



UNIVERSAL PERIODIC REVIEW SUBMISSION FOR TAJIKISTAN

NGO Submission

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ABOUT HRF

1. The Human Rights Foundation (HRF) is a nonpartisan nonprofit organization that promotes and protects human rights globally, with a focus on closed societies. HRF unites people in the common cause of defending human rights and promoting liberal democracy. Our mission is to ensure that freedom is both preserved and promoted around the world.
2. We focus our work on the founding ideals of the human rights movement, those most purely represented in the 1948 Universal Declaration of Human Rights and the 1976 International Covenant on Civil and Political Rights.
3. The Human Rights Foundation Center for Law and Democracy (HRF-CLD) is a program of HRF. HRF-CLD promotes legal scholarship in the areas of comparative constitutional law and international law, with a focus on international human rights law and international democracy law.

INTRODUCTION

4. This submission was prepared by HRF, for the Universal Periodic Review (UPR) of Tajikistan. In this submission, HRF evaluates Tajikistan's implementation of recommendations made during its previous UPR, as it relates to the current human rights situation in the country, which is characterized by systematic, widespread, and gross violations of human rights, including: the ongoing curtailment of the freedom of speech, of the press, and religion, and arbitrary arrests and detentions, as well as ill-treatment, torture, and extrajudicial killings.

FOLLOW-UP ON THE PREVIOUS REVIEW

5. The most recent UPR of Tajikistan by the United Nations Human Rights Council took place on May 6, 2016. The Human Rights Council considered and adopted the outcome of the country's review during its 33rd Session, on September 22, 2016. A total of 208 recommendations were made to Tajikistan, with the

government accepting 158 recommendations and noting 50.¹

6. Although Tajikistan accepted the vast majority of recommendations which covered a range of issues, it has not made significant progress in implementing these recommendations.
7. One of the most common recommendations by UN Member States was that Tajikistan should ratify particular international conventions and remove reservations to core human rights instruments. Despite the number of States that made these recommendations, critically, Tajikistan is yet to:
 - a. ratify the Convention on the Rights of Persons with Disabilities; and
 - b. ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.
8. As a member state of the United Nations, Tajikistan has committed to protecting, promoting, respecting the individual rights and fundamental freedoms laid out in the Universal Declaration of Human Rights (UDHR). Tajikistan has also ratified the International Covenant on Civil and Political Rights (ICCPR).
9. Tajikistan's Constitution (Constitution) formally guarantees the protection of several human rights (*see infra Tajikistan's National Framework For Protecting Human Rights*). However, despite these constitutional guarantees, in practice, individuals in Tajikistan are routinely subjected to human rights violations, not least by the very existence of laws that criminalize and impinge on their fundamental freedoms.

TAJIKISTAN'S NATIONAL FRAMEWORK FOR PROTECTING HUMAN RIGHTS

10. Tajikistan's Constitution contains several key provisions relating to the

¹ 2RP: Responses to Recommendations & Voluntary Pledges, Tajikistan Second Review Session 25, UPR INFO (2016), https://www.upr-info.org/sites/default/files/document/tajikistan/session_25_-_may_2016/recommendations_and_pledges_tajikistan_2016.pdf.

protection of the fundamental rights and freedoms of its citizens.

11. In relation to the equal protection of individuals under the law, Tajikistan's Constitution states:

Article 17

All are equal before the law and court. The State guarantees the rights and freedoms of everyone regardless of his nationality, race, gender, language, religious beliefs, political persuasion, education, [and] social and property status.

Men and women have equal rights.

12. In relation to the fundamental rights of physical integrity and liberty, Tajikistan's Constitution provides that:

Article 18

Everyone has the right to life.

No one may be deprived of life except by the court verdict for a particularly serious crime. The inviolability of a person is guaranteed by the State. No one may be subjected to torture [and] cruel and inhuman treatment.

Forced medical and scientific experiments on human[s] are prohibited.

Article 19

Everyone is guaranteed judicial protection. Everyone has the right to demand that his case be considered by a competent, independent, and impartial court established in accordance with law.

No one may be detained and arrested without legal grounds. A person has the right to services of an attorney from the moment of his arrest.

13. In relation to the rights to freedom of expression, association, assembly, and religion, Tajikistan's Constitution states:

Article 28

Citizens have the right of association; a citizen has the right to participate in creation of political parties including those of a democratic, religious and atheistic character, professional unions, and other social associations, [and] to voluntarily join or leave such

organizations.

Political parties assist in formation and expression of the people's will on the basis of political pluralism, and [they] participate in the political life. Their structure and activity must correspond to democratic norms.

Article 29

A citizen has the right to participate in meetings, rallies, demonstrations, and peaceful processions established by law. No one may be forced to participate in them.

Article 30

Everyone is guaranteed freedom of speech, press, [and] the right to use means of mass information.

Propaganda and agitation inciting social and racial, national, religious and language enmity and hostility are prohibited.

State censorship and prosecution for criticism is prohibited.

A list of information constituting a State secret is determined by law.

POLITICAL BACKGROUND

14. After Tajikistan declared its independence in 1991 following the collapse of the Soviet Union, the country descended into civil war. Tajikistan is currently headed by President Emomali Rahmon who was elected in 1994, and re-elected in 1999, 2006, and 2013.²
15. In 2016, constitutional amendments “removed presidential term limits specifically for Rahmon,” effectively allowing Rahmon to rule the country indefinitely under his authority.³ President Rahmon’s regime developed into a fully-fledged authoritarian regime that severely restricts civil and political rights.⁴

² *Tajikistan Country Profile*, BBC News (July 31, 2018), <https://www.bbc.com/news/world-asia-16201032>.

³ Edward Lemon, *Nations in Transit 2018: Tajikistan*, Freedom House (2018), <https://freedomhouse.org/country/tajikistan/nations-transit/2018>.

⁴ *Freedom in the World 2019: Tajikistan*, Freedom House (2019), <https://freedomhouse.org/country/tajikistan/freedom-world/2019>.

16. Tajikistan stands out amongst authoritarian regimes as one of the most nepotistic and kleptocratic. Widespread corruption in both politics and business exists across Tajikistan. Numerous Tajik state officials and those within President Rahmon’s close circle have profited from the regime’s “kinship-based criminal networks, centered on protection racketeering and drug trafficking,” among other forms of criminal activity.⁵

17. The regime has excluded political opposition from operating in the country and banned civil society organizations, such as Group24, and imprisoned or sought to eliminate dissidents, labeling them as “extremists.”⁶

ARBITRARY ARREST, DETENTIONS, AND VIOLATIONS OF DUE PROCESS OF THE LAW

18. Since 1990, the Islamic Renaissance Party of Tajikistan (IRPT) had operated as the sole opposition party in Tajikistan, and the only mainstream Muslim party in post-Soviet Central Asia.⁷ In 2015, at the request of the Tajik Prosecutor General, the High Court of Tajikistan banned the IRPT and classified it as a terrorist group, due to the IRPT’s opposition to the Rahmon government and its inquiry into the government’s persecution of its members.⁸ Ever since, the government has subjected IRPT members to arbitrary detention, imprisonment, and harassment of members’ relatives.⁹ Similarly, ever since the opposition movement Group24 was outlawed in 2014 as an extremist group for opposing corruption and nepotism, its members have been arbitrarily arrested and detained.¹⁰

⁵ Bardia Rahmani, *How the War on Drugs Is Making Tajikistan More Authoritarian* (July 9, 2018), <https://thediplomat.com/2018/07/how-the-war-on-drugs-is-making-tajikistan-more-authoritarian/>.

⁶ Malgosia Krakowska, *Tajik dissidents attempt to challenge ruling class from Poland* (Oct. 26, 2018), <https://www.aljazeera.com/indepth/features/tajik-dissidents-attempt-challenge-ruling-class-poland-181026134506650.html>.

⁷ *The Case of the Islamic Renaissance Party of Tajikistan*, Global Freedom of Expression Columbia University (2015), <https://globalfreedomofexpression.columbia.edu/cases/case-islamic-renaissance-party-tajikistan/>.

⁸ *Id.*

⁹ *World Report 2018: Tajikistan Events of 2017*, Human Rights Watch (2018), <https://www.hrw.org/world-report/2018/country-chapters/tajikistan>.

¹⁰ *Id.*

19. On June 12, 2020, Hizbullo Shovalizod, a member of the IRPT, was sentenced to 20 years in prison for “treason” and his alleged “participation in activities for the extremist community.”¹¹ The trial was held behind closed doors, and the case was classified as confidential.¹² Shovalizod’s relatives were informed of the sentence only by phone.¹³
20. In January 2021, Jalolidding Mahmoud, a former member of both the Supreme Political Council of the IRPT and of the Central Election Commission, was sentenced to 6.5 years in prison for “attempting to forcibly change constitutional order.”¹⁴ In 2019, he was released from prison after serving four years for the illegal acquisition, possession, or carrying of firearms.¹⁵ According to the leaders of the IRPT, the Tajik government is constantly working to eliminate rivaling political forces.¹⁶
21. In January 2021, Doniyor Nabiev, a 87-year-old former member of the IRPT, was sentenced to five years in prison “for providing material support” to the families of convicted IRPT members.¹⁷ The trial was held behind closed doors, and officials have not provided any information on the case.¹⁸
22. On January 28, 2021, Mahmurod Odinaev, the deputy head of the only opposition party in Tajikistan, the Social Democratic Party, was sentenced to 14 years in prison for “hooliganism” and “calling for extremism.”¹⁹ He had gone missing in November 2020, after having asked the Dushanbe Mayor, Rustam Emomali (son of President Rahmon), to allow the Social Democratic Party to

¹¹ *In Tajikistan, an opposition extradited from Austria was sentenced to 20 years in prison*, Radio Free Europe (June 12, 2020), <https://rus.ozodi.org/a/30667035.html>.

¹² *Id.*

¹³ *Id.*

¹⁴ *“Wearied food for the families of prisoners of IRVT.” 87-year-old former “beer” received a 5-year sentence*, Radio Free Europe (Jan. 21, 2021), <https://rus.ozodi.org/a/31034014.html>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Tajik Opposition Politician Sentenced to 14 Years in Prison*, Radio Free Europe (Jan. 28, 2021), <https://www.rferl.org/a/tajik-opposition-politician-sentenced-to-14-years-in-prison/31074623.html>.

organize a demonstration over food-price hikes.²⁰ Odinaev's two sons were also convicted in early 2021.²¹ on February 25, 2021, Shaikhmuslihiddin Rizoyev was convicted to six years in prison for hooliganism and attempted rape.²² It is not clear on what basis he was accused of attempted rape, and according to his relatives, he confessed under torture.²³ On February 28, 2021, Odinaev's other son, Khabibullo Rizoyev, was convicted of hooliganism and fined.²⁴

EXTRAJUDICIAL KILLINGS, TORTURE, AND ILL-TREATMENT

23. A subdivision of the Committee for National Security (SCNS) in Tajikistan, called Alpha Special Forces Unit (or Alpha), is modeled after the Soviet KGB's Alpha Group and has engaged in a regular practice of human rights abuses in Tajikistan over an extended period of time. Individual cases of human rights abuses by the SCNS and Alpha abound, including extrajudicial killings, international kidnappings, and torture. The torture inflicted by the Alpha subdivision has regularly included, *inter alia*, severe beatings and threats to family members of opposition leaders and activists.²⁵
24. The Tajik government has not implemented effective measures to limit the spread of COVID-19 in prisons.²⁶ As a consequence, Abdulfayz Radjabov, an activist of the IRPT, died in May 2020 in Dushanbe Prison No. 1.²⁷ According to relatives, he died from COVID-19 after not having received proper medical

²⁰ *Id.*

²¹ Shaikhmuslihiddin, son of convicted politician Mahmurod Odinaev, sentenced to 6 years in prison, Radio Free Europe (Mar. 1, 2021), <https://rus.ozodi.org/a/31127540.html>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ OHCHR, *Preliminary observations by the United Nations Special Rapporteur on the right to freedom of opinion and expression, Mr. David Kaye at the end of his visit to Tajikistan* (Mar. 9, 2015), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17193&LangID=E>.

²⁶ *Tajikistan: Events of 2020 - Prison Conditions, Treatment of Detainees*, Human Rights Watch (2021), <https://www.hrw.org/world-report/2021/country-chapters/tajikistan>.

²⁷ *Death of prisoner Abdulfauz Rajabov: from coronavirus or pneumonia*, Radio Free Europe (May 10, 2020), https://rus.ozodi.org/a/30603996.html?fbclid=IwAR1Wsp_og-pGZO8CMmntiA6TkEqX0OkSfe0X6-iEvoouUGu04BilxtKmREU.

assistance.²⁸

FREEDOM OF SPEECH AND OF THE PRESS

25. Article 30 of Tajikistan's Constitution states that "Each person is guaranteed the freedoms of speech and the press, as well as the right to use information media. Governmental censorship and prosecution for criticism are forbidden." However, despite this provision, any criticism aimed at the presidential family can have severe repercussions. In particular, vocal political opposition to the President's regime is severely repressed,²⁹ and there has been a continued crackdown on political dissent since 2015. Opposition groups like the IRPT have been banned (*supra*, ¶ 18), and media have been censored across various platforms.³⁰
26. Frequently, journalists are physically attacked by unidentified individuals.³¹ In May 2020, ASIA-Plus journalist Abdullo Gurbati was attacked twice and threatened several times for his reporting.³² He had made video reports about Tajikistan's response to the COVID-19 pandemic and a devastating mudflow in the Khurosan province.³³
27. On April 16, 2020, a well-known journalist, Daler Sharifov, was sentenced to one year in prison for "inciting religious hatred."³⁴ He frequently covered issues that touched on human rights and religious freedom.³⁵ In 2019, he published a study titled "Prophet Muhammad and Terrorism," in which he quoted the Quran,

²⁸ *Id.*

²⁹ *Freedom in the World 2019: Tajikistan*, Freedom House (2019), <https://freedomhouse.org/country/tajikistan/freedom-world/2019>.

³⁰ Edward Lemon, *Nations in Transit 2018: Tajikistan*, Freedom House (2018), <https://freedomhouse.org/country/tajikistan/nations-transit/2018>.

³¹ *Who attacked the Asia-Plus journalist?* ASIA-Plus (May 12, 2020), <https://asiaplustj.info/ru/news/tajikistan/incidents/20200512/kto-napal-na-zhurnalista-aziya-plyus>.

³² *Id.*

³³ *Id.*

³⁴ *Daler Sharifov: being imprisoned on a trumped-up charge is a tragedy for any person*, Radio Free Europe (Jan. 29, 2021), https://rus.ozodi.org/a/31075405.html?fbclid=IwAR3yMPWuW5sqq5bosIZVCMVv_xWwbM_t9yzt5JpcC1fFdtTPyUK5vW5Yp9A.

³⁵ *Id.*

denounced the use of the terms “Islamic terrorism” and “Islamic radicalism,” and asked the government to protect the rights of believers.³⁶

28. In early 2021, lawyer Saidnurridin Shamsiddinov was sentenced to 8.5 years in prison, after criticizing the actions of some prosecutors and judges on social media.³⁷ He was found guilty of illegal land transactions, fraud, and knowingly disseminating false information.³⁸ According to his lawyer, all were baseless accusations.³⁹

29. The government has also blocked press websites.⁴⁰ In February 2020, the Supreme Court blocked the websites Akhbor.com and Nakhzat.ru after concluding that they serve “terrorist and extremist organizations” — the IRPT and the National Alliance of Tajikistan — which are banned in Tajikistan.⁴¹ According to the founder and editor-in-chief of Akhbor, Mirzo Salimpur, the true reason for this action is that Akhbor reveals cases of corruption and other abuses among Tajik officials.⁴²

30. In 2020, the government blocked the website of the Tajik service of Radio Ozodi and refused to accredit some of its journalists.⁴³ Radio Ozodi’s journalists have also been subjected to smear campaigns by the state media.⁴⁴ The Tajik service is

³⁶ *Id.*

³⁷ *Lawyer who exposed unfair court sentences on social media is sentenced to 8.5 years in prison*, Radio Free Europe (Jan. 13, 2021), https://rus.ozodi.org/a/31044277.html?fbclid=IwAR1f9VK4sjyGdY3-dNjPHE6ejAKeFHCOSXBapoYES0-sshFvmVt4sf_NG-Y.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Tajikistan’s Supreme Court blocks access to Akhbor.com*, Radio Free Europe (Apr. 9, 2020), <https://rus.ozodi.org/a/30543757.html?fbclid=IwAR2kZXUn7xzLfDgwCwwIbbsMWEYtC1HXi5EkfTGEVtKaAZQ7xWsMyqXuMwA>.

⁴¹ *The Prosecutor General’s Office of Tajikistan - to the relatives of the journalist Salimpur: refuse to receive the money sent to him*, Radio Free Europe (July 7, 2020), <https://rus.ozodi.org/a/30712003.html?fbclid=IwAR30K1e0vc84Z4C7wkm91AVA5ezBPLBJ2qa0moATenPUoEIXznJcm2uh9IU>.

⁴² *Tajikistan’s Supreme Court blocks access to Akhbor.com*, Radio Free Europe (Apr. 9, 2020), <https://rus.ozodi.org/a/30543757.html?fbclid=IwAR2kZXUn7xzLfDgwCwwIbbsMWEYtC1HXi5EkfTGEVtKaAZQ7xWsMyqXuMwA>.

⁴³ *Jamie Fly condemned the attempts of the Tajik authorities to put pressure on Radio Ozodi*, Radio Free Europe (Apr. 1, 2020), <https://rus.ozodi.org/a/30522010.html?fbclid=IwAR06df7jWgzd6R36SkEzK0OXzOrDMS5h2rMdJIPdhZ-SWbbH83S6A3tV6CU>.

⁴⁴ *Id.*

accused of covering activities of the IRPT.⁴⁵ However, Radio Ozodi is one of the few independent media outlets in Tajikistan.⁴⁶

31. In January 2021, television channel Payom, banned by the Tajik Supreme Court in 2019, was hacked.⁴⁷ The leaders of the channel believe that Tajik authorities were involved in the attack.⁴⁸ The channel's editorial line focuses on criticizing the president and his officials, corruption, unemployment, and poverty.⁴⁹
32. On July 4, 2020, President Rahmon signed the amendments to the Code of Administrative Offenses which made it illegal to disseminate "false information" about the COVID-19 pandemic in the media and on the internet.⁵⁰ The vague terms of the amendments have further expanded censorship in Tajikistan under the guise of combating misinformation.⁵¹

FREEDOM OF RELIGION

33. Law enforcement officers and representatives of the Committee for Women's Affairs in Tajikistan regularly organize raids against women in hijabs.⁵² They stop women on the streets, bring them to the police station, and force them to take off the hijab.⁵³ In addition, employees of educational institutions and governmental agencies are prohibited from coming to work in religious clothing.⁵⁴
34. In December 2019, Nilyufar Radjabova, a daughter of a convicted IRPT member,

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Independent TV channel accused the Tajik authorities of a hacker attack on a satellite*, Current Time TV (Jan. 22, 2021), <https://www.currenttime.tv/amp/paem-obvinil-vlasti-tajikistana-v-hakerskoi-atake/31062132.html?fbclid=IwAR0gIPhrXd7MKigLbpwTbjvuKHUxwTVmiOrZ5FQ7KLUaSZZDjCLpki2BIDo>.

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Tajikistan passes coronavirus 'fake news' law*, International Press Institute (Jul. 7, 2020), <https://ipi.media/tajikistan-passes-coronavirus-fake-news-law/>.

⁵¹ *Id.*

⁵² *Dushanbe resident: I was detained because of the hijab and insulted at the police station*, Radio Free Europe (Dec. 17, 2019), https://rus.ozodi.org/a/30329570.html?fbclid=IwAR3Zwosyz3qbq2O6_hYHRgZHACofr35o6TTdy_dWqrdBnmtuSe0AOv_hebs.

⁵³ *Id.*

⁵⁴ *Id.*

was taken to the police station, together with 10-15 other women wearing hijab.⁵⁵ Radjabova was detained for several hours, her mobile phone seized, and she was told not to wear a hijab, and was given a scarf.⁵⁶ Later, the court found her guilty of petty hooliganism and fined her for insulting a local official during the conversation.⁵⁷

RECOMMENDATIONS

35. HRF calls on Tajikistan's government to:

- a) Protect, without reserve, the rights to freedom of speech and of the press, and ensure that activists, journalists, and opposition groups can operate peacefully within Tajikistan without fear of retribution in the form of censorship, harassment, arbitrary detention, and extrajudicial killings, among others.
- b) Cooperate with regional and international human rights mechanisms by allowing the special procedure mandate holders to carry out an independent assessment of the human rights situation in Tajikistan and advise the government accordingly; and
- c) Engage in constructive national dialogue with all religious, political, and social groups — particularly opposition groups — in Tajikistan in order to generate a sustainable solution to ensuring peace and protection of human rights within the country.

⁵⁵ *Id.*

⁵⁶ *Id.*

⁵⁷ *The Dushanbe court did not satisfy the cassation appeal of Nilufar Rajabova*, Radio Free Europe (Jan. 22, 2020), <https://rus.ozodi.org/a/30391184.html?fbclid=IwAR0s12pCszsvHUiY3poM1ipHGqnZs48MoXyiHwoHu6ZXrgy-IR7ugYM9Lhw>.