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Tajikistan: BBC journalist Urunboy Usmonov on trial for his professional activities

Amnesty International is concerned that BBC journalist Urunboy Usmonov faces up to five years' imprisonment on charges believed to relate to his professional activities. To the organization's knowledge, no investigation has yet been carried out into allegations that he was tortured and ill-treated in pre-trial detention. The judge has reportedly yet to inquire into how he and his four co-defendants have been treated in pre-trial detention.

On 16 August 2011 the trial by Soghd Regional Court opened against Urunboy Usmonov and four suspected Hizb-ut-Tahrir members -- Abdunabi Abdulkodirov, Ibrogimbek Makhmudov, Talat Mavlonov and Yakhekhon Rakhmonkhujayev -- at the investigation isolation prison No. 2 (SIZO) in the city of Khujand. The next hearing is set for 25 August in the building of Soghd Regional Court. It is expected that those officers who detained Urunboy Usmonov on 13 June will be questioned.

Urunboy Usmonov is accused of meeting these four men and receiving extremist literature; failing to report the activities of the banned Hizb-ut-Tahrir movement to law enforcement agencies; and using the BBC as a platform for Hizb-ut-Tahrir propaganda, thereby facilitating the commitment of crimes. His lawyer Fayziniso Vahidova told Amnesty International on 24 August that he once met Yakhekhon Rakhmonkhujayev and received Hizb-ut-Tahrir literature from him, but that he destroyed it immediately. According to Fayziniso Vahidova, he had never seen any of the other men and they also told the judge they had never seen him. Yakhekhon Rakhmonkhujayev reportedly told the judge that during his meeting with Urunboy Usmonov the journalist had expressed a negative opinion about Hizb-ut-Tahrir.

The lawyer also informed Amnesty International that the accusation that he had used the BBC as a platform for Hizb-ut-Tahrir propaganda referred to an incident when "Usmonov recorded an interview with a Hizb-ut-Tahrir member. But he never actually submitted this interview for broadcasting. Based on this only the prosecution states that he facilitated the commitment of crimes." The prosecution additionally accused him of downloading articles from the internet about the activities of Hizb-ut-Tahrir. The charges brought against him -- complicity in the activities of a banned organization of extremist character under Article 36, part 5, and Article 307.3, part 2 of the Criminal Code of Tajikistan -- carry a maximum penalty of five years' imprisonment.

Urunboy Usmonov has pleaded not guilty and told the judge that all his meetings and interviews with Hizb-ut-Tahrir members were of purely professional character as a journalist.

Amnesty International believes that Urunboy Usmonov, who worked for the BBC Central Asian service for 10 years, was targeted to punish him for his journalistic work and for peacefully exercising his right to freedom of expression. It was part of his assignment by the BBC to report about judicial trials and activities of the Hizb-ut-Tahrir movement in Tajikistan. In this context it was normal journalistic practice to interview people of all persuasions and beliefs, to study their ideology, and to keep his sources confidential.

Urunboy Usmonov was detained by officers of the State Committee of National Security (SCNS) in Khujand on 13 June 2011. According to the BBC and Urunboy Usmonov's lawyer, officers tortured and ill-treated him, including by burning his arms with cigarettes and beating him, before his case was passed to the SCNS investigator and his detention was officially registered on 14 June. Fayziniso Vahidova told Amnesty International on 24 August: "They wanted him to 'confess' to Hizb-ut-Tahrir membership but he was able to resist. However, they got him to state in writing that he should have reported to the authorities about his meetings with his sources of information." According to the lawyer,

before his case was passed to the investigator, SCNS officers also forced him under torture to write a statement renouncing the services of a lawyer: “They said that a lawyer can’t help anyway in political cases and that there had never been a case where anyone accused of Hizb-ut-Tahrir membership had been acquitted by a court.”

To Amnesty International’s knowledge, no forensic medical examination was conducted to investigate the torture allegations although injuries were reportedly visible when he was presented to the judge on 15 June and on 16 June international and local media started to report about alleged torture. Following an international outcry Urunboy Usmonov was released on bail on 14 July.

Urunboy Usmonov’s co-defendants are accused of crimes including setting up a criminal organization and incitement to national, racial or religious hatred. Three of them have not been represented by a lawyer at the trial. A person present at the trial told Amnesty International: “It is unknown whether they were held incommunicado and whether they were tortured. They are too scared to talk about anything like that”. Reportedly, the judge asked no questions about the treatment of all defendants in pre-trial detention.

Under international human rights law, information and confessions obtained from the defendants under torture or threats of torture and without the presence of his lawyer must not be used as evidence in court except as evidence against the alleged perpetrators. Allegations of torture, other ill-treatment and threats of torture must be investigated thoroughly, impartially and independently.

Background information

Urunboy Usmonov was initially accused of membership in the banned movement Hizb-ut-Tahrir, and of conducting extremist propaganda using the internet, distributing the group’s literature and recruiting new members, an Interior Ministry spokesperson reported on 15 June. However, the investigation found no evidence of membership and, as reported by SCNS officials on 6 July, subsequently focused on his alleged involvement in the banned organization and on failing to inform the authorities of his contacts with it.

Urunboy Usmonov did not come home from work on 13 June. The next day he briefly returned to his family’s home in Khujand. He was in the presence of SCNS officers, who had come to search the house. His relatives saw injuries on his neck that they believe he sustained from torture or other forms of ill-treatment in detention.

Amnesty International has criticized human rights violations in the country including torture and ill-treatment by law enforcement officers; impunity for torturers; restrictions of freedom of speech; and violence against women.

In recent years independent media outlets and journalists have faced criminal and civil law suits for criticizing the government.

Law enforcement officers have in many cases been accused of torturing or beating detainees. Safeguards against torture enshrined in domestic law are not always adhered to. For example, while the new Criminal Procedure Code stipulates that detainees are entitled to a lawyer from the moment of their arrest, in practice lawyers are at the mercy of investigators who can deny them access for many days. During this period of incommunicado detention, the risk of torture or other ill-treatment is particularly high.

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