

Tajikistan

Tajikistan's human rights situation deteriorated sharply in 2016, as authorities sentenced the leadership of the country's main opposition party to lengthy prison terms, imprisoned human rights lawyers and other perceived government critics, and predetermined the result of a constitutional referendum that will allow authoritarian President Emomali Rahmon to remain president for life.

Authorities organized and led numerous acts of retaliation, including incidents of mob violence, against relatives of government critics abroad. Activists reported cases of torture and deaths in custody of persons imprisoned on politically motivated charges. The government continued its multi-year campaign to enforce severe restrictions on religious practice.

While the government took steps to enforce a 2013 law on the prevention of domestic violence, activists and service providers report that implementation of the law's core legal protections, including prosecutions of those who repeatedly engage in domestic violence, are lacking.

Harassment of Critics

The Tajik government has imprisoned more than 150 activists on politically motivated charges since the middle of 2015. Most are lawyers, perceived critics, and members of the Islamic Renaissance Party of Tajikistan (IRPT)—the country's largest opposition party before the government banned it in September 2015. It also continued to seek the extradition of peaceful opposition activists living abroad, mainly those from the opposition movement Group 24.

In February, following pressure from human rights groups and various governments, Belarusian authorities released Tajik activist Shabnam Khudoydodova, who had been detained in June 2015 in Brest, Belarus, pursuant to a Tajik extradition request and Interpol

warrant. Khudoydodova, who had called in a series of online posts for democratic reforms and was living in St. Petersburg, was detained after Polish border guards refused her entry to Poland where she planned to seek asylum. Tajik authorities have charged her with extremism and are still seeking her extradition.

In May, a Dushanbe court sentenced businessman and government critic Abubakr Azizkhojaev to two-and-a-half years' imprisonment. Azizkhojaev, a successful entrepreneur, made public allegations of government corruption. He was detained on February 26, at his home in the capital, Dushanbe, initially, as a witness, but later was charged with "inciting national, racial, regional, or religious hatred" under article 189 of Tajikistan's criminal code for his remarks about Rahmon's son-in-law.

Friends and family who were able to visit Azizkhojaev in early May said they had seen burns on his body, and Azizkhojaev told relatives that jail officials had beaten him. A lawyer for Azizkhojaev told Human Rights Watch that his corruption allegations against the government formed the basis of the charges.

In June, Tajikistan's Supreme Court sentenced IRPT leaders to lengthy prison terms on charges of attempting to overthrow the government. The sentences followed an unfair trial initiated in retaliation for their peaceful political opposition and reflect the government's pervasive manipulation of the justice system and egregious violations of the right to freedom of expression.

The court sentenced the IRPT's first deputy and deputy chairmen, Saidumar Husaini and Mahmadali Hayit, to life in prison. Rahmatullo Rajab, Sattor Karimov, Kiyomiddini Azav, and Abdukahhori Davlat, other party leaders, were all sentenced to 28 years in prison. Senior IRPT legal adviser, Zarafo Rahmoni, the only woman among the defendants, was sentenced to two years.

Other sentences for senior party members were: Zubaidullohi Rozik 25 years; Muhammadalii Fayzmyhammad, 23 years; while Vokhidhoni Kosiddin and Sadiddini Rustam, 20 years; Hikmatulloh Sayfullozoda, editor of the now-banned IRPT newspaper *Najot*, 16 years; Muhammadsharif Nabiev and Abdusamad Gayratov, 14 years.

The trial, which began on February 24, was closed to observers and according to their lawyers marked by serious violations of due process. Sources told Human Rights Watch that several defendants were subjected to torture or ill-treatment in pretrial detention. A lawyer who represented one of the defendants and was present in court throughout the trial stated that the government presented no evidence of the defendants' guilt, citing the allegations made in the indictments as established facts.

On June 2, the day the verdict was handed down, wives of several defendants announced they would hold a peaceful protest and walk to the local United Nations office to seek a consultation on the sentences. As the women proceeded toward the UN building, police detained them. They were fined for an administrative violation of "failure to obey police."

In September, during the Organization for Security and Co-operation in Europe (OSCE) Human Dimension Implementation Meeting (HDIM) in Warsaw, opposition activists staged peaceful protests to raise attention to human rights issues in Tajikistan and also spoke at the conference's several public sessions. In response, mobs attacked homes belonging to relatives of the activists over the next several days in the cities of Kulob, Khujand, Rudaki, Dushanbe, and Dangara. The government organized rallies among college students labeling the activists "enemies of the people."

The coordination and timing of these attacks across several cities on the same days, and authorities' failure to unequivocally condemn them, pointed to tacit endorsement, if not outright coordination, by the government.

Imprisonment and Harassment of Lawyers

In 2016, authorities continued a pattern of arresting, imprisoning, and intimidating numerous attorneys in retaliation for representing political opponents or their willingness to take on politically sensitive cases.

Since 2014, authorities have arrested or imprisoned at least six human rights lawyers: Shukhrat Kudratov, Fakhridin Zokirov, Buzurgmehr Yorov, Jamshed Yorov, Nuriddin Makhkamov, and Dilbar Dodojonova. Zokirov was released after two lengthy periods of imprisonment, charges were ultimately dropped against Dodojonova, and Kudratov was

amnestied in September. But the others remain behind bars, after dubious convictions or awaiting trial on specious charges. Others, including a well-known human rights lawyer Fayzinisso Vohidova, have been harassed and threatened with spurious criminal charges.

On February 11, 2016, a Vakhdat court sentenced Firuz Tabarov to 13-and-a-half years in prison for various crimes, including “extremism” (article 307) and “facilitating mercenary fighters” (article 401). He is the son of a prominent attorney Iskhok Tabarov, the only member of imprisoned opposition figure Zayd Saidov’s legal team who did not face criminal charges. Tabarov was arrested on July 3, 2015, and, his father said, was tortured in pretrial detention and forced to make a false confession. He said authorities had provided no evidence of his son’s involvement in extremist or mercenary activity and that the case was in retaliation for the father’s role in defending Saidov.

On March 14, 2016, journalists reported that police arrested Firuz’s brother, Daler Tabarov, on charges of failing to report a crime (article 347). He was in pretrial detention in Dushanbe awaiting trial at time of writing.

In October, following a largely closed trial, a Dushanbe court sentenced lawyers Buzurgmehr Yorov and Nuriddin Makhkamov to 23 and 21 years in prison, respectively, on various charges, including fraud and “extremism,” in what appeared to be retaliation for their legal representation of IRPT members. Yorov’s arrest on September 28, 2015, came one day after he gave an interview in which he said that officers from the Police Unit for Combating Organized Crime had beaten his client IRPT deputy party chairman Umarali Hisaynov following arrest.

On August 23, authorities arrested Buzurgmehr’s brother, lawyer Jamshed Yorov, on charges of “disclosing state secrets,” accusing him of defying an order forbidding the publication of the June 2016 sentence of the IRPT leaders. He was released in September but was denied access to a lawyer or his relatives throughout his detention.

The Tajik government has also taken steps to extend its control over the legal profession, significantly curtailing its independence. In November 2015, authorities approved a new law requiring all lawyers to renew their legal licenses with the Justice Ministry, instead of

the independent bar association or licensing body, and to retake the bar examination every five years.

Lawyers told Human Rights Watch and the Norwegian Helsinki Committee that the exam included questions on a broad range of subjects unrelated to law, such as history, culture, and politics, and that they are concerned it is being used to exclude those who take on politically sensitive cases.

Freedom of Expression

Under the pretext of protecting national security, Tajikistan's state telecommunications agency regularly blocks websites that carry information potentially critical of the government, including Facebook, Gmail, Radio Ozodi, the website of Radio Free Europe's Tajik service, and opposition websites. In early November, authorities forced the closure of *Nigoh*, one of Tajikistan's last independent newspapers after it had ostensibly insulted president Rahmon by misspelling the word "president." Also in November, another news outlet, TojNews, shut down also citing political pressure.

Domestic Violence

By September 2016, authorities had taken several steps to combat domestic violence against women and children, operating at least 12 police stations staffed by female police inspectors who underwent training in gender-sensitive, community policing. The Ministry of Internal Affairs also developed further guidelines on the implementation of Tajikistan's 2013 law on the prevention of violence in the family.

However, survivors of domestic violence, lawyers, and service providers reported that the law remains largely unimplemented and that victims of domestic violence continue to suffer inadequate protection.

Key International Actors

With a few notable exceptions, the response of key international partners to Tajikistan's crackdown on the opposition and perceived critics has remained largely muted.

In June, the European Union held its annual human rights dialogue with Tajikistan, raising concerns about torture and restrictions on freedom of expression and religion. On June 9, in a resolution on the “situation of prisoners of conscience” in Tajikistan, the European Parliament called specifically for the release of all those “imprisoned on politically motivated charges.”

On April 15, the US State Department designated Tajikistan a “country of particular concern” with respect to religious freedom, highlighting “systematic, ongoing, [and] egregious violations of religious freedom.” The designation allows the US government to sanction Tajikistan, although the Obama administration declined to do so based on national security concerns.

Following a country visit to Tajikistan in March, the UN special rapporteur on the right to freedom of opinion and expression stressed his “grave concern about increasing restrictions on opposition parties, civil society and the media over the past year.” In June, he expressed his dismay at the lengthy sentences imposed on the IRPT leadership.

Following its Universal Periodic Review in May, the Tajik government accepted recommendations to ensure fair trials for activists, political leaders, and lawyers on trial, which contrasted sharply with authorities’ actions on the ground, but rejected recommendations to release activists and lawyers detained on politically motivated grounds.