



## TAJKISTAN UNIVERSAL PERIODIC REVIEW – THIRD CYCLE

### Submission to the 39th session of the Human Rights Council UPR Working Group

The Norwegian Helsinki Committee (NHC) submits this report to the UN Human Rights Council ahead of its review of human rights practices in the period 2016-2020 by the government of Tajikistan.

The NHC is a human rights organization established 1977 and based in Oslo, Norway. The organization holds a particular focus on the promotion of human rights and democratic principles in OSCE member states.

The NHC has previously submitted reports on the ongoing human rights crisis in Tajikistan to UN treaty body reviews, including the UN Committee Against Torture (2018) and the UN Human Rights Committee (2019). Reports are available via the UN Treaty Body Database<sup>1</sup>. Similarly, we contributed to numerous informational meetings among UN delegations ahead of the 2016 Universal Periodic Review of Tajikistan in the HRC.

### INTRODUCTION

For years, Tajikistan was considered “moderately” authoritarian in the Central Asian context: Clearly not as liberal as neighbouring Kyrgyzstan, but certainly not as repressive as Uzbekistan or Turkmenistan.

At the time of the opening of the Norwegian Helsinki Committee’s Representative Office in the region in 2006, Dushanbe was reasonably welcoming towards visitors from international human rights organizations. While foreign visitors often pointed to challenges connected to freedom of the media and a widespread practice of “self-censorship” among journalists, they also found an active civil society in Tajikistan, devoted in part to “controversial” themes concerning civil and political rights. A certain pluralism was evident in the country’s parliament.

Today, this situation has drastically changed.

Tajikistan anno 2021 finds itself at the bottom of global human rights indexes, in large part thanks to the brutal crackdown on all legitimate opposition to President Emomali Rakhmon over the past 7-8 years. A monopolization of power has taken place around the president and his immediate family.

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<sup>1</sup> [https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TJK/INT\\_CCPR\\_CSS\\_TJK\\_35101\\_E.pdf](https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/TJK/INT_CCPR_CSS_TJK_35101_E.pdf)

Most basic human rights are under significant pressure in today's Tajikistan, including women's rights, children's rights, the rights of the LGBTI community and more. Due to a restraint on space, this report will focus on the recent political crackdown, with a chronology of illustrative events having taken place during this reporting period.

While the present Universal Periodic Review covers the period 2016-2020, it is important that the Council and delegations are familiar with the context stretching back a few years prior in order to appreciate the full seriousness of the situation in which Tajikistan finds itself today.

## **INTRODUCTION: TAJIKISTAN PLUMMETS**

In the years before 2015, Tajikistan was noted for its relative political pluralism. The country's largest opposition party held ministerial posts and was represented in Parliament, as part of an agreement reached after the Tajik civil war of the 1990s. The Islamic Renaissance Party of Tajikistan (IRPT) grew out of a Soviet-era underground movement and was successfully registered as a political party in independent Tajikistan in 1991.

As such it differed from "opposition" parties in countries such as Kazakhstan and Turkmenistan, which appear to be established merely to provide an appearance of democracy, while genuine opposition parties are barred from participating in elections and are otherwise marginalized.

The IRPT represents a moderate political Islam, and is characterised, according to researchers, by a mild position on religious issues and has "evolved into what today is comparable to some Christian-Democratic parties in Europe".<sup>2</sup> The party is supportive of the secular character of the state in Tajikistan.

The current human rights crisis in Tajikistan is a result of an offensive against all political opposition and dissent which began in earnest around 2013. This orchestrated campaign culminated with the declaration of the IRPT as "extremist" by the Ministry of Justice in August 2015 and in a Supreme Court decision in September 2015,<sup>3</sup> and subsequent mass-arrests and imprisonments of 2015-2016 and throughout the following years.

In September 2015, armed groups clashed with police outside Dushanbe and in the city of Vakhdat, leaving numerous police officers and insurgents dead. Presenting no credible evidence to support any alleged link between the violent events and the IRPT, the regime used the violence as a pretext to intensify its crackdown on the party and consequently declared the party extremist and banned it. Subsequently, hundreds of IRPT party members were imprisoned, while many had already fled Tajikistan to seek refuge in Turkey, Poland and other European countries.

While elections in the country were never deemed neither free nor fair by independent observers, Tajikistan up until the parliamentary elections in 2015 remained unique in a Post-

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<sup>2</sup> <https://centralasianist.libsyn.com/end-of-an-era-crackdown-on-the-islamic-renaissance-party-of-tajikistan>

<sup>3</sup> <https://www.rferl.org/a/tajik-islamic-party-banned/27213877.html>

Soviet context in that a religiously based opposition party held seats in parliament. While the IRPT, due to unfair elections, never gained more than two seats in the legislature, the party still had around 47 000 members, and enjoyed some degree of support from an estimated quarter of the population.

The brutal crackdown during these years was widely considered a first step towards the total consolidation of power around President Emomali Rakhmon and his closest family, “clearing the way” for the 2016 Referendum in which 96,6% of the voters supposedly gave Rakhmon open-ended powers as President with the official title “Founder of Peace, Guarantor of Unity, Leader of the Nation”.

## **EVENTS DURING THE REPORTING PERIOD 2016-2020**

After the IRPT was declared «extremist» and banned in Tajikistan in September 2015, authorities sentenced most of the party leadership to exceedingly harsh prison sentences, ranging from 20 years to life.

The trial began in Dushanbe on 24 February 2016, ending in the passing down of extraordinary sentences on 2 June 2016. The trial was closed to outside observers such as journalists, family and the diplomatic community, and was marred by due-process violations - authorities regularly interfered with the defendants’ right to legal counsel and several of the defendants were reportedly tortured in pre-trial detention.

List of convicted: IPRT Deputy Chairman Saidumar Husaini was sentenced to life imprisonment; IRPT Deputy Chairman Mahmadali Hayit was sentenced to life imprisonment; Rahmatullo Rajab was sentenced to 28 years’ imprisonment; Sattor Karimov was sentenced to 28 years’ imprisonment; Kiyomiddini Azav was sentenced to 28 years’ imprisonment; Abdukhahori Davlat was sentenced to 28 years’ imprisonment; Zubaidullohi Rozik was sentenced to 25 years’ imprisonment; Muhammadali Fayzmyhammad was sentenced to 23 years’ imprisonment; Vokhidoni Kosiddin was sentenced to 20 years’ imprisonment; Sadiddini Rustam was sentenced to 20 years’ imprisonment, Hikmatulloh Sayfullozoda was sentenced to 16 years’ imprisonment; Muhammadsharif Nabiev was sentenced to 14 years’ imprisonment; Abdusamad Gayratov was sentenced to 14 years’ imprisonment; Zarafo Rahmoni was sentenced to two years’ imprisonment and later released ahead of time.

A particularly disturbing trend in recent years is the authorities’ crackdown on the legal profession. In September 2015, shortly after he took on the defence of the above-mentioned IRPT members, human rights lawyer Buzurgmehr Yorov was arrested on trumped-up charges of fraud and forgery. On 16 October 2016 Yorov was sentenced to 23 years’ imprisonment on charges of fraud, incitement of discord and extremism. Along with him, fellow defence lawyer Nuriddin Makhkamov, also representing the IRPT members, was sentenced to 21 years’ imprisonment on similar charges.

Later, in March 2017, Yorov was sentenced to an additional two years’ imprisonment for alleged contempt of court. In August that same year, he was sentenced to an additional 12 years’ imprisonment for publicly insulting the president. The combined sentence for Yorov

has been set to 28 years.

Also, in 2016 authorities imprisoned Daler and Firuz Tabarov in retribution for their father, Ekhsan Tabarov's role as defence counsel to imprisoned opposition figure Sayd Zaidov. Following the imprisonment of his two sons, Ekhsan Tabarov died in hospital on 12 June 2016.

Tajikistan has numerous times been called upon by UN bodies, states and human rights organizations to release Buzurgmehr Yorov, his colleagues and imprisoned IRPT members.

### **May 22, 2016 Referendum:**

Having imprisoned and outlawed the political opposition and thus silenced all potential protest against power consolidation, the regime held a referendum on 22 May 2016., in which 41 amendments to the Constitution were proposed. Among the more significant amendments were the lowering of the minimum age of the president – moving up the date when President Rakhmon's son can ascend to the presidency, the lifting of presidential term limits – allowing president Rakhmon to sit for life, and the signing into the Constitution of the ban on faith-based parties – reinforcing the ban of the opposition.

### **Family persecution/transnational oppression:**

Since at least 2016, authorities in Tajikistan have targeted members of the opposition and other critics in exile by extraditing and forcibly returning them to Tajikistan, and by persecuting their family members inside Tajikistan. The tactics include intimidation by way of mobs orchestrating "demonstrations" outside family members' homes, de-facto travel bans on family members, harassment and interrogation of family members, grave threats towards family members, and in some cases imprisonment and torture of family members.

The following is a short selection of recent examples:

In 2016, authorities imprisoned (as mentioned above) two sons (Daler and Firuz Tabarov) of lawyer Ekhsan Tabarov, in retribution for his role as defence council for imprisoned opposition leader Zaid Saidov.

Threats were evident in the wake of the OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw, where many Tajik activists have spoken out against repression at home, only to find their family members being threatened in their absence. Following the opening day of the 2016 HDIM, where dozens of IRPT members peacefully protested outside the conference, authorities inside Tajikistan detained and intimidated up to 30 family members of the protesters. Authorities also organized "demonstrations" outside the homes of some exiled party members. On 22 September 2016, a mob of around 200 people descended upon the family home of IRPT member Ilkhomjon Yakubov in Khujand, throwing rocks at the house and attempting to storm the home.

In 2017, after Jamshed Yorov, brother of imprisoned lawyer Buzurgmehr Yorov, gave a statement at an opposition event in Dortmund on July 9, security service officers went to his

family home in Vakhdat, Tajikistan, and pressured his wife and children, including threatening to rape his then 15-year-old daughter. Jamshed Yorov was invited by the Norwegian Helsinki Committee to Geneva in 2019, where he had an opportunity to address members of the UN Human Rights Committee on behalf of his himself, his brother and their family.

On 12 February 2019, Russian and Tajikistani security services abducted and beat Tajik opposition leader Sharofiddin Gadoev in Moscow, and forcibly returned him to Tajikistan (he was later released and allowed to leave Tajikistan following immense international pressure).

In 2019 and 2020 authorities repeatedly threatened and interrogated the family members of exiled IRPT member Fatkhuddin Saidmukhidinov.

### **2018 and 2019 prison riots**

Close to midnight on 7 November 2018, a riot broke out in high-security prison No. 3/3 in the city of Khujand. Circumstances surrounding the riot remain unclear, but according to authorities at least 25 individuals perished during the events, including 21 rioters, two inmates who tried to help prison guards during the uprising and two law-enforcement officers.

On the evening of 19 May 2018 a riot erupted inside a prison in Vakhdat, Tajikistan. According to official figures, 29 inmates and three prison guards died during the violence. According to a list subsequently published by the Interior Ministry, three of the dead were members of the IRPT.

### **2020 mass arrests:**

In early 2020, authorities in Tajikistan detained in excess of 150 individuals on trumped-up charges of membership in the banned movement Muslim Brotherhood, in what appears to have been a bid to contain the country's intellectual class ahead of presidential elections.

Most of the detained were scholars, teachers, academics, businessmen, doctors etc., with knowledge of Arabic language and/or with an education abroad.

Among the more than 150 detained individuals were Makhmudov Chalolidin (later sentenced to six years' and eight months' imprisonment on extremism charges); Abdulvokhid Mirzoyev (later sentenced to twelve years' imprisonment under extremism charges); Zafar Gafurov (later sentenced to 14 years' imprisonment on extremism charges); Mukhiddin Karimov (later sentenced to 14 years' imprisonment on extremism charges); Ismoil Kakhkhorov (later sentenced to 15 years' imprisonment);

In December 2020, authorities arrested Makhmudor Odayev, Social Democratic Party deputy, and sentenced him to 14 years' imprisonment in January 2021. He alleges to have been tortured in pre-trial detention.

## **RECOMMENDATIONS**

The Norwegian Helsinki Committee encourages UN delegations to echo the following recommendations during the upcoming Universal Periodic Review of Tajikistan.

Tajikistan should immediately:

Release all political prisoners, including members of the Islamic Renaissance Party of Tajikistan (IRPT).

Release all lawyers associated with the IRPT and other legitimate opposition groups.

Launch a full, impartial investigation into allegations of torture used against members of the political opposition in custody and prison.

Launch a full, impartial investigation into the deaths of members of the political opposition while in custody in Tajikistan and allegations of assassinations and threats against opposition members abroad.

End threats and intimidation of family members of political opposition.

Permit political opposition to participate in the political life of Tajikistan, including presidential and parliamentary elections.

Permit independent media and civil society to operate freely in the country without threats or intimidation, as well as without targeted bureaucratic hindrances being made to their work.

Invite relevant UN mandate holders to visit the country and carry out an assessment, including the UN Special Rapporteur on Freedom of Assembly and Association; the UN Special Rapporteur on Torture and Other Cruel, Inhuman and Unusual Punishment; as well as the UN Working Group on Arbitrary Detention, and others.