

# AMNESTY INTERNATIONAL PUBLIC STATEMENT

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## **Tajikistan: 14 high-ranking members of political opposition party sentenced to long prison terms in unfair trial**

On 2 June 2016, the Supreme Court of Tajikistan sentenced 14 high-ranking members of the Islamic Renaissance Party of Tajikistan (IRPT) to long prison terms in a trial that fell far short of fair trial rules which Tajikistan is legally bound to uphold.<sup>1</sup> Umarali Khisainov (aka Saidumur Khusaini) and Makhmadali Khaitov (aka Mukhammadalii Hait), deputy leaders of the IPRT, were sentenced to life imprisonment. Zarafo Khujaeva (Zarafo Rakhmoni), the only woman convicted, was sentenced to two years in prison. Other sentences ranged from 14 to 28 years in prison. The IRPT was banned arbitrarily by the Tajikistani authorities in August 2015 and a month later designated a “terrorist organization”, and the IPRT members were sentenced for their alleged involvement in attempts by a former Tajikistani defence minister to seize power in September 2015. The defendants are likely to appeal the sentences, and these appeals must be conducted in line with Tajikistan’s legal commitment to conduct trials fairly. All allegations of torture and other ill-treatment of the defendants must be thoroughly investigated.

### **Violations of the right to a fair trial**

The trial started in February 2016. The case was heard by five judges of the Supreme Court of the Republic of Tajikistan and hearings took place in the pre-trial detention center (SIZO) of the Tajikistani State Committee for National Security.

The trial was held behind closed doors. Defence lawyers had to sign agreements not to disclose any information on the legal proceedings and made limited or no contact with international organizations and media. Official information on the charges against them was initially circulated by the Prosecutor General’s Office via the official news agency Khovar but later removed from the agency’s website. Information about the criminal case against the IPRT leadership also appears to have been removed from the Prosecutor General Office’s official website.<sup>2</sup> According to media reports, charges against the indicted IRPT leaders included terrorism, armed rebellion, murder, public appeals to “violent

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<sup>1</sup> The names of the 14 IRPT members sentenced are: Umarali Khisainov (aka Saidumur Khusaini), Makhmadali Khaitov (aka Mukhammadalii Hait), Zarafo Khujaeva (Zarafo Rakhmoni), Rajab Jobir Rakhmatulloi, Abduqahor Davlatov (aka Abduqahori Davlat), Sattor Karimov, Zubajdullokh Roziqov (aka Zubaidullokh Roziq), Fajzmukhammad Mukhammadalii, Hikhmatullo Saifullozoda, , Qiyomiddin Avazov, Makhmadsharif Nabiyeu, Abdusamad Ghairatov, Vokhidkhon Qosidinov and Sadiddin Rustam.

<sup>2</sup> One of the URLs, amongst others, that no longer open: <http://www.prokuratura.tj/ru/news/567-zayavlenie-generalnoj-prokuratury-respubliki-tadzhikistan-21.html>

change of the constitutional order”, incitement to racial and religious hatred and organization of a criminal group. The Tajikistani authorities claimed that the 14 IRPT defendants were responsible for organizing attacks on government buildings in the capital Dushanbe and the districts of Vakhdat and Rudaki (near Dushanbe) on 4 September 2015.<sup>3</sup> The authorities alleged that the attacks were led by the then Deputy Minister of Defence Abdukhalim Nazarzoda, who was later killed in a security operation. They further alleged that he had acted under the orders of Mukhiddin Kabiri, the exiled IRPT leader. Mukhiddin Kabiri denied any links to the violent events, and accused the authorities of fabricating evidence against himself and IRPT members.

Under Article 14(1) of the International Covenant on Civil and Political Rights (ICCPR), to which Tajikistan is a state party, “everyone shall be entitled to a fair and public hearing,” The media and the public may only be excluded in prescribed and narrowly defined circumstances.<sup>4</sup> In many countries, authorities have justified the extensive use of closed hearings on grounds of national security, including in trials on terrorism-related charges. However, states do not have unfettered discretion to define for themselves what constitutes an issue of national security. The UN Special Rapporteur on human rights and counter-terrorism has reiterated that restrictions on the right to a public hearing on grounds of national security must occur only when strictly necessary. To guarantee fairness, “they should be accompanied by adequate mechanisms for observation or review”.<sup>5</sup>

Other evidence of fair trial violations included compromised access to legal defence. A lawyer representing several of the defendants, Buzurgmekhr Yorov, was himself arrested in September 2015, originally on corruption charges, to which charges of “extremism” were later added.<sup>6</sup> His trial started on 3 May 2016 and it is also being held behind closed doors. Media, diplomatic representatives and representatives of international organizations have not been granted access.<sup>7</sup> Under Article 14(3)(b) of the ICCPR, everyone subjected

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<sup>3</sup> The Government reported violent unrest in Dushanbe and the districts of Vakhdat and Rudaki on 4 September 2015 involving an attack by armed men against a police station. Little independent information is available about these events while the government in Tajikistan exercises effective control over the media. At least 26 people were reported as killed, including nine police officers and 17 of the armed attackers. The Tajikistani authorities blamed the violence on Abdukhalim Nazarzoda, a former Deputy Minister of Defence, and previously a member of the United Tajik Opposition during the 1992-1997 civil war. Abdukhalim Nazarzoda escaped the scene of the attacks and was later killed in a special operation by security forces in the Romit Gorge area, east of Dushanbe, on 16 September.

<sup>4</sup> See also Amnesty International, *Fair trial manual – Second edition*, Index: POL 30/002/2014, 9 April 2014, available at <https://www.amnesty.org/en/documents/POL30/002/2014/en/>.

<sup>5</sup> Report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, UN Doc. A/63/223, 6 August 2008, para. 30, available at [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/63/223](http://www.un.org/ga/search/view_doc.asp?symbol=A/63/223).

<sup>6</sup> Amnesty International, *Tajikistan: Further information: Lawyer remains in detention, risks unfair trial: Buzurgmekhr Yorov*, Index: EUR 60/3458/22016, 25 February 2016, available at <https://www.amnesty.org/en/documents/eur60/3458/2016/en/>

<sup>7</sup> Fergana News Agency, Таджикистан: В Душанбе начался суд над опальными адвокатами Ёровым и Махкамовым, 4 May 2016, available at <http://www.fergananews.com/news/24723>.

to criminal proceedings is entitled to “have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing.”

During the IPRT trial relatives of the accused had limited access to them and were only allowed to see them once. In the beginning of March 2016, during the visit to Tajikistan of the UN Special Rapporteur on the Freedom of Opinion and Expression, David Kaye, several defendants were allowed to spend time with their relatives. Relatives reported that some of the defendants had been tortured to obtain “confessions”. Nevertheless, the defendants pleaded not guilty during the trial. Under Articles 12 and 13 of the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Tajikistan is a state party, the authorities must initiate prompt, impartial, independent and effective investigations into the allegations that those convicted were tortured in custody. Where sufficient, admissible evidence is obtained, any officials suspected of being responsible for torturing or ill-treating them should be brought to justice, in fair proceedings.

### **Harassment and prosecution of the IRPT leadership**

Members of the IRPT and other political opposition groups in Tajikistan and in exile have been subjected to increasing harassment by the Tajikistani authorities in recent years. From the late 1990s until 2015, the IRPT was a legally registered political party that participated in elections, winning seats in the country’s parliament, but following the widely disputed 1 March 2015 parliamentary elections, the party lost its two remaining seats in the parliament. On 28 August 2015, the IRPT received an order from the Ministry of Justice to cease its activities by 7 September on the basis that it “lacked sufficient popular support” to qualify as a registered party. On 29 September 2015, the IRPT was designated a “terrorist organization” by the Supreme Court of Tajikistan, on the grounds that several of its members had allegedly long been involved in groups promoting “extremism”, and that it had used the media, including its newspaper Salvation, to spread “extremist ideas” and promote religious hatred.

The criminal prosecution of the 14 members of the IRPT appears to be in connection with their political activism and is reflective of an increasingly repressive climate where critics of the authorities are harassed and silenced, including by means of criminal prosecution.

After his March 2016 visit the UN Special Rapporteur on the Freedom of Opinion and Expression, David Kaye, expressed concerns about the IRPT prosecutions and stated that “the drastic measures taken against IRPT represent a serious setback for an open political environment. The Government accuses the IRPT and its members of serious crimes but it has refused to give public access to the trial and evidence”.<sup>8</sup>

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<sup>8</sup> United National Human Rights Office of the High Commissioner, *UN rights expert alarmed by increasing restrictions on opposition, NGOs and the media in Tajikistan*, 9 March 2016, available at <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=17197&LangID=E#sthash.4TbJvmin.dpuf>

## **Background information**

### **Torture and other ill-treatment**

Torture and other ill-treatment continue to be widely used in Tajikistan.<sup>9</sup> Criminal prosecutions against law enforcement officials suspected of torture are rare, and frequently terminated or suspended before completion.

Lawyers are repeatedly denied access to their clients in detention, often for several days at a time, particularly in facilities run by the State Committee for National Security.<sup>10</sup> Individuals perceived to be 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.

### **Freedom of expression and association**

Allegations of the use of harassment and threats against political opponents, including members of the IRPT, have multiplied in the last few years, particularly in the run-up to the parliamentary elections held in March 2015, with little room left for political or other dissent. The Tajikistani authorities have sought extradition of a number of exiled members of opposition groups under criminal allegations that appear unfounded and politically motivated.

Prominent opposition activist Umarali Kuvvatov was assassinated in Istanbul on 5 March 2015.<sup>11</sup> He and his family had previously told Amnesty International that he had received threats that there were “orders” to harm him, allegedly coming from the highest levels of Tajikistan’s authorities. His killers have not been identified.

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<sup>9</sup> Amnesty International, *Eurasia: Return to torture: Extradition, forcible returns and removals to Central Asia*, EUR 04/001/2013, 3 July 2013, pp. 50- 53, available at <https://www.amnesty.org/en/documents/eur04/001/2013/en/>

<sup>10</sup> Amnesty International, *Tajikistan: Joint follow-up submission to the Concluding Observations of the United Nations Committee against Torture*, Index: EUR 60/002/2014, 24 April 2014, available at <https://www.amnesty.org/en/documents/eur60/002/2014/en/>

<sup>11</sup> Amnesty International, *Tajikistani dissenters at grave risk after an opposition leader shot dead in Turkey*, 6 March 2015, available at <https://www.amnesty.org/en/latest/news/2015/03/tajikistan-opposition-leader-shot-dead-in-turkey/>.