

# TAJIKISTAN

## POLITICAL PRISONERS IN TAJIKISTAN

BACKGROUND .....	3
JOURNALISTS .....	4
OTHER INDIVIDUALS WHOSE CASES ARE STILL UNDERGOING INVESTIGATION OR TRIAL.....	5
INDIVIDUALS WHO HAVE ALREADY BEEN CONVICTED.....	6
INDIVIDUALS UNDER HOUSE ARREST .....	6
ADDITIONAL NAMES PRESENTED BY THE OPPOSITION.....	7
OTHERS .....	8
RELEASED PRISONERS.....	9
PRISONERS WHO WERE EXECUTED OR DIED IN CUSTODY IN DISPUTED CIRCUMSTANCES .....	9

Human Rights Watch/Helsinki (formerly Helsinki Watch), a nongovernmental organization based in the United States, calls upon the government of Tajikistan to release all individuals imprisoned or detained for the peaceful expression of political views, and to provide new and fair trials to those convicted of a crime in the absence of internationally guaranteed rights to due process.

In an agreement signed by the government and the opposition on September 17, 1994, the government agreed to release, by October 17, all "opposition supporters who are in prison."<sup>1</sup> When the deadline arrived, however, not a single prisoner had been released. Instead, the Supreme Soviet issued a decree declaring its future intention to release 27 specific prisoners.

The individuals named below were all arrested or detained during a period of political upheaval after the current Tajik government came to power in December 1992. In some cases, the specific crime with which a detainee has been charged is unknown. Human Rights Watch/Helsinki has made numerous requests to the Procuracy for information about such cases, but has been unable to obtain further details. In the absence of any information to the contrary, Human Rights Watch/Helsinki holds open the possibility that the charges against many of these individuals are politically motivated and, accordingly, they would be considered them to be political prisoners whose detention is wholly arbitrary.

Others, whose cases may also involve political activity, have been charged with or convicted of criminal acts but have been denied the minimum due process guarantees provided under international law, including the right to legal counsel, the right to a fair and public hearing by an impartial tribunal, and the right to be tried without undue delay.<sup>2</sup> Human Rights Watch/Helsinki takes no position on the guilt or innocence of such individuals except on a case by case basis. However, unless they are accorded a fair trial in conformity with international standards and found guilty of a crime, we believe these individuals should be released immediately.

A large number of Tajik detainees have been held without trial since early 1993. Human Rights Watch/Helsinki has made numerous requests to visit prisoners but, to date, has not been accorded such permission. The International Committee of the Red Cross has also been denied universal access to prisoners since December 1992.

Human Rights Watch/Helsinki is also concerned about reports of beating and other forms of mistreatment in prisons and detention centers. In particular, we are deeply disturbed by the recent deaths of two detainees. On August 24, Ismanbek Dashtov, who is of the Pamiri ethnic group associated with the opposition, was beaten and detained, along with seven of his neighbors. Two days later, according to officials at the Ministry of Internal Affairs, Mr. Dashtov "threw himself" out of a third floor window while in the presence of authorities.<sup>3</sup>

---

<sup>1</sup> Joint Communique on the Results of the Inter-Tajik Consultations at the High Level on National Reconciliation, September 17, 1994.

<sup>2</sup> International Covenant on Civil and Political Rights, Article 14.

<sup>3</sup> Human Rights Watch/Helsinki interview with Amirghol Azimov, Deputy Minister of Internal Affairs of the Republic of Tajikistan, on August 30, 1994

On September 21, Eshoni Said Ashraf Abdullohadov, a prominent religious figure, died during detention. Mr. Abdullohadov, who was the former Imam Khatib of Kurgan Teppe, had been in detention for more than 16 months and was undergoing trial at the time of his death. Mr. Abdullohadov's family was never informed of the charges against him or that his trial had even begun, although they did visit him on several occasions. The last such meeting took place three days prior to his death, at which time he was reportedly in excellent health.<sup>4</sup>

Tajikistan is scheduled to hold presidential elections on November 6, 1994, the first elections to be held since the end of the civil war. In addition, both the government and the opposition have agreed to resume the peace negotiations first entered into in March 1994, under the auspices of the United Nations. These talks have sought to bring an end to the conflict and unrest that have plagued the nation for more than two years. Measures such as elections and peace negotiations stand in sharp contrast to the detention of scores of individuals on political grounds, the denial of basic due process rights and the mistreatment of detainees.

Human Rights Watch/Helsinki urges the government of Tajikistan to act promptly to release all those imprisoned for the peaceful expression of dissent. In addition, we call upon the government either to release or provide new and fair trials to those who are being held without trial or whose previous trials were not in conformity with international human rights standards. Finally, in view of the recent deaths of two detainees, we call upon the government to take immediate steps to ensure the safety of individuals who remain in detention.

## **BACKGROUND**

The civil war in Tajikistan was triggered in March 1992 by mass demonstrations against the Communist government of President Rahman Nabiev. The opposition was composed of a diverse range of movements, including democratic, nationalist, cultural revivalist and Islamist parties, and consisted primarily of people with origins in the Gharm and Pamir regions. The government, for its part, was supported by the old guard Communist elite from the Leninabad region and people from the Kulab region (hereinafter "Kulabis").

The spring demonstrations led to armed clashes and violence. A coalition government that included the opposition was formed on May 7, but the violence between the two sides continued, escalating into full scale civil war by late summer. On September 7, President Nabiev was forced to resign at gunpoint. Soon thereafter, members of the old Communist elite left the coalition government and in November 1992, the opposition resigned from the coalition as well. The 16th session of the Tajikistan Supreme Soviet, which closed on December 2, 1992, was intended to create a government of national reconciliation. Instead, the parliament elected a government dominated by Kulabis and the former Communist Party old guard, which still rules Tajikistan today.

On January 7, 1993, the Procuracy of Tajikistan opened a criminal case against the leaders of the various parties and movements that had made up the opposition. These included the leaders of the Democratic Party of Tajikistan, the Islamic Revival Party, Lali Badakhshan, Rastokhez, the Chairman of the Dushanbe City Executive Committee and the religious leader of Tajikistan, the Kozi Kolon Turojonzada. Many of these figures fled the country and were, accordingly, charged in absentia. Of those who remained in

---

<sup>4</sup> Human Rights Watch/Helsinki interview with members of Mr. Abdullohadov's family in Dushanbe on September 23 and 24

Tajikistan, scores were arrested or detained. The names below represent only a fraction of those believed to be held in Tajikistan at present.

The numerous amnesties issued by the government since November 1992 have had a limited scope and do not apply to people charged with calling for the overthrow of the government, organizing public disorder or other political acts, whether or not they involved acts or incitement of violence. The most recent amnesty law, adopted on August 25, 1994, had been expected to apply to all political prisoners, and thus serve as a confidence-building measure paving the way for national reconciliation. However, as in the past, Article 8 of the August 25 amnesty contained exceptions for those sentenced for "particularly grave state crimes," including treason, "terrorist acts" and attempts to overthrow the government. Human Rights Watch/Helsinki believes that many individuals who had simply exercised their right to legitimate, non-violent dissent were nevertheless charged with "particularly grave state crimes," which fall outside the scope of the amnesty.<sup>5</sup> While Human Rights Watch Helsinki believes that amnesty should not be granted to those who have committed serious crimes, such as torture and murder, we believe that such criminal charges have been brought against many of these individuals are without basis.

Although the Procuracy of the Republic of Tajikistan acknowledges that the individuals listed in Sections II and III, below, are currently being detained, it has refused to provide any further information regarding dates of arrest or sentencing, charges that have been brought and status of investigations or trials.<sup>6</sup>

## JOURNALISTS

Journalists Mirbobo Mirrahimov, Akhmadsho Komilov, Khairiddin Kasimov and Khurshed Nazarov have been detained without trial since January 1993.

Mr. Mirrahimov served as Chairman of the Tajikistan State Committee on Television and Radio under the coalition government. He was arrested on January 8, 1993, in Ashghabad, Turkmenistan. Messrs. Komilov, Kasimov and Nazarov, all television journalists, were arrested on January 16, 1993, in Osh, Kyrgyzstan. The cases against these four journalists were merged on January 21, 1994.

---

<sup>5</sup> See Criminal Code of Tajikistan SSR, Articles 61-70.

Article I(e) of the August 25 law does, however, extend an amnesty to those who fought "in defense of the constitutional system of the Republic" -- i.e. those who fought on the side of the current government, but were subsequently jailed for crimes committed during the conflict.

<sup>6</sup> Letter to Human Rights Watch/Helsinki dated September 1, 1994, from Muhammadnazar Salehov, Procurator General of the Republic of Tajikistan, in response to three letters from Human Rights Watch/Helsinki requesting further factual details about the cases against these individuals

The Procuracy repeatedly extended the standard two-month period of investigation for criminal cases. The four journalists were not released on bail, but kept in detention throughout the investigation.<sup>7</sup> After sixteen months, the government finally closed its investigation against the four journalists, on May 13, 1994. All four have been charged with treason, attempt at the violent overthrow of the government and crimes against the state. Additional charges against Messrs. Mirrahimov and Komilov include "banditry", abuse of power or an official position, and plundering of state property. Mr. Mirrahimov is also charged with slander. Each of the four journalists potentially faces the death sentence.

The four journalists have remained in prison, under difficult conditions, during the entire investigation. Their treatment during this period has violated basic standards of due process. Mr. Mirrahimov has had a lawyer since he was first detained, but the other journalists did not have legal representation until more than five months after their arrest.<sup>8</sup> All four were reportedly beaten and tortured at the beginning of their detention and have, at certain periods, been denied adequate medical treatment. Except for Nazarov (who was visited by his mother), the detainees were denied family visits during their first year of detention.<sup>9</sup>

### **OTHER INDIVIDUALS WHOSE CASES ARE STILL UNDERGOING INVESTIGATION OR TRIAL**

Hoji OLIM, a member of the Islamic Revival Party, arrested for "possession of bullets." His case is still in pre-trial investigation.

Sherali KHOLIKOV. His case is still under investigation.

Abdurrahim SHARIPOV, reportedly charged with "distributing leaflets." His case is still under investigation.

Mullah Sadridin RUSTAMOV, the former Imam of Kofarnihon Region and a member of Islamic Revival Party. His case is currently in trial.

Ramazon MIRZOEV, arrested on August 24, 1994, and charged with "possession of two grenades."

Pirmahmad ALIEV, detained on September 24, 1994.

---

<sup>7</sup> According to Article 94 of the Code of Criminal Procedure, a detainee may be released on bail at the discretion of the General Procurator and the investigator in charge of the case.

<sup>8</sup> The Procuracy of Tajikistan incorrectly informed Human Rights Watch/Helsinki that Messrs. Komilov and Kasimov were represented by lawyers within 10 days after their arrest. July 18, 1994 letter from First Deputy Procurator General of the Republic of Tajikistan to Human Rights Watch/Helsinki.

<sup>9</sup> Human Rights Watch/Helsinki asked to visit Messrs. Mirrahimov, Komilov, Kasimov and Nazarov in May 1993 in order to investigate charges that they had been tortured in detention. However, the investigator in charge of the case said that he would not permit members of HRW/Helsinki to speak to the detainees or stand closer than ten meters from them; ultimately he agreed to permit the detainees to walk by at a distance of five meters. The investigator also categorically refused to permit the men to remove their shirts. These conditions were considered unacceptable by HRW/Helsinki, which declined to visit the detainees.

Rustamjan Nazarovich JAFFAROV, employed at the Ministry of Security, detained on September 29, 1994.

Junoon ABDUALIMOV, detained on September 29, 1994.

### **INDIVIDUALS WHO HAVE ALREADY BEEN CONVICTED**

Jumaboi NIYAZEV, former chairman of the Leninabad region Democratic Party of Tajikistan, was arrested on January 15, 1993, and sentenced to seven years on March 5, 1993, for "possession of bullets."

Nuriddin SADRIDINNOV, former chairman of Rastokhez for Leninabad Region, was arrested January 22, 1993, and sentenced to ten years in March 1993 for "possession of bullets."

Mirzosami ODILLOV, a member of the Islamic Revival Party from Matschot Region, has been sentenced to ten years.

Khajaolim IUSUVJANOV, a member of the Islamic Revival Party from Leninabad region, was arrested in February 1993 for "possession of a grenade." He has been sentenced to five years.

Azizjan MUKHTOROV, a religious figure from Leninabad region, was arrested in January 1993 and sentenced to five years for "illegal possession of arms."

Abdumajid PATTOEV, from Leninabad region, was arrested in January 1993 and sentenced to five years for "illegal possession of arms."

Rahimbek NURULLOBKOV, sentenced to death for murder.

Davlatbek MAHMUDOV, sentenced to death for murder.

Juma AZIZMAMADOV was sentenced to seven years; his sentence was subsequently reduced to four years.

Rahim RAHMATOLLAEV, sentenced to death on February 4, 1994, for "banditry." |

Hassan RAHMATOLLAEV, sentenced to death on February 4, 1994, for "banditry."

Buri BAIMINOV, sentenced to death on February 4, 1994, for "banditry."

Avazshah JONONOV, sentenced to death on February 4, 1994, for "banditry."

Sobir SAFOYEV, sentenced to death in July 1994 for "banditry."

Ibrahim Amrollah NUROLLOYEVICH, sentenced to death in July 1994 for conspiring to overthrow the government, treason and "banditry."

## **INDIVIDUALS UNDER HOUSE ARREST**

Oinhol BOBONAZAROVA, the former dean of the Law Faculty of Tajikistan State University and a prominent member of the Democratic Party of Tajikistan. She was arrested on October 8, 1993, and charged with conspiring to overthrow the government. She was released from custody in November 1993 but has been under house arrest since that time, prohibiting her from leaving the city of Dushanbe.

Saidsho AKRAMOV, chief surgeon at Machinskii Region Hospital, was arrested on January 18, 1993, for "illegal possession of arms." After suffering a heart attack, he was released from pre-trial detention on May 6, 1993. His case is still being investigated; in the meantime, he has been placed under house arrest, prohibiting him from leaving the city of Dushanbe.

Mullobek FAYZIEV, a former official at the Ministry of Foreign Affairs of Tajikistan, was arrested on February 26, 1993, and charged with treason and "abuse of office." He was released eight months later and is currently under house arrest, prohibiting him from leaving the city of Dushanbe.

## **ADDITIONAL NAMES PRESENTED BY THE OPPOSITION**

The following additional names appeared on a list of political prisoners provided by the opposition to the government during the September 17, 1994, talks that led to an agreement for the release of prisoners.

Sadriddin Faizovich ALIEV, detained in July 1993 in Dushanbe.

Khajikurbon Mirzomahmudovich YAKUBOV, detained in March 1994 in Dushanbe.

Sahibnazar NAZAROV, detained in April 1993 in Dushanbe.

Khalim Khajievich SHARIPOV, detained in December 1992 in Dushanbe.

Dokhru MAJNUNOV, detained in April 1993 in Gharm.

Abdullo VAZIROV, doctor, detained in November 1993 in Gharm.

Muhammad Ali, from Lenin Region.

Mavluda, seized in June 1993 in Gharm.

Dima, age 18, of Tatar nationality, seized in June 1993 in Gharm with Mavluda.

Nazar (Nazarsha), from Lenin Region.

Sairsha TESHABOEV, seized in March 1993 in Tajikabad.

Askar Saimuhiddinovich SAFAROV, seized in March 1993 in Tajikabad.

Sangak SAFALOV, seized in April 1993 in Tajikabad.

Karamatullo KALANDAROV, seized in Dushanbe.

Muhammad SHIFA, seized in April 1994 in Kalai Khum by Russian border guards.

Mirzovali SABZALIEV, militiaman, seized in March 1993 in Kofarnihan.

Bahrom RAHMONOV, Major-General, former chairman of defense committee of Tajikistan, reportedly detained in Uzbekistan in the summer of 1994 and handed over to Tajik authorities.

Safar HUSSEINOV, detained in September 1993.

Abdullo KARIMOV, detained in April 1993.

Safar, detained in August 1993.

Muhamadusuf SAIDOV, from Leningrad collective farm in Kulab Region, detained in 1994.

Khairiddin SALOEV, from Kulab city, detained in July 1993.

### **OTHERS**

According to reports received by HRW/Helsinki, the following individuals are believed to have been detained by Tajik authorities. According to the Prosecutor General, however, they are not in detention and no criminal cases currently exist against these individuals.<sup>10</sup>

Abdurrashid FOZILOV, the former head of the Islamic Revival Party in Matschot district.

Ainiddin SODIKOV, chairman of the Democratic Party of Tajikistan in Frunze (Dushanbe).

Ali MUKHTOROV, a known supporter of the Islamic Revival Party from Yevan Region.

Mahmudali HIKMAT, a member of the Islamic Revival Party from Matschot Region.

Abdullah KHITOB, a member of the Islamic Revival Party from Kurgan Teppe.

Rahmatullah NUSRATOV from Kofarnihon District.

Siyarsho SHOEV, from Leninabad Region.

Saidsho SHOEV, a former parliamentary deputy from Gharm.<sup>11</sup>

---

<sup>10</sup> Human Rights Watch/Helsinki meeting with Mamadnazar Salehov, Procurator General of the Republic of Tajikistan, on August 19, 1994.

<sup>11</sup> According to the Procuracy, a criminal case was opened against the Shoev brothers, but they were never



Sharafiddin BALAEV, from Kurgan Teppe.

Nasirov SEIFIDDIN, detained by authorities on November 6, 1993.

Mirzo IUSUF, Imam Khatib of Matschot region.

Mirzo GOLIBOEV.

### **RELEASED PRISONERS**

According to the Procurator General, the following individuals have been released. Human Rights Watch/Helsinki has been unable to confirm this information.

Mahmadyar NOZIMOV, a member of the Islamic Revival Party from Sebiston, had been sentenced to three years by the Supreme Court on August 26, 1993, for "calling for the violent overthrow of the government."

Ghuraishkhan IBRAGIMOV, a member of the Islamic Spiritual Society in Leninabad, had been sentenced to five years for possession of bullets.

Rajab ATALLAEV, a member of the Islamic Revival Party, had been sentenced to three years for "publicly calling for the overthrow of the government."

Ma'rufjan RAHIMJAN, a member of the Islamic Revival Party from Ura Teppe, had been sentenced to four years.

Hojiddin Ghurbanovich KHODJAEV. His case was under investigation.

Davlatkhuja SABUROV, had been detained in February 1993 in Osh, Kyrgyzstan.

### **PRISONERS WHO WERE EXECUTED OR DIED IN CUSTODY IN DISPUTED CIRCUMSTANCES**

Ajik ALIEV, former chairman of the Khatlon District Islamic Revival Party, had been sentenced to death on August 25, 1993, for terrorism, treason and conspiring to overthrow the government. According to the Procuracy, he was executed on September 15, 1994, while the opposition and government were meeting in Tehran to sign the September 17 agreement to release prisoners.

Eshoni Said Ashraf ABDULLOHADOV, the former Imam Khatib of Kurgan Teppe, died during detention on September 21, 1994. Mr. Abdullohadov had been arrested in April 1993 and was undergoing trial at the time of his death. According to the Procuracy, he died of a heart attack. His body has not yet been returned to the family.

Ismanbek DASHTOV, was detained on August 24 and charged with "possession of arms." According to the Procuracy, he threw himself out of a third floor window two days later, while in the presence of authorities.

\* \* \* \* \*

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

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Helsinki division 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; Holly Cartner, counsel; Erika Dailey, Rachel Denber, Ivana Nizich and Christopher Panico are research associates; Anne Kuper, Ivan Lupis, and Alexander Petrov are associates; Željka Markić and Vlatka Mihelić are consultants. Jonathan Fanton is the chair of the advisory committee and Alice Henkin is vice chair.