razykov claimed that during the investigation the state did not offer him a lawyer, and that he was unable to hire a lawyer because his relatives did not know where he was. After the investigation was closed, the state presented him with a female lawyer, whose services he refused. The investigator claims that Mr. Razykov signed three separate documents stating that he refused the services of a lawyer. Mr. Nazymov also told Memorial HRC and Human Rights Watch/Helsinki Watch that he did not have a lawyer. His investigator informed us that his relatives had hired a lawyer for him, but that the lawyer "did not need to see Mr. Nazymov because the investigation had not yet been concluded."

Second, in the case of Mr. Aliev, the Supreme Court of Tajikistan served as the trial court, and its Board will apparently serve as the appeals court.¹⁰ Thus, Mr. Aliev will not have the benefit of a separate and higher court's evaluation of his sentence.

None of the men complained of mistreatment in detention.

Cases in Leninabad Oblast'

The civil war had virtually no effect on the Leninabad Oblast', and mass demonstrations were a rare occurrence. Beginning in January 1993, law enforcement officials began a campaign of arrests of leaders and supporters of Rastokhez, the IRP and the DPT, mainly on charges of illegal possession of weapons or narcotics. A member of the Leninabad Oblast' DPT who observed several trials of its activists reported to Human Rights Watch/Helsinki Watch that in three cases both the investigator and the court refused to have fingerprint tests performed on the firearms found.

Among those detained activists from the Leninabad Oblast' are the following:

***Jumaboi Niozov*, Chairman of the Leninabad Oblast' chapter of the DPT, was arrested on January 13 for harboring thirty bullets (Article 234.1) at the DPT headquarters in Khujand. Mr. Niozov, senior lecturer at the Khujand Polytechnical Institute, was convicted on March 5, 1993, and is currently serving a seven-year prison term in the Yevan prison colony.**

On the day of his arrest, Niozov's home was searched, but investigators found nothing incriminating. According to Niozov's lawyer, Valijon Faiziev, immediately after the bullets were discovered, Niozov requested that fingerprint tests be run on them, but the investigator refused.¹¹ Mr. Faiziev told Human

¹⁰ With the Soviet Union's demise, the USSR Supreme Court has been eliminated as a final court of appeal.

¹¹ Telephone interview with Human Rights Watch/Helsinki Watch, February 5, 1993.

Rights Watch/Helsinki Watch that "there was no basis for incrimination. According to criminal procedure, the investigator was obliged to conduct the tests . . . we told the court that it was essential to conduct the fingerprint tests. The court also refused. To the very end we demanded that the tests should be done, at all costs."

Saidsho Akramov, chief surgeon at the Machinskii Raion Hospital, was arrested on January 18 on charges of violating Article 234.1. His wife reportedly had no news of her husband's whereabouts for at least ten days after his arrest. In April his case was transferred from the Machinskii Raion Procuracy to the Leninabad Oblast' Procuracy. He was released from pre-trial detention on May 6 for medical reasons and is still awaiting trial.

Nuriddin Saddridinov, Chairman of the Leninabad Oblast' branch of Rastokhez, is currently serving a ten-year term for possession of bullets. Mr. Saddridinov, a doctor of about forty-three or forty-four, was arrested on January 22 and sentenced by the Asht Raion Court in March.

Khajaolim Iusuvjanov, age thirty-eight or thirty-nine, was a member of the board of the IRP and by profession is a store manager. He was arrested in February for alleged possession of a grenade, and the Khujand City Court on May 4 announced a recess in his trial for further investigation.

Faizullo Faiziev, chairman of the Khujand city branch of the DPT, was arrested in February and released soon thereafter.

Rustam Mukhmmajanov, deputy chairman of the Khujand city branch of the Democratic Party of Tajikistan, was arrested on January 4 for allegedly selling state property. In March charges against Mr. Mukhmmajanov, a businessman, were dropped and he was released. Mr. Mukhmmajanov told Human Rights Watch/Helsinki Watch that he "was on the top of their list" because he was involved in politics and because he was wealthy and frequently donated money for charity projects.¹² He told Human Rights Watch/Helsinki Watch, "Since I'm one of the leaders of the Khujand Democratic Party, they kept suggesting that I helped fund opposition armed groups. But it's not true. I paid my membership, I paid for the DPT's office supplies."

Mr. Mukhmmajanov's arrest was apparently supposed to be carried out in secret. His relatives had no idea of his whereabouts for several days, and he was not given access to a lawyer. He described his arrest, which occurred under extremely irregular circumstances, and his detention to Human Rights Watch/Helsinki Watch:

I was at home when they arrested me. There were eight of them. One of them, an MVD officer, said his boss wanted to see me urgently. The roof of the police building had fallen in, and they needed my help. When we got to the station, they showed me where the roof had fallen. Then they brought me to another part of the station, and then they quickly pulled my hands behind my back, pointed a gun at me, and searched me. I said, 'What is this, you don't have the right to do this.' They just said, 'You don't have any rights. It's all over for you democrats.' They threw me into a KPZ (police lock-up). I asked for a lawyer, but they said it was a secret arrest, and that I couldn't have a lawyer.

¹² Human Rights Watch/Helsinki Watch interview, September 13, 1993.

I was in a KPZ that was meant for maybe four people, but there were fifteen or sixteen in it, and they were mostly criminals. One of the guys serving in there had vodka and hashish. He said he got it when he was called for questioning. The MVD gave it to him if he would 'kill the Islamist.' That's what he told me. He told me this after we had a shot of the vodka together.

After twenty days, Mr. Mukhmmajanov was transferred to a pre-trial detention facility, and was released three months later, although he was still under investigation. On August 25, about fifty police surrounded his office, demanding his employees to tell them where Mr. Mukhmmajanov was. He told Human Rights Watch/Helsinki Watch:

[My employees told me] they started searching for me everywhere. They put a police stamp on my office. They asked if I help opposition armed forces. My assistant called me at home and warned me, so I went into hiding. The police came to my house twenty minutes later, looking for me. My wife refused to talk to them or to let them in the house.

ELIMINATION OF OPPOSITION PARTIES AND MOVEMENTS

Article 22 of the ICCPR guarantees freedom of association and forbids restrictions "other than those . . . which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others."

On September 9, 1993, at official Tajikistan Independence Day ceremonies, Supreme Soviet Chairman Rakhmonov spoke of Tajikistan's intent to develop political pluralism.¹³ The Tajik government's dismantling of the political opposition over the past nine months, however, belies such intention. On June 21, 1993, the Supreme Court of Tajikistan banned the Islamic Revival Party, the Democratic Party of Tajikistan, Rastokhez, and La'li Badakhshan, the main organizations that organized the demonstrations on Shokhidon Square and participated in, or supported, the coalition government. The civil case had been brought against them for violating the constitution and the Tajikistan Law on Public Associations. The charges were brought in connection with the organizations' role in the unsanctioned demonstrations on Shokhidon Square, in the creation of armed formations on Shokhidon Square, in the forming of the National Salvation Headquarters — which organized fighters in the civil war — and in the ousting of President Nabiev.¹⁴

"Gulchera," a local stringer for an international news service who was critical of the coalition government and the political opposition, attended the court hearings against the four opposition organizations. "The case against the DPT is purely political," she told Human Rights Watch/Helsinki Watch. "The main accusation is that they created armed formations, which is not legal. But the Popular Front did

¹³ Perhaps as part of this campaign, in late August Deputy Supreme Soviet Chairman Dostiev created a new, all-inclusive political party called the People's Party.

¹⁴ According to Tolib Boboev, Deputy Chairman of the Procuracy General of Tajikistan, interviewed by Memorial HRC and Human Rights Watch/Helsinki Watch in Dushanbe, June 5, 1993.

the same thing. The Supreme Court says the Popular Front was registered in Tursunzade, so [by rights] it was supposed to operate in that district only. The whole thing is totally political."

The Supreme Court's decision amounts to collective punishment of entire political organizations for the actions of individuals. When the Court reached its decision, not a single individual had come up for trial for the illegal actions listed above, and the investigations of many such cases had not been completed. Defending the Procuracy's collective approach, Deputy Chairman of the Procuracy General told Memorial HRC and Human Rights Watch/Helsinki Watch:

From the point of view of criminal law, we will bring to trial some specific individuals, From the point of view of administrative and civil law, I believe this is not necessary. Once we have [established] the facts of unauthorized demonstrations, taking hostages, and creating paramilitary forces, staging a coup, from the point of view of administrative law, that's enough."

Memorial HRC and Human Rights Watch/Helsinki Watch believe that no fair decision can be made about the legality of these organizations' activities until the courts establish the guilt of a considerable portion of its members and prove the guilt of their organizers. Otherwise, a judgment on the collective guilt of the organizations violates their members' right to freedom of association.

Members of these organizations refused to attend the trial on principle and for safety reasons. No lawyer represented the organizations. "Salim," a member of the DPT's board,¹⁵ suggested that it would be futile to go through the motions of being represented at court and defending the four organizations, given the court's tight connections with the government and the active press campaign against them. Salim told Human Rights Watch/Helsinki Watch:

We heard it every day. You would hear on the news and on literary and political t.v. shows about how we [were guilty for everything]: we organized the war, we organized the overthrow of the government. I read in the newspapers that /did all this and I still have the right to walk the streets.

Only two representative from these organizations appeared in court, at the insistence of one of the judges. DPT and Rastokhez members reported to Human Rights Watch/Helsinki Watch that they boycotted the trial in part on principle, and in part because they feared for their own safety. Sabzali Rakhmonov, the Deputy Chairman of the Supreme Court, maintained that the procuracy promised to guarantee the safety of party members attending the trial. Mr. Rakhmonov told Human Rights Watch/Helsinki Watch, "We put an announcement on television and radio, but got no responses to them. We said that if you come to the trial we will guarantee that you will not be arrested. We summon witnesses [from the parties] but they do not appear or call."

Explaining why he did not wish to appear in court to defend the DPT, one of its high-ranking members from Kuliab told Human Rights Watch/Helsinki Watch, "People from the opposition parties are not attending the court trial . . because they are afraid for their lives. . . Only fools go directly to the place of

¹⁵ Salim is not the man's real name. Interview with Human Rights Watch/Helsinki Watch, July 27, 1993.

execution. But as democrats we are ready to bear responsibility before the law."¹⁶

Significantly, prior to the banning of these parties, the government did not temporarily forbid their activities, which suggests that it did not consider the activities of these parties a danger to society over the course of the past months.

Harassment

One Rastokhez member explained to Memorial HRC and Human Rights Watch/Helsinki Watch that the organization had no meetings after December 10th (when government troops took Dushanbe) because the headquarters had been shot at during nighttime attacks following that date, and members did not feel safe there. Since members had reportedly sensed that the headquarters would be in danger, they took away its property and hence there was nothing for the attackers to steal.

In the winter of 1993 members of the four movements and their supporters who remained in Dushanbe — especially Rastokhez and the DPT — were called for questioning, their houses were searched, and, according to some reports, their movements were followed. Political activists also reported a pattern of harassment by armed bands routinely identified as Kuliabis.

A.K., a member of the Rastokhez governing board, described to Memorial HRC and Human Rights Watch/Helsinki Watch his experience:

It was sometime in February, I don't know for sure. They called me in two or three days in a row. Then they searched my house and took away one of the books I wrote. The guy who questioned me was polite. He didn't threaten me or curse at me. He said that many people believed the intelligentsia should be preserved.

Chinigul Karimova, a woman in her forties, taught Tajik language and literature and was active in Rastokhez. Mrs. Karimova was called in for questioning about four times from January through April 1993. During the first questioning, the local MVD suggested that she denounce the DPT leadership on television. Mrs. Karimova told Human Rights Watch/Helsinki Watch, "They told me, 'Go on t.v, say that they tricked you, that they gave you money. If you do that you'll be left alone.'" She did not accede to the offer. The last questioning, on April 29, reportedly went on for eight hours at the district MVD office. Her inquisitors, apparently led by Lieutenant Sharif Barotov, asked her if she had murdered Kuliabi women, or distributed arms, and whether she respected (DPT Chairman) Shodmon Iusupov. She was also asked to explain why she participated in the rallies on Shokhidon Square in the spring of 1992. Her MVD questioners twice threatened to press criminal charges against her, although they did not specify what crime she would be charged with. After eight hours of questioning at the MVD, Mrs. Karimov was taken to the district procurator, where she was asked about the DPT.

THE PRESS

Freedom of expression has suffered in Tajikistan since the current government came to power.¹⁷ In

¹⁶ Human Rights Watch/Helsinki Watch interview, June 5, 1993. The man asked not to be named.

¹⁷ It should be acknowledged that, although during the coalition government period a variety of newspapers were

the early days after the new government came to power, pressure on journalists stemmed from the apparent desire of armed groups associated with the Popular Front and the Kuliabi regional faction to get revenge on newspapers and journalists who had been their sharpest critics. In December many of the latter fled Tajikistan under threats. The editorial offices of *Adolat*, the DPT newspaper and *Charogi Ruz*, an independent newspaper, were ransacked; their writers and editors are now in exile. Tajikistan government officials never officially closed the above newspapers. One local stringer for an international press agency told Human Rights Watch/Helsinki Watch that "there was no official decision to close the newspapers. The IRP and DPT went underground, so the newspapers couldn't come out."

Asked why he fled Tajikistan in early January, Abduvakhid Ikramov, who was an editorial director and correspondent for *Adolat*, replied, "How could one not leave, when there's government pressure on you? It doesn't matter whether they're armed or not, [you get the message]. Right before the [16th] session of the Supreme Soviet, the deputies said they would straighten out *Adolat* and *Charogi Ruz* [Many] of us left because we knew they would get even with us."

Salim Aiub, who was the editor-in-chief of *Charogi Ruz* told Human Rights Watch/Helsinki Watch he had to leave Dushanbe on December 23, 1992, on a cargo plane through Ashgabat. Mr. Aiub told Human Rights Watch/Helsinki Watch:

On December 10th and 11th we were at work. I saw the MVD come into the city. On the 11th armed men came to my home looking for me, they had automatics. My brother told them I was at work. After that I started staying at my friends' homes. I heard rumors that they were coming [to the office], so on the 12th I didn't go to work. [I heard they] went to the Dom Pechati [the newspaper offices], that they went around to all of the editorial offices looking for us.

Dodojon Atovullo, the founder of *Charogi Ruz*, was reluctant to leave Dushanbe, and stayed throughout a series of threats before leaving toward the end of December. In early December the newspaper had received calls from the KNB. "We had good relations with the KNB," Mr. Atovullo told Human Rights Watch/Helsinki Watch.¹⁸ "We were preparing our first issue of the paper after [the government came to power]. They asked us, 'What are you going to do? Wait before you publish, don't touch this government.'"

The next day, armed men appeared at the publishing center with an old issue of *Charogi Ruz* that featured photographs of the paper's editors and correspondents. "People from another newspaper called and said there were armed people looking for us, with photographs. It was during the time that there was

published, several local stringers for international press agencies claimed that they were under pressure not to criticize the DPT or IRP elements of the coalition. One journalist, who asked not to be named, simply said, "There were more newspapers then, and there was no official censorship, but that didn't make things easier psychologically." A female journalist reported to Human Rights Watch/Helsinki Watch that she constantly received threatening phone calls "because I seemed anti-Islamic in my reporting." Dodojon Atovullo, founder of *Charogi Ruz* told Human Rights Watch/Helsinki Watch that while the opposition was in power he constantly received threats, which he believed were related to articles that criticized then-deputy Prime Minister Davlat Usmon.

¹⁸ Interview with Human Rights Watch/Helsinki Watch in Moscow, September 3, 1993.

complete chaos in the city, when there wasn't any bread."

The same day, Mr. Atovullo reported, a KNB official called his wife at home and recommended that he leave; Mr. Atovullo and his colleagues, to avert danger, began to stay in various friends' apartments. Neighbors later told him that armed men had begun to appear at his downtown apartment (Mr. Atovullo himself at the time was living in his new house). About a week later, his neighbors told him that, "Two fighters waited for me all night. Guys in uniform, with automatics. My neighbor saw them from her balcony, and they were there all night. After that I knew I had to leave." Mr. Atovullo fled to a village near Penjikent, in northwest Tajikistan, where his mother lived. On February 7, the day after his departure for Russia, Tajikistan security officials came to his mother's house looking for him. They searched his mother's house and detained two other *Charogi Ruz* journalists who lived in the environs. Mr. Atovullo told Human Rights Watch/Helsinki Watch:

They came at 6:00 p.m. [My mother told me that] fifty-six people from the [KNB] came to the house. They went inside and they surrounded the outside, every window and door. They did a complete search of the place. They wanted to take my personal photographs. They asked why my mother had a copy of the Koran. They asked where I was, what my address was. After they left her place they went to find Abdukaïum Kaiumzod [another journalist from *Charogi Ruz*. Kaiumzod told me they kept asking him what relations he had with the American Embassy, why American Embassy people had come to their house, where the paper got its money from, what our relations were with the Kazi. They wanted to see his manuscripts. They tried to take him away, but neighbors and other local women surrounded them and wouldn't let them take [Abdukaïum]. The same day they took Abdukodir Rustam [also from *Charogi Ruz* in Panjrut, about thirty kilometers from my mother's place, and the poet named Bakhmaniur. But we raised such a scandal that they released them the next day.

During the winter months of 1993, after many journalists associated with the political opposition fled Dushanbe, their homes were reportedly ransacked and robbed not only of personal property, but also of newspaper archives, video and audio recordings, and other journalistic material. It is not clear whether the ransackings were carried out with the knowledge or approval of the government. Police searches of such homes did not occur after the robberies, one journalist in exile in Moscow mused, because there was nothing left to search. Dodojon Atovullo, told Human Rights Watch/Helsinki Watch that "200 cassettes of my interviews with politicians, poets — everyone I interviewed — they were stolen. So were manuscripts that I had written over the past years, even from before we had freedom of speech in Tajikistan. My neighbor told me that everything was gone. But the door was open, anyone could have gone inside."

One exception to the pattern of robbery and ransacking was the case of Timur Klichev, a freelancer whose articles had frequently appeared in *Moskovskie Novosti* (Moscow News). Mr. Klichev lived with his parents-in-law, who remained in Dushanbe after the current government came to power. He told Human Rights Watch/Helsinki Watch that on March 20, investigators came to Mr. Klichev's parents' house with a search and seizure warrant, searched the premises, and took away his archives, notebooks, information concerning the IRP, DPT and Rastokhez, photographs, and copies of articles and dispatches he had written for the various international wire services he worked for. In addition, police seized his university thesis and his personal correspondence with his wife, his family photograph album, and pop

music tapes.¹⁹ So far no criminal or civil charges have been pressed against Mr. Klichev.

Newspapers still operating in Tajikistan are reported to practice self-censorship actively. Commenting on the narrow range of political views in Tajik newspapers, a female journalist who had actively criticized the coalition government remarked, "There is no critical voice in the local newspapers. Not the slightest trace of an opposition voice exists, and especially in the press because they all get their money from the government. Individual editors act as their own *glavlit*."²⁰ Another stringer, interviewed separately, told Human Rights Watch/Helsinki Watch, "There is no criticism of the government. You don't even hear anything bad about the government or the Popular Front." He also reported that there was a list of journalists from official newspapers who had been fined for having cooperated with the opposition.

Radio Liberty is broadcast to Tajikistan in Tajik and Russian. In late March one of its Moscow correspondents reported to Human Rights Watch/Helsinki Watch that Radio Liberty had been jammed on March 15 and 16. Human Rights Watch/Helsinki Watch received other reports that Radio Liberty's Tajik service is routinely cut off as soon as its coverage of Tajikistan begins.

Such Moscow-based newspapers as *Izvestiia*, *Moscow News*, and *Nezavisimaia Gazeta* are reportedly available only to subscribers, but are no longer available on newsstands. Distributors reportedly claim that they do not put these newspapers on the newsstands because the lack of buyers causes them to lose money. Yet the critical stand that these newspapers routinely take on Tajikistan gives cause for concern that political pressure prevents their delivery.

Attacks in Moscow against journalists who write about Tajikistan has become an alarming trend. The most recent in this series of attacks affected Oleg Panfilov, a correspondent for *Nezavisimaia Gazeta* and a representative of the U.S.-based Committee to Protect Journalists. On the night of July 25, 1993, three armed men broke into Mr. Panfilov's apartment in Moscow and tied up and beat his wife while he was out. Upon his return, the men reportedly beat Panfilov's head against a chair, threatened him with a knife, tied him to a radiator, and told him, "You aren't behaving yourself; they're not happy with you." A Human Rights Watch/Helsinki Watch representative visited Panfilov the following day and noted that his left eye was purple and closed, the left side of his face bruised and swollen, and that he had several cuts on his head and lips.

The aim of the attack was not burglary but most likely political revenge. First, although the attackers stole Panfilov's fax machine and answering machine, they apparently did not search the apartment for other valuables. Second, for the previous eight months Panfilov had been writing articles that are consistently very critical of the current government of Tajikistan. The latter does not take kindly to Panfilov's criticism: during our fact-finding mission to Tajikistan, several high-level Tajikistan government officials, in meetings with Human Rights Watch/Helsinki Watch, Memorial, Sergei Kovalev, and Teimuraz Ramishvili, expressed unsolicited, harsh disapproval of Mr. Panfilov's work.

On June 11, also in Moscow, unknown attackers struck from behind Igor Rotar, another journalist at *Nezavisimaia Gazeta*, over the head with a metal or wooden rod, breaking a bone. One month earlier Rotar

¹⁹ Interview with Human Rights Watch/Helsinki Watch in Moscow, March 24, 1993.

²⁰ In the Soviet Union, Glavlit was the main censorship agency.

had been forced to leave Tajikistan after being threatened by law enforcement officials, robbed, and forced to pay a 10,000 ruble bribe. He reported the entire incident in full in *Nezavisimaia Gazeta*.

On April 29, three unidentified men assaulted Asef Jafari, a correspondent for *Megapolis Kontinent* in his home. The attackers broke both of Jafari's hands.

REFUGEES AND DISPLACED PERSONS

International law and standards for the treatment of refugees guarantee persons the right not to be forcibly returned to areas where they fear persecution.¹ Returning refugees must also be guaranteed the right of free and unimpeded return to their own country, and to freedom of movement and settlement within that country. For refugees to be able to exercise the latter rights, they must also have access to accurate and up-to-date information about the conditions in the places to which they might return. International law does not address explicitly the rights of the internally displaced, but Human Rights Watch believes that international human rights standards on refugees apply to them as well.

INTRODUCTION

Under the auspices of the United Nations High Commission for Refugees (UNHCR), Tajik refugees who had fled to northern Afghanistan began returning to their homes in Khatlon Oblast' in southern Tajikistan on May 15, 1993. Tajiks who had fled to other parts of Tajikistan began returning in mid-March. These refugees and displaced persons, mainly of Garmi origin, fled last winter's brutal civil war in which civilians were massacred or expelled from their homes, based on their political and regional affiliation. Upon returning they face hostile communities who still view them as the "enemies" from Shokhidon Square that started the civil war. The border clashes that intensified in mid-July, 1993, contributed to the UNHCR's decision to partially halt repatriations.

A survey conducted by the UNHCR and the International Committee of the Red Cross (ICRC), supplemented by data supplied by the government of Tajikistan, placed the total number of displaced persons at 486,000, out of a population of about 5.6 million.² Of these, approximately 60,000 were refugees in Afghanistan. A larger number (perhaps about 90,000) had originally crossed into Afghanistan, but as many as 30,000 later made their way back across the Amu Darya (Oxus River), many into Gorno-Badakhshan in Tajikistan. Displaced Pamiris crowded into Khorog, the capital of Badakhshan, and Garmis fled to Garm, Dushanbe, or other locations in the highlands east of the capital. Many of the displaced people in Khorog seem to be living in a desperate situation without adequate food or shelter. At the beginning of June about 4,000 of them were living at the airport, rushing every one of the few planes that arrived in an attempt to return to their homes without undertaking the dangerous and difficult land journey.³

The UNHCR has organized and administered the voluntary repatriation of refugees on the basis of a draft agreement with the governments of Tajikistan, Afghanistan, and Uzbekistan (through whose territory some of the refugees must transit). In addition, some people displaced within Tajikistan have returned to their homes either on their own or after being expelled by the government from Dushanbe during the week preceding Nawruz, the Persian New Year (March 21).

¹ See, Convention Relating to the Status of Refugees, adopted by the United Nations on July 28, 1951, Article 33.

² Interview with Pierre-François Pirlot, UNHCR chief of mission, Dushanbe, May 31, 1993.

³ An official of the U.S. Embassy described in an interview with Human Rights Watch/Helsinki Watch on June 4, 1993, how a plane carrying aid the preceding day was unable to take off for several hours because it was besieged by displaced people.

The UNHCR together with some officials in Afghanistan, Tajikistan, and Uzbekistan, is trying to guarantee the refugees' rights to unimpeded and voluntary return and to protection from reprisals. The ICRC and other organizations have also tried to assist the returnees in reconstruction. Nonetheless, the refugees have encountered obstacles to enjoyment of these rights on both sides of the border, and displaced people have faced harassment and some incidents of violence upon their return, especially in July and August, 1993.

A Note About Khotlon Oblast and the Civil War

Today's Khotlon Oblast consists of the former Kurgan-Tiube and Kuliab oblasts. As noted above, displaced persons and refugees are returning mainly to that portion that formerly was Kurgan-Tiube, where the war took its most brutal toll. Kurgan-Tiube's complex demographic structure is key to understanding the pattern and targets of violence that characterized the civil war, and to understanding the problems that returning refugees face. The expansion of cotton farming in Kurgan-Tiube in the late 1940s and early 1950s required more farm labor. Stalin and his successors forcibly transferred mountain Tajiks from Garm, the Pamirs and elsewhere into Kurgan-Tiube, where the indigenous population was mainly Uzbek, and local Tajiks of Arab origins. The new settlers lived in their own, separate villages or *kishlaks* (*uchastaks* in Russian) within mixed kolkhozes or collective farms. Rather than integrating with the local population, these settlers became a separate "sub-ethnic" group, called Garmis by their neighbors.⁴

When the mass demonstrations on Shokhidon and Ozodi Squares in Dushanbe came to an end in May, conflict and violence between their participants and alleged supporters broke out in Kurgan-Tiube. Garmi fighters, supporting the newly-formed coalition government, seized control of the city of Kurgan-Tiube, where they attacked largely Uzbek supporters of the old regime. From this base they also launched attacks on Kuliab, which they blockaded for several months.

Kuliabi Popular Front troops, supporting the old communist party elite, began their attack on Kurgan-Tiube in October, and swept south in early November. They systematically looted and burned Garmi kishlaks. Returnees reported in June 1993 that leaflets dropped from helicopters in September 1992 had warned them to flee or be attacked, a tactic also used by the Red Army in Afghanistan. Signs of the ethnic character of the war were clearly visible in June 1993; for instance, several houses in Kolkhoz Turkmenistan (renamed Haqiqat, or "truth," in Tajik) in Vakhsh Raion of Khatlon Oblast bore inscriptions

⁴ Many of the "Garmis" were actually from areas other than Garm proper. See Teresa Rakowska-Harmstone, *Russia and Nationalism in Central Asia: The Case of Tadzhikistan*. (Baltimore and London: The Johns Hopkins Press 1970), p. 57: "A steady stream of new settlers moved to cotton-growing valleys. Many of them were resettled mountain Tadzhiks, primarily the Galcha of Karategin [a Sunni group with some cultural resemblances to Pamiris]. The resettlement was neither voluntary nor successful, because the mountaineers were ill prepared for specialized agricultural work in the heat of tropical valleys and were given little encouragement or assistance. Other new settlers (mainly voluntary, it seems) included many Uzbeks, a few Russians, and members of other ethnic groups. Most of them farmed their own nationally homogeneous kolkhozes; there were apparently few kolkhozes of mixed ethnic stock." In May-June 1993 we observed a slightly different settlement pattern, as described in the text, resulting from the consolidation of smaller kolkhozes in the 1950s.

such as, "This is an Uzbek house; do not touch."⁵ The UNHCR estimates that 5,000 houses were destroyed in the two raions of Shartuz and Kabodion alone, with a combined population of under 200,000. As a result of these expulsions, these already heavily Uzbek areas lost a large portion of their Tajik populations, aggravating Tajik fears of "pan-Turkic" aggression sponsored by Uzbekistan.

Garmis and Pamiris fled the violence and sought refuge either in Dushanbe, Garm, or south toward the Afghan border. Some who tried to cross the Amu Darya were shot by Russian border guards, and hundreds were said to have drowned while crossing. Tens of thousands camped out in freezing weather with no shelter, food, or water supplies. One kolkhoz director in Kurgan-Tiube claimed on December 13 that 100 children a day were dying.⁶

REFUGEE CAMPS IN NORTHERN AFGHANISTAN AND MILITARY RECRUITMENT AND TRAINING OF TAJIK REFUGEES

About 60,000 Tajik refugees, mainly Garmis from Kurgan-Tiube, remained in northern Afghanistan by the spring of 1993. Despite Kabul's denials, some Afghan mujahidin commanders, supported by Arab and Pakistani Islamists, have helped more radical segments of the Tajik opposition (mainly the IRP) to arm and train some of the refugees as guerrillas. Common Tajik ethnicity and the widespread use of Persian by all groups in northern Afghanistan facilitate collaboration and communication, but Tajik nationalist solidarity or aspirations for a "Greater Tajikistan" appear to play little if any role in the complex political game being played out along both banks of the Amu Darya. Tajik, Uzbek, and Pashtun commanders are all involved in aiding the IRP guerrillas, and their actions seem to be dictated by Islamist ideology and support, by shifting political alignments in Kabul, and by local rivalries.

Northern Afghanistan, like most of the rest of the country, is effectively controlled by a variety of commanders and warlords, not by the central government. The two areas where Tajik refugees lived were controlled by different authorities. Until May 1993, when the UNHCR began voluntary repatriation of some refugees, about 30,000 lived in and around the city of Mazar-i-Sharif, in areas controlled by General Abdul Rashid Dostum. Dostum is an Afghan Uzbek whose mutiny against President Najibullah (for whom he had long fought) was key to toppling the ex-communist regime in April 1992. He permits access to the refugees by the UNHCR, which already had an office in Mazar-i-Sharif. Dostum, who has emerged as a regional ally of Uzbekistan President Islam Karimov, does not permit any Tajikistan opposition military training in his area, despite pressure from former mujahidin in the area with whom he maintains a precarious cooperation.

East of the area controlled by Dostum and his allies are the provinces of Kunduz and Takhar. Kunduz borders directly on Kurgan-Tiube, and the UNHCR estimates that about 30,000 Tajiks found refuge in different parts of that province. Takhar is largely under the control of commanders of the *Jamiat-i Islami* (Islamic Society), who have united in the Supervisory Council of the North (SCN), led by Defense Minister (former commander) Ahmad Shah Mas'ud. SCN's headquarters are in Taliqan, the administrative center of

⁵ "In khonai uzbek ast. Narased." Human Rights Watch/Helsinki Watch has a photograph of one such inscription. An Uzbek from Kum Sangir Raion explained the destruction of houses by saying, "When the Kuliabis came, they burned the houses of the Garmi Tajiks." The opposition had also destroyed houses of their opponents during the war.

⁶ "Tajikistan: End of Civil War," *Central Asian Monitor* 2 (1993), no. 1, p. 6, citing an Interfax report.

Takhar.

The administrative center of the Kunduz province is controlled by Amir Chugai, a Pashtun commander of the *Ittihad-i Islami Barayi Azadi-yi Afghanistan* (Islamic Union for the Freedom of Afghanistan). This party owes its existence to the generous financial support it received from radical Islamist Arabs, especially Wahabi groups in Saudi Arabia and Kuwait.

The town of Imam Sahib, on the Amu Darya (in north Kunduz) is largely controlled by ethnic Uzbek commanders of the *Hizb-i Islami* (Islamic Party), a radical organization headed by Gulbiddin Hikmatyar, a Pashtun born in Imam Sahib. Alliances among these various power centers shift frequently.

Most refugees in Kunduz and Takhar receive aid only from Arab and Pakistani fundamentalists, as the UNHCR was forced to withdraw its staff following a series of disputes with the local authorities, partly triggered by its refusal to provide aid that indirectly supported military training. Perhaps 3-5,000 young Tajiks are undergoing military training under IRP auspices in different parts of Kunduz and Takhar. The SCN trains the guerrillas in Taliqan (where the IRP's exile headquarters is located), Amir Chugai trains them in Kunduz, and Hikmatyar's commanders train them in Imam Sahib.⁷ Those who provide such training are rewarded with support from Arab and Pakistani Islamists.

Some of the tensions leading to the expulsion of UN personnel resulted from this training, as international standards require the separation of such activities from humanitarian aid. The UNHCR insisted that the Afghan and Tajik mujahidin could not use international humanitarian aid and aid sites to recruit and train fighters among the refugees. This argument was somewhat unconvincing, as for over a decade the same Afghan mujahidin organizations had done just that in UNHCR-sponsored refugee camps in Pakistan.⁸

Foreign training and support, however, are not the only resources for fighters. Some areas of Northern Afghanistan are centers of opium cultivation, and warlords have been able to use the drug trade to finance and create independent power bases.⁹

Since spring, small groups of fighters have periodically launched attacks into Tajikistan from Afghan bases. During a May 3 engagement on the border, they used a Stinger missile to down a Sukhoi-24 jet fighter transferred to Tajikistan from the Uzbekistan air force.¹⁰ The opposition launched a major attack across the Amu Darya into Kuliab on July 14, 1993, killing 100-200 villagers and twenty-five Russian border guards. Russia responded by launching artillery attacks on Afghan villages and increasing its military

⁷ *The Washington Post*, April 29, 1993; Human Rights Watch/Helsinki Watch interview with personnel of humanitarian organizations in Dusti, Tajikistan, June 4, 1993; Human Rights Watch/Helsinki Watch interview with Steve Levine, Dushanbe, June 6, 1993.

⁸ Interview with UNHCR official, June 2, 1993.

⁹ *Le Monde*, August 12, 1993.

¹⁰ TASS, May 4, 1993. The pilots were ethnic Russians.

commitment to the Tajikistan. It sent 10,000 additional troops, bringing the number of border forces to 15,000.¹¹ At a meeting in Moscow on August 7, the presidents of Russia, Tajikistan, Uzbekistan, Kyrgyzstan, and Kazakhstan underlined their "collective responsibility" to guarantee the inviolability of the frontier. Each state promised to send at least one battalion to the border.¹²

Resistance to Repatriation

Within Afghanistan, political forces supporting the military efforts of the Tajik opposition have tried to halt or hinder refugee repatriation. On May 21, a commander of *Jamiat-i Islami*, the party of the Afghan President, and some other figures (by one account Davlat Usman of the IRP, by another account a dissident commander who had split from Dostum) entered Camp Sahi, where they urged refugees not to return but to continue the struggle for an Islamic Tajikistan. A similar event was also reported in Tashqurghan. Soon after, on May 22, the trucks carrying the first group of returnees from Camp Sahi back to Tajikistan was stopped at a checkpoint manned by *Jamiat* fighters loyal to Afghan Defense Minister Mas'ud. Gen. Dostum ordered tanks to move into position against the *Jamiat* checkpoint, and this confrontation ended peacefully after about three hours, when the trucks were allowed to proceed.

Dostum then promised to stop any further pressure on the refugees not to return. At a subsequent meeting in Camp Sahi, the first acting president of the Islamic State of Afghanistan, Sibghatullah Mujaddidi, together with Sayyid Mansur Nadiri, the leader of Afghanistan's Ismaili community, and two of Dostum's generals, urged the refugees to decide freely about their return.

In Kunduz, a former IRP military commander from Shartuz known as Ali used force to try to disrupt the process of repatriation.¹³ Ali now commands about 150 armed men in Kunduz. In March he tried to stop negotiations there over the repatriation of refugees. He reportedly turned his machine guns on some refugees right in front of UNHCR representatives, serious wounding at least one. As of this writing, he continues to enjoy aid and assistance from the principal powers in Kunduz.

REPATRIATION OF REFUGEES AND DISPLACED PERSONS

On May 31, the UNHCR Chief of Mission in Dushanbe, Pierre-François Pirlot, estimated that seventy to eighty percent of the internally displaced people had returned to their homes. Many of those who had been living in Dushanbe had left, but a sizable number remained in the Garm and Badakhshan regions. The International Committee of the Red Cross (ICRC), Medecins sans Frontières (MSF), and some foreign countries have been attempting to provide some assistance to the displaced.¹⁴ Access to Badakhshan is

¹¹ *The Economist*, August 7, 1993, p. 36.

¹² *Le Monde*, August 10, 1993; August 12, 1993.

¹³ We were unable to verify Ali's family name, although one source (the former Popular Front commander in Shartuz, now deputy chairman of the district executive committee) thought it might be Haliman. The current authorities in Shartuz, as well as one relatively neutral resident of the area, accuse him of having committed atrocities during the civil war.

¹⁴ On June 2, Ambassador Escudero of the U.S. flew to Khorog, capital of Badakhshan, with a shipment of aid. Uzbekistan had also sent some aid to this area. Other countries may have as well.

difficult at the best of times, and travel to the Garm region became difficult and perilous last spring when heavy rains caused mudslides and floods that blocked the roads.

Forced Repatriation

Most of the internally displaced who have returned to their homes have done so on their own, with neither coercion nor aid. Toward the end of March, however, the Government of Tajikistan decided to expel many of the 30,000-40,000 people who had fled to Dushanbe, a city of about 600,000. The week before the spring New Year's festival (Nawruz) of March 21, government troops expelled displaced people, including entire family groups, from Dushanbe and forcibly put them on trains headed south for Kurgan-Tiube.¹⁵

Returnees interviewed in the Kabodion Raion stated that they would have been willing to return had their security been guaranteed, but that they had feared continued persecution.¹⁶ These fears proved justified. The forced returns led to confrontations and incidents of violence against the returnees. Since that time, as a result of this experience and the pressure from international organizations, the government appears to have stopped forced returns.

Refugees in Afghanistan faced a different problem. While diplomats indicate that some countries in the region urged accelerated repatriation of the refugees (in order to separate them from the international Islamic groups), the UNHCR was able to assure that the repatriation is voluntary.¹⁷ Even so, in early June, refugees in Afghanistan appeared to lack knowledge of the situation in Tajikistan sufficient to make fully informed decisions about their return. The UNHCR, with the cooperation of some officials of the government of Tajikistan and refugee leaders, sought means to inform the refugees more fully.

Some political groups in Afghanistan, including armed groups closely linked to government leaders, have attempted to hinder repatriation by pressure or force. Other groups in Afghanistan have strongly supported the right of the refugees either to stay in Afghanistan or return home, as they choose. Despite the desperate economic conditions in Afghanistan, itself devastated by fourteen years of civil war, we know of no individual or group in that country offering the slightest protest against granting full rights of asylum to the refugees.

The Role of the UN

On May 15, 1993, representatives of Uzbekistan, Tajikistan, and Afghanistan met with the UNHCR and approved a draft of a quadripartite agreement for the repatriation of Tajik refugees in Afghanistan. While the agreement has not yet been signed or ratified, it sets standards by which the repatriation is to be conducted. The agreement calls on the parties to respect all human rights principles in treating the refugees. It affirms the right of voluntary return under conditions of safety, freedom, and dignity without risk of punishment, harassment, discrimination or restrictions on their right of movement, and guarantees

¹⁵ According to some reports, Russian soldiers provided security for this operation.

¹⁶ Interviews with returnees in Kishlak Sotsializm, Kolkhoz Kommunizm, Kabodion Raion, Khatlon Oblast', June 3, 1993.

¹⁷ President Karimov of Uzbekistan is said to have urged the repatriation of 2,000 per week. The UNHCR stated that this exceeds the number of refugees willing to return in early June.

the UNHCR full access to all refugees and returnees.

As noted above, the UNHCR does not currently enjoy access to all refugees in Afghanistan; it has no access to refugees in Kunduz, except for those in Sher Khan Bandar. In order to assure access to the returnees, the UNHCR has established three field offices in the southwest area of Kurgan-Tiube. The UNHCR defines the protection mandate of these offices as extending to all returnees without distinction, both former refugees and those who were displaced within Tajikistan. Human Rights Watch/Helsinki Watch visited the offices, which are located in Kolkhozabad (covering the Kolkhozabad, Vakhsh, and Jilikul raions), Shartuz (covering the Shartuz and Kabodion raions), and Dusti (covering the Kum Sangir and Pianj raions). Each office has two international staff members, who appeared to have full freedom of movement and access to the returnees and local officials.

The UNHCR team in Afghanistan formed the returnees into groups returning to the same place, in the belief that a large group will provide a certain measure of security. Applications were accepted for return only to areas where the UNHCR believes that the returnees would enjoy a certain minimum level of protection, though, as noted below, nowhere could their security be considered fully satisfactory. The UNHCR fully controlled the transport throughout the repatriation process, but it had to rely on the host governments (or warlords) for security.

In early June there were two active routes for repatriation. Refugees from Mazar-i-Sharif boarded UNHCR trucks in Camp Sahi. The trucks delivered them to the railhead at the Afghan port of Hairatan, where refugees boarded trains that traveled through Termez, Uzbekistan, and then to Shartuz, Tajikistan. Refugees from Sher Khan Bandar crossed the Amu Darya by ferry, arriving at the port of Nizhniy Pianj. After registration, they were transported by bus to their various destinations. In early June one train from Hairatan was scheduled each Saturday, and groups crossed the Amu Darya from Sher Khan Bandar every Tuesday and Friday.

From March through May 28, 2,237 refugees registered and returned from the Kunduz area. On June 4 in Nizhniy Pianj Human Rights Watch/Helsinki Watch interviewed some of the 206 who returned that day. On Saturday, May 22, the first train from Mazar came through Uzbekistan with 304 refugees returning to the Shartuz area. The second convoy the next week brought about 500. The maximum capacity was set at about 1,000 per train.

The relatively slow pace of the return was dictated, according to UNHCR, not by logistical constraints but first, by inadequate protection for returnees in some areas, and, second, by the refugees' own uncertainty over the situation they would face upon return. Sang Muhammad Zauzev, chief of the working group of the Tajikistan Supreme Soviet concerning the return of the refugees, argued that better information would dispel the refugees' fears that they might be killed upon return. Interviews with returnees showed that many did not know the extent of the destruction of their houses and property, as they had fled in advance of the Popular Front troops. For example, one returnee in transit told Human Rights Watch/Helsinki Watch he believed that anyone living in the houses in his kishlak, Lenin Yuli, was a stranger who occupied the refugees' deserted houses.¹⁸ Three days before, however, Human Rights Watch/Helsinki Watch had visited Lenin Yuli and found no one was living in deserted houses because not a single house was left standing.

¹⁸ Interview at the registration point for returning refugees, Nizhniy Pianj, June 4, 1993.

In order to provide the refugees with more information, the UNHCR and the government of Tajikistan were discussing plans in early June to bring delegations of returnees to address refugees in Afghanistan and to invite representatives of the refugees in Afghanistan to visit the areas the refugees had fled. A young actor and television director, Badavlat Muhammad Nazarov, had emerged as a leader of the refugees in Sher Khan Bandar; both Sang Muhammad Zauzev of the Tajikistan Supreme Soviet and the returning refugees spoke highly of him. Sang Muhammad Zauzev claimed that the government had invited Muhammad Nazarov to tour the affected areas with television cameras and give a full report to the refugees.

PROTECTION OF RETURNEES AND RECONSTRUCTION

In order to assess the protection and assistance provided to returnees, Human Rights Watch/Helsinki Watch visited sites in the raions of Vakhsh (Kolkhoz Turkmenistan, renamed Haqiqat), Kabodion (Kolkhoz Kommunizm), and Shartuz (Kolkhoz Lomonosov). We also obtained reports about Jilikul, Kolkhozabad, and Kum Sangir, but we were unable to observe the situation in these areas at first hand.

In the areas of southwest Khatlon Oblast' to which the refugees are returning, the new local authorities responsible for their protection are the former commanders of the Popular Front. Local power is now completely in the hand of people loyal to the new central government (Uzbeks and local Tajiks), with no representation of the Garmis who had fled. One such government official, when told of the planned repatriation, reportedly said, "Please bring them back. We didn't manage to kill them all before."¹⁹ While some local authorities appear to be making genuine efforts to protect and assist the returnees, the fact that the present authorities are former leaders of the forces that expelled the refugees cannot create confidence.

The Ministry of Internal Affairs in Dushanbe established a special battalion for the protection of refugees, mainly by sending police forces from different parts of Tajikistan to strengthen the local militia. The goal of this strategy was to decrease in each subdivision the number of local policemen, who may bear hatred or desire for revenge against their co-villagers. The Tajikistan MVD in June claimed that since the formation of this battalion, there had been only two incidents of violence against returnees, and that even these victims were those who had returned voluntarily, not under the auspices of the United Nations. This estimation does not correspond to Memorial HRC and Human Rights Watch/Helsinki Watch's findings.

Harassment

Upon their return to their homes the former refugees and displaced persons continue to encounter various forms of harassment and inadequate assistance. These problems were serious enough from the beginning that some UNHCR field officers in Tajikistan wanted to halt the repatriation temporarily after the first train. Others argued that only the continued slow flow of returnees enabled the international community to pressure the local authorities to provide adequate protection and aid.

Most of the harassment and violence against refugees derived from the ethnic and political tension between the Garmi returnees, who still symbolize the ousted political opposition, and the

¹⁹ Interview, UNHCR field office in Shartuz, June 1, 1993.

supporters of the Popular Front who had remained, who are mainly Uzbeks and local Tajiks. In some areas (Vakhsh in particular) Kuliabis who came with Popular Front troops have settled into positions of authority and are living in houses abandoned by the refugees. The UNHCR also reported that Uzbeks had also come from Uzbekistan to some areas vacated by refugees. Many former fighters of the Popular Front have retained their weapons, despite the government's policy of either disarming them or enrolling them in regular security forces.

In May and June — early in the process of return — a few returnees were abducted or killed. A larger number of people suffered lesser forms of harassment, including beatings, thefts, and threats. No one reported such actions by government officials, but in some cases actions by officials to stop such abuses seem to have been insufficient, whether through lack of will or lack of capacity. In some cases, officials had intervened to stop such harassment, but the fear of harassment or worse continued to severely limit returnees' activities. In July and August attacks on refugees increased significantly, with fifteen returnees murdered in the Shartuz and Kabodion raions.²⁰

Property Destruction and Restitution

Nearly all the returnees are living in mosques, the principal public building in each kishlak. A typical mosque is about 150 square meters with a spacious courtyard, has no water supplies, and houses as many as 200 returnees. Returnees are forced to live in mosques because in November 1992 the Popular Front and the local people destroyed virtually every single house belonging to the Garmis who fled. They removed tin roofs, roof beams, doors, and windows, and looted all the property. In some cases they knocked down or burned walls as well. They also destroyed water pumps and filled canals with debris.²¹ Although not all of the damage was politically or "ethnically" motivated (with the breakdown in public order, general looting occurred in November 1992 to January 1993), the systematic and complete nature of the destruction makes it clear that the vast majority of it was aimed at Garmis and Pamiris, and that it was not a result of military action. Thus far, the returnees have not been able to obtain construction materials or tools, all of which are in short supply throughout Central Asia.

Of the few houses that escaped destruction, many were subsequently occupied or taken over by Popular Front fighters, both Kuliabis and local people. For instance, the UNHCR field office in Shartuz rents its quarters from the son of the town's mayor. The field officers later learned that after the war the mayor had the ownership of the house transferred from a refugee now in Camp Sahi to his son.

Under a law on amnesty designed to prepare for the return of the refugees, the government promised to give material benefits to the returnees, including salaries, allowances, interest-free loans of up to 100,000 rubles, and identity papers. Refugees who had lost their identity papers could get new ones, upon testimony of two witnesses. Their property is supposed to be returned. Much of what the law promises does not seem to be available in fact. Furthermore, the text of the law itself is not readily available; in early June even the UNHCR had been unable to obtain a copy, let alone the returnees. Hence

²⁰ See James Kynge, "Refugee Murders..." Reuters, September 8, 1993.

²¹ Photos on file at Human Rights Watch/Helsinki Watch.

the returnees do not know what their rights are under the law. The local authorities had done little — nothing, in most cases — to prepare for the refugees' return or for reconstruction. It is difficult, however, to distinguish political resistance from the obstacles posed by the economic crisis of the country, from which everyone is suffering.

Furthermore, local and central authorities have made no efforts to compensate the refugees for their destroyed property, to obtain restitution from those who possess it, or to initiate criminal proceedings against those who stole it. In at least one raion (Kabodion) internally displaced people who were forcibly returned were allowed to return to their kolkhozes only after agreeing not to attempt to reclaim property that had been stolen from them. In a meeting with Human Rights Watch/Helsinki Watch and Memorial HRC, Deputy Chairman of the Procuracy General Talib Boboev replied to a question on the looting and destruction of property by merely noting, "No war is regulated by law."²²

According to the UNHCR, not only personal but also collective property of the refugees has been confiscated. In some cases land was allocated away from kolkhozes from which many had fled. When the displaced people returned, the kolkhoz had less land, and the people who had stayed did not want to share the remaining land with the returnees.

Harassment, Protection and Property Issues by Raion

Jilikul

According to the UNHCR, the chairman of the raion executive committee in Jilikul, a former Popular Front leader who was also a medical doctor, had disarmed all of the former fighters and was effectively protecting the returnees. On May 31, 1993, however, the UNHCR received a report that a returnee had been beaten. Human Rights Watch/Helsinki Watch was told that measures had been taken to prevent a repetition of this event, but was unable to gather more detailed information.

Kum Sangir

This barren and sparsely settled area was still not fully under government control in early June. Refugees fleeing toward Afghanistan had encamped here during the winter, and in June it was used as a base by both disgruntled former Popular Front fighters and IRP mujahidin infiltrating back from Afghanistan. In June about sixty percent of the area was said to be controlled the Tajikistan MVD and thirty percent by Said Shah, a former Popular Front warlord. Said Shah claimed to be guarding the border on behalf of the republic KNB. The local population was said to have organized to protect themselves from both armed groups.

On May 11 Said Shah abducted a returnee. The man kidnapped was said to have been a former opposition fighter who had been sentenced to nine years of imprisonment for murder before fleeing to Afghanistan. According to a report received by the UNHCR, on May 31 Said Shah's followers beat some

²² Human Rights Watch/Helsinki Watch interview, Dushanbe, June 5, 1993. He noted that an investigation team was at work in Kurgan-Tiube, but there are no signs that the Procuracy General regards any actions by government supporters in the war as subject to law. The Procuracy General does not apply the exculpatory motto, "No war is regulated by law" to the actions of the opposition. See above.

returnees, and one person was killed. No details were available.

Vakhsh

Representatives of Human Rights Watch/Helsinki Watch and Memorial interviewed formerly displaced persons who were living in two mosques of Kishlak Proletarskaia, Kolkhoz Turkmenistan (now called Haqiqat). Returnees interviewed by Memorial HRC and Human Rights Watch/Helsinki Watch had previously fled to Dushanbe or Kum Sangir. Those who had fled to Afghanistan — mostly young men — had returned. The interviews took place under the eyes of unarmed Kuliabi guards, who are supposed to protect the refugees. They occasionally intervened to assure us that there were no problems. The returnees pointed the guards out to us but did not seem particularly intimidated.

Uzbeks predominate in the local population in this area, and on the way to our interviews we saw several houses with protective graffiti identifying them as "Uzbek."²³ Political violence was particularly intense on this kolkhoz, the home of famous (and deceased) Popular Front commander Faizali Saidov, where that commander's family had reportedly been slaughtered. According to the Garmis, when the opposition was in power several people from this kolkhoz had positions in local government and would organize demonstrations guarded by armed men in the Garmi kishlaks. At least sixty people were killed here during the fighting in November and December 1992.

Human Rights Watch/Helsinki Watch had received reports that five returnees to Kolkhoz Turkmenistan had been killed on May 2, 1993. Returnees told Human Rights Watch/Helsinki Watch that on that day, about noon, "Kuliabis with automatic weapons" killed a forty-five-year-old woman, Nisa Habibovna Mishkin, and her daughter, Savlat, age ten. One of the returnees told Human Rights Watch/Helsinki Watch, "Many people were killed here. On May 2 two women were killed by Kuliabis. They were thieves wandering around the property here. It was midday, lunchtime. No one knows what happened. They were killed with automatic weapons."

MSF also reported that some young women had been raped here.²⁴

One group of returnees reported that masked men with automatic weapons had come and robbed them on the night of May 25, stealing mainly clothes and carpets. Another group from the same kolkhoz reported that in April their humanitarian relief was stolen by armed men the very day they had received it. One woman told Human Rights Watch/Helsinki Watch:

We're living in burned-out houses. They came by and said to everyone that we should all go to the mosque. We went and then they stole everything. We didn't recognize them, they weren't in uniforms. They took three boxes. It was the same day we got it. We didn't even have time to use any of it. They started to threaten us with knives and pistols. We don't have anywhere to go to complain, and no one asks us if we're having any problems!

²³ The graffiti were in Tajik, for the benefit of the Kuliabis. They appeared to have been less than 100 percent effective.

²⁴ These reports were based on interviews, not medical examinations.

The returnees were afraid to leave the kishlak or go on the road for fear of being beaten. They told Human Rights Watch/Helsinki Watch they were afraid to work in the fields or to go to the bazaar or clinic. Some had resumed work in the kolkhoz fields, but many were afraid to go out. An elderly man reported to Human Rights Watch/Helsinki Watch that a woman with a thirteen-year-old child had been beaten soon after they arrived. After several such incidents, however, the local authorities had set up checkpoints, and the returnees said that such incidents had stopped.

The principle problems cited by the returnees were their lack of adequate relief supplies (each person had received three kilograms of wheat from the ICRC, together with some macaroni) and the occupation of their houses. They were most insistent about the occupation of their houses by Kuliabis. Their written request to local authorities to free their houses yielded no result. They subsequently sent to the legal executive committee of Khatlon Oblast' a letter stating:

We are sending you a petition to inform you that we have become refugees since the 16th of September 1992 until 1993, and we returned from the Dushanbe and Kum Sangir regions. However, other people from the Moskovskii Raion of Kuliab have come and taken over our houses. We are presently living in a mosque and in ruined places. . . . We beg you to return the houses to us.²⁵

The letter lists fourteen families, totalling 145 people, whose houses were occupied. The returnees claimed that the authorities refused to acknowledge this letter.

A returnee from another kishlak on the kolkhoz told Human Rights Watch/Helsinki Watch:

The houses that were left whole, other people live there. We don't know them. One is a farm brigade commander, he's working in the fields. The owners of the houses only just came back. Seven houses are occupied. Once, when the owner came back he just saw that his house was occupied and he left again. I don't know what the owners want to do.²⁶

Kabodion

Garmis had occupied most local government positions in Kabodion in 1992. The raion became the scene of intense fighting in October and November. Even earlier, since June 1992, volunteers from Kabodion had gone to fight in the areas nearer to the city of Kurgan-Tiube. Many people had lost members of their families, and both sides used brutal methods. Ethnic tensions ran high, especially between Uzbeks and Garmis. According to the returnees, on November 6, 1992, Uzbeks and local Tajiks began to set houses on fire and drive them out. The Kuliabis came later, after they had fled. Most of the people from this area fled to Dushanbe. From there, we were told, some of the young men had gone to Afghanistan.

On March 19 several trainloads of displaced persons expelled from Dushanbe were dumped in the open without water or power in Kabodion. Several people died of exposure or disease, including some

²⁵ Letter received by Human Rights Watch/Helsinki Watch from returnees to the Kolkhoz Turkmenistan, Kishlak Proletarskii.

²⁶ Human Rights Watch/Helsinki Watch interview, Kishlak Pakhtakor, Kolkhoz Turkmenistan, June 3, 1993.

children. The returnees were surrounded by crowds of local Uzbeks and Arabs who blocked them from entering the town or returning to their kolkhozes. The returnees were herded into the stadium for three days, where beatings continued.²⁷

The raion executive committee, which seems to have had no advance notification of the arrival of the returnees, arranged a settlement after three days. According to Tursun Alimardanova, the executive committee's deputy chairman, the local authorities tried to convince the population that the returnees were innocent people, and that they should respect the government's decision to return them to their homes.²⁸ According to the returnees, the administrators of the kolkhozes, which had been taken over by the local Uzbeks, insisted that "whatever had been taken from our homes, tractors, agricultural machinery, we could not claim it should be returned. These things were taken by the local people who live here."²⁹ Under these conditions the displaced people were allowed to return to their homes on March 22. On March 24, Popular Front commander Sangak Safarov, who, despite his role in the civil war in the region, had sponsored the program of returning the refugees to their homes, visited Kabodion in an attempt to calm the situation. The returnees perceived Safarov as having been on their side.

Throughout April, the returnees were harassed constantly. UNHCR personnel estimated that twenty to thirty refugees per day were beaten. In May, the UNHCR delegation asked Vice-President Dostiev to visit the area. After his visit, on May 12-13, the UNHCR estimated that the number of beatings decreased to about five per week.

Most of the interviews conducted by Human Rights Watch/Helsinki Watch and Memorial HRC in Kabodion were with returnees from Dushanbe.³⁰ The returnees we spoke to were still afraid to go out after 7 P.M. and complained of harassment and beatings. They did say, however, that there had been some improvement. One returnee, after complaining that Uzbeks had taken over all the positions and equipment of the kolkhoz, recounted the following incident:

These two women [points at them] went to the local police chief last week [after Dostiev's visit]. One of them is an orphan. She has no relatives. The other woman's father was killed. One of their neighbors, an Uzbek, came and said he would kill her brother. Their mother is suffering from high blood pressure. She asked him, "Why do you want to kill him? What have we done?" He just said, "You'll die, and to hell with you."

So they went to the police chief and wrote a statement. The police chief said he would find out what happened. The Uzbek neighbor was arrested. When they arrested him, they found in his home a machine gun, an automatic rifle, and grenades. They took him at night, and

²⁷ Several returnees described beatings they had seen in the stadium. Two of the victims were Fazluddin Hafizov and Alim Chipanov.

²⁸ Human Rights Watch/Helsinki Watch-Memorial HRC interview in Kabodion, June 3, 1993.

²⁹ Interview, June 3, 1993.

³⁰ They were from Kishlak Sotsializm, on Kolkhoz Kommunizm.

he is being kept in the custody of the district militia. Now for two or three nights, no one is coming around and threatening us.³¹

The destruction of houses in this kishlak was so extensive that only two remained intact enough to be occupied by others. One family of local Uzbeks had offered to move out for 50,000 rubles (\$50, or two to three months' salary). All other houses were in ruins.³²

The returnees claimed that the local people who had stayed (mostly Uzbeks) were all armed. The authorities admitted that many of the former Popular Front fighters had kept their arms. They described a coordination council they had set up to try to convince the fighters to turn in their arms and claimed that their efforts were gaining considerable success just at the time of our visit. The UNHCR field office was skeptical of these claims. The raion authorities had also recruited seventy-two people to form a special police force to protect the refugees. We were unable to evaluate its effectiveness.

Shartuz

According to local authorities, before the war Shartuz was fifty-five percent Uzbek and thirty-eight percent Tajik, two-thirds of whom were apparently Garmis.³³ Shartuz was the scene of heavy fighting during the civil war and of killing and torture of civilians by Tajik opposition commander Ali (see above).

In Shartuz the gradual repatriation from Afghanistan under UNHCR supervision has allowed a more controlled reception of the returnees, and few incidents of violence or harassment were recorded in May and June. In July and August, however, violence worsened in Shartuz district.

Kholboi Ishmatov, Deputy Chairman of the Shartuz Executive Committee, claimed that the authorities had collected all the arms from fighters, but other local observers were skeptical.³⁴ The UNHCR field office believed that in both Shartuz and Kabodion the majority of the fighters had kept their arms. When the repatriation started, Hazratkulov and Ishmatov reportedly faced a kind of revolt from the Popular Front fighters they had commanded. The latter resented the collaboration of their former leaders with the UN to bring back the Garmis whom they had fought to expel. Occupants of refugees' houses were, by and large, fighters stung by not having received local government positions.

As early as April, the local authorities established a special police, which reports to the MVD, to

³¹ Human Rights Watch/Helsinki Watch interview, Kishlak Sotsializm, Kolkhoz Kommunizm, June 3, 1993.

³² Apparently houses were occupied elsewhere in the raion. On June 4, 1993, the UNHCR field office in Shartuz informed us that half of the occupied houses in Kabodion had been freed. The procurator, a Kuliabi, had given an order that the rest should be vacated in three days, or he would use force, but he was nervous that the local Uzbeks and Arabs might resist.

³³ Human Rights Watch/Helsinki Watch interview with Deputy Chairman of the Raion Executive Committee, Kholboi Mirzoevich Ishmatov, and Ismail Tursunovich Kulakhmatov, chief of the special police for refugee protection. Human Rights Watch/Helsinki Watch also met briefly with the Chairman of the Raion Executive Committee, Raushan Kalamatovich Hazratkulov. All three were former commanders of the Popular Front.

³⁴ Human Rights Watch/Helsinki Watch interview, June 1, 1993.

protect the refugees. On June 1 we were told it had a staff of eighty-five, which might be increased to about 100. From our limited observation, this force did not seem very effective, not only because of political bias, but also because of lax supervision.

There was some harassment of returnees here. Some were reported to be afraid to go out. Children in the street told the children of refugees that they would kill them, and, as one observer told Human Rights Watch/Helsinki Watch, "I think they are just repeating what they hear adults saying at home." On the whole, however, the situation here was less tense than in Kabodion and Vakhsh. During our visit we learned of no killings or beatings of returnees in Shartuz.

In Shartuz Human Rights Watch/Helsinki Watch interviewed returnees from Afghanistan living in kishlaks Partizan and Lenin Yuli (Uzbek for "Lenin's Path") of Kolkhoz Lomonosov. Refugees living in the mosque in Kishlak Partizan said they had no problems with the local people. Indeed, some of the local Uzbeks were visiting them at the time and inquired about their water supplies. The latter were inadequate, and the UNHCR field representative said he would try to improve them. The people were working in the kolkhoz fields and said that no one had threatened them.

In Kishlak Lenin Yuli, however, a group of women excitedly told Human Rights Watch/Helsinki Watch of threats made against them a couple of hours before our arrival. These families were living in tents on the sites of their ruined houses. A few hours earlier a group of about six men had parked a truck on the main road and come on foot to the kishlak. Four were in uniform and two in civilian clothes; they had automatic rifles:

They threatened the children and asked if we had any men here. We said no. They asked, where are they? We said they went to unload supplies, but they insisted we had hidden them. Then they asked, do you have any daughters here? I said, no, she's married. They insisted that they had to take a young woman. They were drunk.³⁵

After some more threats, the men drove off. They did not beat anyone. The guards from the refugee protection police were nowhere to be seen and had apparently not come around in several days. After this interview Human Rights Watch/Helsinki Watch proceeded to the district center, where we reported this incident to Deputy Chairman Ishmatov. Three days later the authorities reported to UNHCR that the women had identified the men who had threatened them. When police asked the suspects about the incident, the latter denied it. According to the report they gave UNHCR, the local police warned these men not to repeat their behavior. No one was arrested for this incident.

In Lenin Yuli all of the houses were destroyed with extraordinary thoroughness, so none were occupied. In Shartuz as a whole, however, the UNHCR had compiled a list of fifteen houses of returnees that were still occupied by former fighters in early June. Apparently the local administration was divided about what to do. When asked to vacate the houses, the administration agreed, but then sent the owners of the houses to a school that served as a reception center. The local procurator had prepared a judicial order to vacate the houses. The mayor of Shartuz complained about this decision to Col. Olimov of the Uzbekistan KNB in the presence of the UNHCR officers. Olimov reportedly told the mayor not to evict "affected Popular Front fighters" (e.g., those whose own homes had been burned) from the refugees' houses they were

³⁵ Interview, June 1, 1993.

occupying. The UNHCR was still working on implementing this order at the time of Human Rights Watch/Helsinki Watch's departure.

As elsewhere, seemingly no preparation was made for the return of the refugees — the authorities did not connect water supplies or clear canals. The UNHCR finds it difficult to evaluate the area's needs, because, "Officials claim they have everything and need nothing, but in fact they have nothing and need everything." For instance, at the time of our visit, the UNHCR office in Shartuz had been working for a week to get 100 shovels to clear out the canals, with no results. For nine months they had been trying to procure construction materials without success. These are, alas, normal problems in Central Asia, even in the absence of political resistance.

APPENDIX: CORRESPONDENCE RELATED TO TAJIKISTAN

Translation by Christopher Panico, Research Associate at Human Rights Watch/Helsinki Watch.

