

Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Intensifying Attacks on Human Rights Defenders, Organizations, and Institutions

Health Providers Complicity in Torture and Cruel, Inhuman or Degrading Treatment

In Search of Authoritative Local Voices

Human rights violations in Tajikistan remain rampant, affecting disparate spheres of life, from housing to religion, political and media pluralism, and treatment in custody. As the Tajik government implements a broad urban renewal plan in cities around the country, it has forcibly evicted residents from their homes, offering little compensation and often relocating them to remote city outskirts. Due to the lack of an independent and effective judiciary, those who challenge evictions in court rarely have access to an effective remedy.

Torture is routinely used by law enforcement officials, and the Tajik government continues to deny human rights groups access to places of detention. In early 2009 Tajikistan adopted a new religion law that expanded already significant government restrictions on faith groups and worshippers.

The global economic recession has further weakened Tajikistan's shaky economy, which is heavily dependent on remittances from migrant workers working mostly in Russia. Remittances fell by 30 percent in the first quarter of 2009 compared to the same period in 2008, pushing even more Tajiks into poverty.

In March 2008 President Emomali Rahmon signed a law that called for the creation of a Human Rights Ombudsman's Office. In May 2009 Zarif Alizoda, the president's former legal adviser, was named ombudsman. According to human rights groups in Tajikistan, Alizoda's office is still hiring staff and setting up procedures, and has yet to begin work in earnest. Still, the ombudsman did meet with representatives of Tajik civil society organizations on June 18, when all sides agreed to hold regular meetings on human rights issues, according to the Bureau of Human Rights and the Rule of Law, an NGO.

The government's culture of obfuscation on property rights and on broad public initiatives has made people vulnerable to eviction as the country's vast urban redevelopment projects unfold. The public has no information about the planned projects, no input into them, and individuals have no say about whether they can even remain in or return to refurbished areas. They receive no information about the status of their current housing or their future housing options, and residents of an area where building is set to begin only find out about the loss of their property when they receive official notification to vacate their home and move to a new address. Such notification can occur months before an expected move, or days before. Sergei Romanov of the Bureau of Human Rights and the Rule of Law estimates that roughly 650 people have been forced from their homes since the urban renewal process began in 2006.

Residents receive inadequate compensation for their property. Those who lived in the city centers have been relocated to the outskirts, and often to much smaller apartments. When property owners seek legal recourse, they almost always lose. Residents who resist eviction face a range of criminal charges.

A substantial portion of the population in rural areas and in the capital, Dushanbe, lives in so-called "unauthorized" housing. The maze of bureaucracies that homeowners have to navigate to build a house is so daunting-in 2008, building a new home required 49 different

government documents-that few people have the legally binding documents for their residences. As a consequence, they have no right at all to compensation when the state forces them to move.

Torture is practiced by law enforcement officers and within the penitentiary system in a culture of near-impunity. It is often used to extract confessions from defendants, who during initial detention are often denied access to family and legal counsel. To date the Tajik government has refused all requests from human rights groups to visit detention sites, interrogation rooms, and prisons.

In February 2009 Khurshed Islamov was arrested on suspicion of the theft of US\$40,000 from a casino in the Dushanbe suburbs. His attorney was only allowed to see him after seven days, and then only in the presence of law enforcement personnel. His mother, Nazokat Islamova, filed a complaint with the prosecutor's office alleging that her son had been tortured during his interrogation: when she saw her son shortly after he had been interrogated, he could not move without help because of his injuries. In July Islamov was sentenced to 23 years in prison.

Tajikistan's definition of torture does not fully comply with recommendations made to the country by the United Nations Committee against Torture in November 2006. In a small sign of progress, local and international human rights groups recently completed a campaign to document instances of torture in Tajikistan, as part of a two-year project funded by the European Union. That project, which was run in Tajikistan by the Bureau on Human Rights and the Rule of Law, determined that over the past two years there had been more than 90 cases of torture.

In March 2009 President Rahmon signed a new religion law that heightens state repression of faith groups. Tajikistan has long curtailed freedom of religion and, under the pretext of battling terrorism, has banned several peaceful Muslim organizations. Under the new law, the state tightened its grip on religious groups: The government now determines where mosques can be built and how many, and where sermons can be given; has censorship authority over religious literature (including material from abroad) and control over children's religious education; and faith groups in Tajikistan must get government permission to contact foreign religious groups. The new law cites the primacy of the Hanafi school of Sunni Islam in Tajik life, which has alienated ethnic minorities such as Uzbeks and Pamiris, who practice Ismaili Shiism.

Certain Christian denominations, such as Jehovah's Witnesses, continue to be banned in Tajikistan. But the Tajik government has focused its restrictions largely on Muslims. A ban on the Salafi school of Sunni Islam came into effect in February 2009; Tajik officials have told rights groups that to be an adherent is not criminalized, but prosecutors have said that they intend to prosecute Salafists who propagate their beliefs. The state bans the wearing of headscarves in schools and universities and has expelled students who violate the prohibition. There continued to be reports of the Tajik authorities prosecuting alleged members of Hizb ut-Tahrir, an international Islamic organization that is banned in several countries in the region, and sentencing them to long prison terms on questionable evidence. In April authorities arrested at least 93 members of the Jamaat Tabligh movement in three cities including Dushanbe. The government has refused to release the names of the detained, their exact number, or the reason for their arrest.

Tajikistan's relentless poverty and high unemployment rate have pushed 797,000 Tajiks- one in eight of the population-to leave the country in search of work. Most have gone to Russia hoping to find work, very often in the construction sector. Unlike previous waves of migrants from the former Soviet republics, Tajiks now seeking work abroad are less well-educated, poorer, and have a weaker command of Russian, making them highly susceptible to exploitation.

In February 2009 Human Rights Watch released a report documenting widespread abuse of migrant workers in Russia, including Tajiks. While Human Rights Watch made recommendations in the report to Russian authorities for halting the exploitation, it has also urged the government of Tajikistan to take action against the employment agencies that have sent migrants into forced labor in Russia. To date, Human Rights Watch has not received a response from the government, and the employment agencies continue to operate as before.

Tajikistan's new religion law drew criticism from the United Nations special rapporteur on freedom of religion or belief and the United States Commission on International Religious Freedom (USCIRF). The special rapporteur told the UN Human Rights Council on March 12 that the law "could lead to undue limitations on the rights of religious communities and could impermissibly restrict religious activities of minority communities." In its 2009 report the USCIRF criticized the law as "highly restrictive," and added Tajikistan to its Watch List because of its "marked decline in respect for and protection of freedom of religion or belief."

In addition to its annual human rights dialogue on September 23, the European Union held a civil society seminar in Dushanbe in July on the right to a fair trial and the independence of the judiciary. Civil society put forth a number of recommendations to bring Tajikistan's law and practice into compliance with international standards. At year's end the EU appeared to be moving ahead with a Partnership and Cooperation Agreement with Tajikistan, which had been frozen for years because of the civil war there.

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