



FREEDOM NOW

**FREEDOM NOW – INDIVIDUAL SUBMISSION TO
THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS**

**UNIVERSAL PERIODIC REVIEW: TAJIKISTAN
39th SESSION
HUMAN RIGHTS COUNCIL – UPR WORKING GROUP**

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Introduction

1. Freedom Now submits this report to assist the UN Human Rights Council in its review of the policies and practices of the Government of Tajikistan (“Tajikistan”). Freedom Now is an international non-governmental organization that protects individuals and communities from government repression and defends human rights through direct legal support, targeted high-leverage advocacy, and capacity-building analysis and assistance.¹

2. This report documents Tajikistan’s use of arbitrary detention and politically-motivated prosecutions in violation of international law, as well as related human rights violations. Tajikistan continues to imprison government critics on politically-motivated charges, undertake reprisals against family members and supporters of opposition members, seek the extradition of dissidents living abroad, and neglect prison conditions. Such practices violate Tajikistan’s obligations under the International Covenant on Civil and Political Rights (“ICCPR”), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (“CAT”), and the Universal Declaration of Human Rights (“UDHR”).

Arbitrary Detention of Political Opposition Activists and Associated Individuals

3. Concern for imprisoned political opposition activists was highlighted during Tajikistan’s second Universal Periodic Review in 2016.² Tajikistan noted the recommendation to immediately and unconditionally release individuals arrested on politically motivated charges.³ However, Tajikistan continues to imprison individuals on politically motivated charges and has initiated additional prosecutions since the prior review.

4. Although there is no definitive list of prisoners of conscience in Tajikistan, civil society places the number of politically motivated imprisonments at approximately 100. In the context of such politically-motivated detentions, Tajikistan has failed to meet minimum international due process standards and violated detainees’ rights to be free from torture and other forms of mistreatment. During the reporting period, the UN Working Group on Arbitrary Detention issued three opinions regarding the detention of 13 individuals in Tajikistan.⁴ The Working Group found that by detaining these individuals Tajikistan committed serious violations of human rights enshrined in the ICCPR and UDHR, including the rights to freedom of expression and freedom of association. All of the individuals named in the decisions remained detained. Likewise, the UN Human Rights Committee recently

¹ Freedom Now serves as international *pro bono* counsel to Tajik prisoners of conscience Buzurgmehr Yorov, Mahmatali Hayit, Zayd Saidov, Saidumar Husaini, Muhammadali Faizmuhammad, Rahmatulloi Rajab, Zubaidulloi Roziq, Vohidkhon Kosidinov, Kiyomiddin Kuramdzhonovich Avazov, Abduqahar Davlatov, Hikmatulloh Sayfulloza, Sadidin Rustamov, Sharif Mamadalievich Nabiev, and Abdusamat Ghayratov.

² Prisoners of conscience are persons detained for their political, religious, or other beliefs or because of their ethnic origin, sex, sexual orientation, color, language, national or social origin, economic status, birth or other status—who have not used or advocated violence.

³ *2RP: Responses to Recommendations & Voluntary Pledges, Tajikistan, Second Review*, UPR Info, ¶118.69, https://www.upr-info.org/sites/default/files/document/tajikistan/session_25_-_may_2016/recommendations_and_pledges_tajikistan_2016.pdf.

⁴ *Opinion No. 2/2018 concerning Haritos Mahmatali Rahmonovich*, UN Working Group on Arbitrary Detention (May 17, 2018), U.N. Doc. No. A/HRC/WGAD/2018/2; *Opinion No. 17/2019 concerning Buzurgmehr Yorov*, UN Working Group on Arbitrary Detention (June 12, 2019), U.N. Doc. No. A/HRC/WGAD/2019/17; and *Opinion No. 66/2019 concerning Saidumar Husaini, et al.*, UN Working Group on Arbitrary Detention (Jan. 31, 2020), U.N. Doc. No. A/HRC/WGAD/2019/66.

issued one opinion calling for the release of a detained politician after finding his detention amounted to a serious violation of his human rights.⁵

5. Tajikistan relies on national security laws, including the Counter-Terrorism Act (1999) and the Anti-Extremism Act (2003), to imprison opposition members. The Law on Combatting Terrorism (1999) is used to ban peaceful political opposition groups, such as the Islamic Renaissance Political Party of Tajikistan (“IRPT”), Group 24, and Youth for the Revival of Tajikistan and to ban distribution of materials produced by the groups. The government uses these laws to violate due process rights by holding closed trials under the rubric of protecting national security secrets.

6. Tajikistan has initiated politically motivated prosecutions of family members and supporters of imprisoned opposition activists. Asroriddin Rozikov, the son of imprisoned IRPT activist Zubaidullohi Rozik, was arrested in June 2020. He was charged with “organizing activities of an extremist organization” and faces up to eight years in prison. Before Rozikov was arrested, his brother was told that their father refused a request by government officials to videotape an interview to denounce the IRPT and label party activists as terrorists.⁶ In another example, in December 2020, a court convicted 80-year old Doniyor Nabiev of “organizing activities of an extremist organization” and sentenced him to seven years in prison. The charges were related to donations Nabiev, a former IRPT member, made from his monthly retirement pension to local families of imprisoned IRPT activists.⁷

Torture

7. Tajikistan accepted all five recommendations regarding eliminating the practice of torture during the prior review.⁸ There have been positive reforms regarding this area. In January 2020, Tajikistan amended the Criminal Code to increase the penalty for torture from a fine to a prison sentence ranging from five to eight years.

8. Despite reforms, torture and other forms of ill treatment are endemic in Tajik detention facilities. Law enforcement officers routinely torture and mistreat individuals in order to extract self-incriminating evidence and confessions. Authorities are known to torture and abuse people who they are targeting on political grounds. Individuals accused of being threats to national security, including members of religious movements and Islamist groups or parties, are at particular risk of *incommunicado* detention, torture and other ill-treatment.

9. Mahmatali Hayit, the deputy chairman of the IRPT, has been repeatedly subjected to torture. In August 2016, his arms and legs were broken after he requested a pencil and paper to lodge a complaint against prison officials.⁹ In March 2019, Hayit revealed to his wife injuries on his forehead and stomach that he said were caused by beatings from prison officials to punish him for refusing to record videos denouncing Tajik opposition figures abroad. He also disclosed that medical care was being withheld.¹⁰

10. In September 2017, imprisoned lawyer Buzurgmehr Yorov was beaten so severely that he suffered several broken bones, was completely unable to walk, and had to be admitted to the prison hospital.¹¹

⁵ Views adopted by the Committee, concerning communication No. 2680/2015 (Zayd Saidov), UN Human Rights Committee (Sept. 20, 2018), CCPR/C/122/D/2680/2015.

⁶ *Tajikistan: Intensified Pressure on Dissidents’ Families*, Human Rights Watch (July 9, 2020), available at <https://www.hrw.org/news/2020/07/09/tajikistan-intensified-pressure-dissidents-families>.

⁷ *Older People Not Spared in Tajikistan’s Crackdown*, Human Rights Watch (Jan. 20, 2021), available at <https://www.hrw.org/news/2021/01/20/older-people-not-spared-tajikistans-crackdown>.

⁸ *2RP: Responses to Recommendations & Voluntary Pledges, Tajikistan, Second Review*, UPR Info, ¶¶ 115.58, 115.59, 115.60, 115.61, and 115.62.

⁹ *Statement by the Representatives of Tajikistan’s Civil Society about the Status of Political Prisoners*, Amnesty International (Aug. 22, 2016), <https://blogs.exeter.ac.uk/excas/2016/08/22/statement-by-the-representatives-of-tajikistans-civil-society-about-status-of-political-prisoners/>.

¹⁰ *Tajikistan: Release Gravely Ill Activist*, Norwegian Helsinki Committee (March 20, 2019), available at <https://www.nhc.no/en/tajikistan-release-gravely-ill-activist/>.

¹¹ *Opinion No. 17/2019 concerning Buzurgmehr Yorov*, UN Working Group on Arbitrary Detention, U.N. Doc. No. A/HRC/WGAD/2019/17 (June 12, 2019) at ¶ 27.

11. Torture of Yorov and other IRPT prisoners re-intensified in May 2020, as government officials sought to coerce the detainees into making false confessions on the record and publicly condemning the IRPT as terrorists (including condemnation of certain IRPT leaders living in exile). In addition to physical beatings and other methods of torture previously employed against the IRPT activists and Yorov, prison authorities resorted to even more abominable methods of torture, including sexual violence and forcing detainees to spend extended periods of time in very hot or very cold cells that are not large enough for the prisoner to sit or lie down.¹²

Harassment and Extradition of Dissidents Living Abroad

12. The government has sought the extradition of critics living abroad, in some cases using the INTERPOL system to issue Red Notices against members of opposition groups. In March 2020, opposition activist Hizbullo Shoalizoda was extradited from Austria to Tajikistan despite calls from international organizations to deny the request. In June 2020, he was sentenced by a Tajik court to 20 years in prison on extremism charges following a closed trial.¹³ An Austrian court has since ruled his extradition should have never taken place.¹⁴

13. In instances where extradition has not been successful, the government has resorted to kidnapping. On February 13, 2019, Sharofiddin Gadoev, former deputy leader of Group 24, travelled from Amsterdam to Moscow to brief officials from Russia's Security Council on political developments in Tajikistan. Once in Moscow, Gadoev was abducted, handed over to Tajik security service officers, and placed on a flight to Dushanbe. He was brought to the Interior Ministry the next day where he was offered three options: execution, a prison sentence of 25 years to life, or cooperate with the authorities and allege that the IRPT was financed by Iran and Western human rights groups.¹⁵ On February 20, the government announced he was charged with possession of contraband and forgery.¹⁶ Gadoev was released from custody and allowed to return to the Netherlands on March 2.¹⁷

14. Even short of extradition or kidnapping, Tajikistan has continued to harass dissidents and their relatives beyond its borders. For example, Jamshed and Khosiyat Yorov, siblings of imprisoned human rights attorney Buzurgmehr Yorov, reported harassment after they fled to Poland. Special Services told Jamshed's wife that they had operatives in Poland and that they knew the exact address of Jamshed at the refugee camp. In March 2017, Jamshed noticed a member of the Police Unit for Combating Organized Crime, who he recognized from a prior raid on his office in Dushanbe, watching him in the refugee camp. When Jamshed asked about the presence of these members the Police Unit for Combating Organized Crime in the camp, he was told that these were refugees from Uzbekistan. In response, Jamshed made a report to Poland's Office of Refugees, explaining that he believed there to be Tajik and Russian agents in the refugee camp who posed a danger to him.

Prison Conditions

15. The issue of prison conditions was raised during the previous Universal Periodic Review, with UN Member States recommending Tajikistan "further strengthen the capacities of its prisons with a view to improving

¹² *Letter TJK 1/2020 from the Special Procedures of the UN Human Rights Council to the Government of Tajikistan*, Office of the High Commissioner for Human Rights (Nov. 4, 2020), available at <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25677>.

¹³ *Tajik Opposition Activist Extradited From Austria Jailed 20 Years For Extremism*, Radio Free Europe/Radio Liberty (June 12, 2020), available at <https://www.rferl.org/a/tajik-opposition-activist-extradited-from-austria-jailed-20-years-for-extremism/30667696.html>.

¹⁴ *Austria's Supreme Court Invalidates Extradition of Tajik Activist*, Radio Free Europe/Radio Liberty (July 10, 2020), <https://www.rferl.org/a/austria-s-supreme-court-invalidates-extradition-of-tajik-activist-now-sitting-in-dushanbe-jail/30719527.html>.

¹⁵ *Tajikistan: Opposition activist reveals details of state-ordered kidnapping*, EurasiaNet (March 6, 2019), available at <https://eurasianet.org/tajikistan-opposition-activist-reveals-details-of-state-ordered-kidnapping>.

¹⁶ *Tajikistan: Activist Forcibly Returned from Russia*, Norwegian Helsinki Committee (Feb. 24, 2019), available at <https://www.nhc.no/en/tajikistan-activist-forcibly-returned-from-russia/>.

¹⁷ *Tajikistan: Opposition activist reveals details of state-ordered kidnapping*, EurasiaNet (March 6, 2019), available at <https://eurasianet.org/tajikistan-opposition-activist-reveals-details-of-state-ordered-kidnapping>.

the custody conditions of detainees” and ensure investigations are carried out into all deaths in custody.¹⁸ Although Tajikistan accepted all of these recommendations, prison conditions remain life-threatening.

16. The UN Human Rights Committee has highlighted Tajikistan’s apparent failure to protect its citizens’ right to life. The Committee noted in the context of Tajikistan’s third periodic review numerous instances of deaths in detention facilities during the reporting period which had not been properly investigated.¹⁹

17. Tajikistan experienced two deadly prison riots during the reporting period that claimed the lives of nearly 80 individuals. The first riot occurred in November 2018 at maximum-security Prison 3/3 and reportedly resulted in the deaths of 50 prisoners.²⁰ The Tajik government did not publicly acknowledge the riot until two weeks later.²¹ A criminal case was initiated against the rioters in February 2019, but the trial was closed to the public.²² The second riot occurred in May 2019 at the maximum security Kirpichniy Prison in the Vahdat district and reportedly resulted in the deaths of 29 prisoners.²³ Among the prisoners killed at Kirpichniy were IPRT members Sattor Karimov, Saeed Qiyomiddin Ghozi, and Jomahmad Boev. Several other IRPT members were injured during the riot. Both riots were instigated by members of the Islamic State. Reportedly at Kirpichniy, members of the Islamic State sought out IRPT members and members of other religious minority groups. Zayd Saidov, an opposition politician, was also targeted by Islamic State members, but was unharmed. A trial was held in December 2019 in which 29 alleged perpetrators of the riot were sentenced to lengthy prison terms ranging from 19 to 29 years. However, the trial was classified and lawyers were forced to sign non-disclosure agreements.²⁴

18. The COVID-19 pandemic exacerbated the risks faced by detainees. There were numerous reports of prisoners experiencing respiratory illnesses consistent with COVID-19 symptoms. Among those believed to have been exposed to the disease are journalist Daler Sharipov, lawyer Buzurgmehr Yorov, and IRPT activist Rahmatulloi Rajab.²⁵ Prison authorities did not allow any type of quarantine or health measures to be taken in response to the COVID-19 outbreak in the prisons, including providing prisoners with treatment.²⁶ On March 31, 2020, all prison visits were cancelled indefinitely, however the Tajik government did not acknowledge COVID-19 was present in the country until April 30.²⁷ The ban on prison visits was eventually lifted in November 2020.

¹⁸ 2RP: Responses to Recommendations & Voluntary Pledges, Tajikistan, Second Review, ¶¶ 115.82, 115.83, and 115.84.

¹⁹ Concluding observations on the third periodic report of Tajikistan, UN Human Rights Committee (Aug. 22, 2019), CCPR/C/TJK/CO/3, ¶¶ 29-30.

²⁰ At Least 50 Inmates Were Killed In Tajik Prison Riot, Sources Say, Radio Free Europe/Radio Liberty (Nov. 13, 2018), available at <https://www.rferl.org/a/at-least-50-inmates-were-killed-in-tajik-prison-riot-sources-say/29597824.html>.

²¹ Tajikistan Makes First Comments About Prison Riot, Radio Free Europe/Radio Liberty (Nov. 21, 2018), available at <https://www.rferl.org/a/six-officers-of-tajik-prison-arrested-after-deadly-prison-unrest-sources/29613500.html>.

²² Trial of inmates in fatal Khujand prison riot will be held behind closed doors, Asia Plus (Feb. 22, 2019), available at <https://news.tj/en/news/tajikistan/laworder/20190222/trial-of-inmates-in-fatal-khujand-prison-riot-will-be-held-behind-closed-doors>.

²³ Tajikistan prison riot kills prominent opposition members, Al Jazeera (May 21, 2019), available at <https://www.aljazeera.com/news/2019/05/tajikistan-prison-riot-kills-prominent-opposition-members-190521110034550.html>.

²⁴ Lengthy Prison Terms Handed To Inmates In Deadly Tajik Prison Riot, Radio Free Europe/Radio Liberty (Dec. 13, 2019), available at <https://www.rferl.org/a/lengthy-prison-terms-handed-to-inmates-in-deadly-prison-riot-in-tajikistan/30323696.html>.

²⁵ Human Rights Impact Assessment of the COVID-19 Response in Tajikistan, International Partnership for Human Rights (Aug. 2020), pg. 11, available at <https://www.iphonline.org/wp-content/uploads/2020/09/Covid-19-TAJ.pdf>; *The condition of the Tajik political prisoner Rajab in the colony has sharply deteriorated*, Fergana News (Sept. 3, 2020), available at <https://fergana.site/news/121059/>.

²⁶ Central Asia: Pandemic Response Threatens Rights, Human Rights Watch (Jan. 13, 2021), available at <https://www.hrw.org/news/2021/01/13/central-asia-pandemic-response-threatens-rights>.

²⁷ All visits of prisoners with relatives have been canceled in Tajikistan, Radio Ozodi (March 30, 2020), available at <https://rus.ozodi.org/a/30519543.html>; COVID-19: Tajikistan Officially Confirms First Cases, Radio Free Europe/Radio Liberty (April 30, 2020), available at <https://www.rferl.org/a/covid-19-kyrgyzstan-easing-business-restrictions/30585076.html>.

Conclusion and Recommendations

19. Freedom Now recommends Tajikistan:

- a) Abide by the decisions of the UN Working Group on Arbitrary Detention to immediately and unconditionally release and rehabilitate the civil and political rights of Buzurgmehr Yorov, Mahmatali Hayit, Saidumar Husaini, Muhammadali Faizmuhammad, Rahmatulloi Rajab, Zubaidulloi Roziq, Vohidkhon Kosidinov, Kiyomiddin Kuramdzhonovich Avazov, Abduqahar Davlatov, Hikmatulloh Sayfulloza, Sadidin Rustamov, Sharif Mamadalievich Nabiev, and Abdusamat Ghayratov.
- b) Abide by the decision of the UN Human Rights Committee to immediately and unconditionally release Zayd Saidov and provide him with compensation.
- c) Revise the Counter-Terrorism Act (1999), the Anti-Extremism Act (2003), and the Criminal Code to comply with international standards.
- d) Immediately and unconditionally release Asroriddin Rozikov and Doniyor Nabiev. Cease further judicial persecution and harassment of family members and supporters of imprisoned opposition activists.
- e) Thoroughly investigate all cases of torture or ill-treatment. Ensure that perpetrators of such abuses are held accountable and that victims of such abuses are appropriately rehabilitated and compensated.
- f) End use of international measures, such as INTERPOL Red Notice system, to target dissident Tajik citizens living abroad.
- g) Invite the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the UN Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions to conduct country visits within the next year. Ensure they have free, unrestricted access to detention facilities and detainees.
- h) Ratify the Optional Protocol to the Convention against Torture and establish an effective national preventive mechanism in accordance with the Optional Protocol.
- i) Allow local and international civil society organizations, including the International Committee of the Red Cross, free and unrestricted access to all detention facilities in the country.
- j) Conduct a thorough, transparent investigation into the prison riots at Prison 3/3 and Kirpichniy Prison. Guarantee that the results of this investigation are widely disseminated. Prosecute prison officials responsible for any excessive or disproportionate use of force during the riots. Provide reparation to victims and families of the deceased.
- k) Provide data on the spread of COVID-19 in detention centers. Ensure prisoners who contracted the disease receive adequate medical treatment for possible chronic symptoms.
- l) Develop and publicize a procedure to provide prisoners with adequate health and safety safeguards in the event of a pandemic.