

# Human Rights Watch

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

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### Annual reports

Events of 2007

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Tajikistan's human rights situation continues to be characterized by lack of access to justice, due process violations, incommunicado detention, and ill-treatment in custody. The government interferes with opposition political parties. Government harassment of non-traditional religious groups and Muslim groups that are independent of state-controlled religious bodies has intensified.

The government announced an amnesty in June to mark the 10th anniversary of the end of the civil war, but it remains unclear how many people were released from prison. The amnesty excluded persons convicted of "extremism," which is the most common charge in religious and politically-motivated cases.

On May 12 the Tajik parliament adopted a new law "on public associations." The law grants the government excessive powers to monitor the activities of public associations, including nongovernmental organizations (NGOs). Only groups that have representative offices or branches in all provinces are registered as national associations and allowed to carry out activities countrywide; local associations are restricted to activities in the district where they are registered. The law also requires all NGOs in Tajikistan to re-register no later than January 1, 2008. All prior registrations will be automatically nullified.

On April 30, 2007, President Emomali Rahmon (he publicly dropped the Russified name by which he was previously known-Emomali Rahmonov-in March) announced an initiative to establish an Ombudsman's institution. Seventeen local human rights organizations in November issued an open letter calling for NGO participation in drafting the law on the Ombudsman and for more transparency in the process.

The government continues to tighten control over independent media activities. Critical journalists are routinely threatened with prosecution or are called before state bodies to "explain" their publications. The pressure sometimes results in self-censorship. Under the new law on public associations, media outlets will also be required to re-register by January 1, 2008.

On July 30, 2007, President Rahmon signed into law widely criticized amendments to articles 144, 307, and 396 of the criminal code (publishing false information, slander, and libel in the mass media) and an additional provision for information published on the internet. These offenses are punishable by up to two years' imprisonment, and by up to five years for criminal defamation of the president.

Two judges filed a lawsuit against Firusa Vohidova for insult to their "honor, dignity and business reputation" after she named them in a letter to the president about what she considered to be the judges' unfair decision. On October 1 the Dushanbe City Court fined Vohidova 4,000 somoni (approximately US\$1,500) in a flawed proceeding. She is appealing against the ruling. Human rights organizations and journalists are concerned that Vohidova's case may prevent others from complaining about unfair treatment or procedural violations.

An ongoing licensing dispute means that the BBC has been unable to restart FM radio broadcasts in Tajikistan, which were initially suspended by Tajik government order in early 2006.

Human rights organizations and lawyers continue to receive reports of arbitrary arrests, violations of detention procedures and fair trial standards, and credible, serious allegations of ill-treatment and torture in detention. Defense lawyers themselves are subject to threats and harassment if they insist on effective assistance of counsel.

Tajikistan has not amended its law on torture to comply fully with the UN Committee Against Torture's recommendations to the country in December 2006. Law enforcement officials can be charged with "abuse of professional competency" (criminal code article 314), but not with torture. National legislation does not prohibit torture evidence from being admitted at trial.

Impunity for ill-treatment in detention continues to be widespread. There were, however, at least two cases in 2007 in which law enforcement officers were prosecuted for ill-treatment. In April police lieutenant Nurullo Abdulloev was sentenced to seven years' imprisonment by a court in Kulyab for the unlawful detention and ill-treatment of two detainees. In another case in April, two police officers were each sentenced to two years' imprisonment for beating and torturing with electrical shock a 15-year-old boy in the capital, Dushanbe. All three men were convicted under article 314.

Tajikistan continues to return individuals to Uzbekistan in violation of its nonrefoulement obligations. In January the Prosecutor General's Office announced that two "Andijan suspects" (see Uzbekistan chapter) had been returned.

In 2007 law enforcement bodies continued to arrest individuals simply because they were accused of possessing leaflets of Hizb ut-Tahrir, a banned Islamic organization, and at least three alleged Hizb ut-Tahrir members were sentenced to more than 10 years' imprisonment each for "incitement of ethnic and religious hatred" and "membership in extremist organizations." In the first case of a child being imprisoned for membership in Hizb ut-Tahrir, Muminbek Mamedov, a 17-year-old boy, was sentenced to eight years' imprisonment.

In January the Supreme Court banned another 10 organizations, including the Islamic Movement of Turkestan, as "extremist." In August a small Islamist group, Mavlavi, was banned on the grounds that it holds "unsanctioned gatherings."

Uzbek and Tajik citizens continue to be arrested for alleged membership in the Islamic Movement of Uzbekistan. In these highly political cases involving terrorism charges, the suspects are frequently denied procedural protection and the right to a fair trial, and routinely suffer from inhumane treatment in detention.

In early 2007 the Prosecutor General's Office and officials of the Committee on Religious Affairs conducted an investigation into the membership and finances of all religious groups in Tajikistan. Religious leaders were asked to present lists of all members who regularly attend their services, and to provide tax and land-use documentation. A draft religion law is currently under consideration. If adopted, it would require all religious groups to re-register, subject to conditions that are draconian, such as requiring that each of the group's followers has had legal residence in the country for at least 10 years, with documentary proof to that effect. At least three unregistered mosques were demolished in Dushanbe in 2007, and more were reportedly forced to close.

In October Jehovah's Witnesses were banned from conducting any religious activities in Tajikistan. According to Forum 18, an independent, international religious freedom group, the ban was because of the sect's position of conscientious objection to military service, and because Jehovah's Witnesses "propagate faith in public places."

Violations of housing rights, including deprivation of property and mass eviction, gained momentum in Dushanbe in late 2006 and 2007, when the government began forcibly resettling residents of some areas of central Dushanbe to the city outskirts without just compensation and sometimes to unsafe buildings. The government justified the evictions as part of a longstanding reconstruction plan and claimed public and governmental need for the sites, but local human rights organizations allege that the land has not always been used for public purposes but sold for commercial use. The project was ultimately postponed until 2009 after it triggered protests.

In April the Ministry of Justice tried to suspend the opposition Social Democratic Party (SDP) for six months for allegedly failing to report on its activities and funding sources. The SDP rejected the charges as groundless. The ministry later withdrew its lawsuit, stating that the SDP had "rectified the violations."

Mahmadruzi Iskandarov, the leader of the opposition Democratic Party of Tajikistan (DPT), did not benefit from the June amnesty and at this writing remains in prison on terror-related charges. The DPT accused the government of interfering with the party's efforts to identify new leadership. The Ministry of Justice officially recognized one faction, led by Masud Sobirov, after the party split into three groups.

Visiting Tajikistan in April, United Nations High Commissioner for Human Rights Louise Arbour called on the government to ensure better access to justice and to allow local and international monitors, including the International Committee of the Red Cross, to visit detention places. Asma Jahangir, the UN special rapporteur on freedom of religion or belief, visited Tajikistan in February, concluding that religious communities and individuals faced "challenges," and underscoring the importance of the government's ensuring that "especially vulnerable individuals" be protected "from harassment by non-State actors in the name of religion."

In March the UN Human Rights Committee issued two decisions on applications alleging abuses by Tajik authorities. It found that in both *Ashurov v. Tajikistan*, and *Karimov and Nursatov v. Tajikistan* the victims had been subjected to torture and unfair trial. The decisions urge Tajik authorities to ensure effective remedy to the applicants, including compensation, and in the *Ashurov* case to immediately release the victim. At this writing the government has not implemented the decisions.

The European Union's first-ever Central Asia Strategy adopted in June acknowledged human rights as one of its priorities but fell short of formulating country-specific benchmarks. The focus on vaguely worded "human rights dialogues" raises doubts about their effectiveness.

Russia remains a key partner for Tajikistan, although relations are tense. The plight of approximately 50,000 Tajik citizens who were deported from Russia in recent years because of irregularities in their migration documents is a particularly sensitive issue between the two countries.

The United States' relationship with Tajikistan focused primarily on border control, security, and law enforcement. The 2007 US Department of State's Country Reports on Human Rights expressed concern about a number of issues in Tajikistan, including torture, restrictions on freedom of speech and press, harassment of international NGOs, and access to prisons.

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