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Tajikistan: A year of secrecy, growing fears and deepening injustice

A year on from the arrest of 14 high-ranking members of the opposition Islamic Renaissance Party of Tajikistan (IRPT), in September 2015,¹ Tajikistan's human rights landscape has worsened dramatically. They were all convicted following an unfair trial and sentenced to long-term imprisonment; scores of other individuals have since been criminally prosecuted in connection with the same events. Information relating to their prosecution is extremely sparse and patchy, and points to numerous human rights violations.

The prosecution of the 14 high-ranking IRPT members is linked to the violent unrest of September 2015 which the authorities reported as an armed attempt by the former Tajikistani Deputy Defence Minister Abdukhalim Nazarzoda and his supporters to seize power.² Due to the authorities' near-total grip on news reporting in the country, there has been very little independent public scrutiny of the official account of these events. Virtually all vestiges of peaceful dissent have been suppressed in Tajikistan, and fear of reprisals for any form of criticism of the authorities has permeated Tajikistani society. In this context, discussing these events, and particularly their fallout in human rights terms, has become a taboo subject within the country.

Arrest and criminal prosecution of 14 IRPT members

The fourteen senior members of the IRPT were arrested in September 2015. The authorities accused them of being involved in organizing attacks on government buildings in the capital Dushanbe and the districts of Vakhdat and Rudaki (near Dushanbe) on 4 September 2015. According to the official narrative of these events, the attacks were led by the then Deputy Minister of Defence Abdukhalim Nazarzoda, previously a member of the United Tajik Opposition during the 1992-1997 civil war. Abdukhalim Nazarzoda

¹ 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 Zubaidullokhi Roziq), Fajzmukhammad Mukhammadalii, Hikhmatullo Saifullozoda, Qiyomiddin Avazov, Makhmadsharif Nabiyeu, Abdusamad Ghairatov, Vokhidkhon Qosidinov and Sadiddin Rustam.

² Since the reported violent unrest of September 2015, a total of 170 or so individuals, including supporters and relatives of Abdukhalim Nazarzoda and not all of them members of the IRPT, have been prosecuted, convicted and sentenced to prison for alleged involvement in these events (See Reuters, «Таджикистан осудил 170 человек за причастность к попытке военного переворота» [Tajikistan convicted 170 people for involvement in the military coup attempt], 4 August 2016, available at <http://ru.reuters.com/article/topNews/idRUKCN10F1DE>). The range of charges brought against the others included murder, illegal possession of weapons, and participation in a criminal group, and their prison terms ranged from one year to 30 years.

himself was killed later in what was described as a security operation. Alternative accounts of these events have been put forward, in most cases anonymously on social networks and/or outside Tajikistan. In the absence of independent sources of reliable information within the country in relation to these events, Amnesty International has been unable to credibly verify neither the official version of events, nor any of the unofficial ones, some of which include arguments alleging an official plot intended to crush the remaining vestiges of political opposition and dissent in Tajikistan.

The arrest and criminal prosecution of 14 IRPT leaders has involved numerous violations of their right to fair trial, prompted concern that they were subjected to torture and other ill-treatment and strong suspicion that the charges were politically motivated.³ These were reinforced after independent lawyers representing IRPT members were not granted full access to their clients in detention, and particularly after criminal proceedings were opened against at least three of these lawyers themselves. Relatives of arrested IRPT members too, have been threatened and harassed by the law enforcement authorities.

The trial of the 14 IRPT leaders started in February 2016. The case was heard by five judges of the Supreme Court of the Republic of Tajikistan. The hearing was closed to the public and took place inside the pre-trial detention center (SIZO) of the Tajikistani State Committee for National Security. The trial ended in June 2016, and all 14 IRPT members were convicted and sentenced to long prison terms. Two deputy IRPT leaders, Umarali Khisainov (aka Saidumur Khusaini) and Makhmadali Khaitov (aka Mukhammadalii Hait), were sentenced to life imprisonment. Zarafo Khujaeva (Zarafo Rakhmoni),⁴ the only woman among the co-defendants in the case, was sentenced to two years in prison. She was released from prison on 5 September 2016 under presidential pardon, after she had addressed the president with a letter asking for pardon.⁵ Other sentences ranged from 14 to 28 years in prison.⁶

The trial of the arrested IRPT leaders fell far short of international fair trial standards. Allegations of torture and other ill-treatment, used to obtain “confessions”, have been repeatedly voiced by human rights defenders in exile and relatives of the arrested IRPT members.⁷ These have not been effectively investigated, similarly to allegations of torture

³ See Amnesty International, *Tajikistan: Opposition Leaders Arrested, Risk Torture*, 18 September 2015, Index number: EUR 60/2465/2015, available at <https://www.amnesty.org/en/documents/eur60/2465/2015/en/>.

⁴ Before her arrest, Zarafo Rahmoni (Khujaeva) was a lawyer and advocate for women’s rights, calling for greater access to quality education for girls. She was heading the Public Association Nishot, a non-governmental organization (NGO) working on women’s rights (the NGO has recently been closed down by a court upon a request from the Ministry of Justice).

⁵ Radio Ozodi, *Зарафо Рахмони: меня помиловал президент* [Zarafo Rahmoni: President pardoned me], 7 September 2016, available at <http://rus.ozodi.org/a/zarafo-rahmoni-thanks-taiik-president-/27972170.html>.

⁶ Amnesty International, *Tajikistan: 14 high-ranking members of political opposition party sentenced to long prison terms in unfair trial*, 7 June 2016, Index number: EUR 60/4214/2016, available at <https://www.amnesty.org/en/documents/eur60/4214/2016/en/>.

⁷ Association Human Rights for Central Asia, *Trial against 13 members of the Islamic Renaissance Party begins in Tajikistan*, 8 February 2016, available at http://nadejda-atayeva-en.blogspot.co.uk/2016/02/trial-against-13-members-of-islamic.html?sm_au=iVVP4NDWPRtv3TnN.

of detainees by members of security forces in the past.⁸ The trial itself was conducted in secrecy, and the little public information relating to the prosecution and indictment of the IRPT leaders was quickly retracted, and later totally suppressed. Their defence lawyers were compelled to sign non-disclosure agreements regarding any information on the case and the legal proceedings. Even the charges against the defendants were a matter of official secrecy. According to media reports, they included terrorism, armed rebellion, murder, “public calls for violent change of the constitutional order”, incitement to racial and religious hatred, and organization of a criminal group.⁹ However, official information on these charges is unavailable. Notably, the list of charges was initially circulated by the Prosecutor General’s Office via the official news agency Khovar, but was 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’s Office’s official website.¹⁰ The verdict and official records of the court proceedings have never been officially released. However, on 4 August 2016, a document which appears to be a leaked copy of the Supreme Court’s verdict was published online.¹¹ This document, if genuine, confirms the above charges. The Prosecutor General’s Office has refused to comment on the authenticity of the leaked document. Instead, criminal proceedings have been opened against Jamshed Yorov, one of the defence lawyers in the case, on charges of “divulging state secrets” (Article 311 of the Criminal Code of the Republic of Tajikistan). He was arrested on 22 August 2016 and accused of leaking this document. On 26 August, Firdavsi District Court of Dushanbe ordered his remand in pre-trial detention. If convicted he is facing up to 10 years in prison.

As a state party to the International Covenant on Civil and Political Rights, Tajikistan is legally obliged, among other things, to protect and respect the right of every criminal suspect to a fair trial, including, among others, to public hearings, to be provided with adequate time and facilities to prepare their defence and to examine witnesses. Tajikistan is also bound, both under that Covenant and under the UN Convention against torture, by the absolute prohibition on torture and other ill-treatment. After his March 2016 visit to Tajikistan, the UN Special Rapporteur on the Freedom of Opinion and Expression David Kaye expressed concern about the IRPT prosecutions and stated that “the drastic measures taken against IRPT represent a serious setback for an open political

⁸ Amnesty International, *Annual Report 2015/2016: Tajikistan*, POL 10/2552/2016, pp 355-358, available at <https://www.amnesty.org/en/countries/europe-and-central-asia/tajikistan/report-tajikistan/>.

⁹ Asia-Plus, *На дело арестованных членов ПИВТ наложен гриф секретности* [Case of the arrested members of the IRPT has been classified as top secret], 15 October 2015, available at <http://news.tj/ru/news/tajikistan/security/20151015/na-delo-arestovannykh-chlenov-pivt-nalozhen-grif-sekretnosti> and RiaNovosti, *СМИ: руководству исламской партии Таджикистана предъявлены обвинения* [Media: the leadership of the Islamic party of Tajikistan charged], 27 September 2015, available at <https://ria.ru/world/20150927/1285485729.html>.

¹⁰ One of the URLs which, amongst others, is still referenced in a number of online publications as a hyperlink but which does not open, appears to have been hosted on the Prosecutor General’s Office’s official website: <http://www.prokuratura.tj/ru/news/567-zavavlenie-generalnoj-prokuratury-respubliki-tadzhikistan-21.html>.

¹¹ <http://payom.net/2016/08/04/hukme-ki-muhri-khijolat-bar-daftari-millat-zad-aksi-matni-purrai-hukmi-azoi-ro-hnit-ki-dodgoh-to-hanuz-oshkor-nakardaast.html>.

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”.¹²

Harassment and imprisonment of defence lawyers

Lawyers who worked on the case of 14 IRPT members themselves faced harassment, intimidation and in some cases punitive arrest.

The UN Basic Principles on the Role of Lawyers state that: “governments shall ensure that lawyers ... are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference” (principle 16), “lawyers shall not be identified with their clients or their clients’ causes as a result of discharging their functions” (principle 18) and “governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential” (principle 22).

Throughout the criminal proceedings against the 14 senior IRPT members, their access to legal defence was compromised. Buzurgmekhr Yorov, a lawyer representing several co-defendants in the case, was himself arrested in September 2015, initially on corruption charges, to which charges of “extremism” were later added.¹³ In October 2015, another lawyer representing some other co-defendants, Nuriddin Makhkamov, was arrested and charged with fraud.¹⁴ Their trial started on 3 May 2016 in Dushanbe City Court, and is still ongoing. A third defence lawyer working on the case of the 14 senior IRPT members who was arrested on 22 August 2016 and charged with “divulging state secrets” was Jamshed Yorov (see above), Buzurgmekhr Yorov’s brother.

The cases against Buzurgmekhr Yorov, Jamshed Yorov and Nuriddin Makhkamov appear politically motivated and intended as reprisals for acting in defence of IRPT members.

History of harassment and persecution of IRPT members and other political opposition groups in Tajikistan

The Tajikistani authorities have alleged that during the violent unrest of September 2015, its leader Abdukhalim Nazarzoda had acted on 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 other IRPT members.¹⁵

¹² 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>

¹³ Amnesty International, *Urgent Action: Tajikistan: Further information: 'Extremism' trial held behind closed doors: Buzurgmekhr Yorov*, 13 June 2016, Index number: EUR 60/4252/2016, available at <https://www.amnesty.org/en/documents/eur60/4252/2016/en/>.

¹⁴ Fergana News, *Таджикистан: Сын лидера ПИВТ обвиняется в соучастии в подготовке мятежа. Задержан еще один адвокат членов исламской партии* [Tajikistan: Son of IRPT leader is accused of involvement in the preparation of the revolt. Another lawyer of Islamic party members detained], 27 October 2015, available at <http://www.fergananews.com/news/24051>.

¹⁵ In September 2016 it emerged that Mukhiddin Kabiri was put on an Interpol wanted list on charges of terrorism, organization of a criminal community and fraud, upon request from the Tajikistani authorities. See <http://www.interpol.int/notice/search/wanted/2015-63685>.

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. Up until these violent events, the IRPT was a legally registered political party, and the only Islamist political party in the whole of Central Asia. From the late 1990s and until 2015, it had participated in elections, winning seats in the country's parliament. However, following the widely disputed 1 March 2015 parliamentary elections in Tajikistan, the party lost its two remaining parliamentary seats. 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.¹⁶ On 29 September, following the violent unrest and the arrest of the party's leadership, the IRPT was designated a "terrorist organization" by the Supreme Court of Tajikistan, on the grounds that several of its members had 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.¹⁷

By the time the IRPT was banned, virtually all other vestiges of political dissent had been destroyed in Tajikistan, and most high-profile political activists prosecuted or exiled. On 5 March 2015, prominent Tajikistani opposition activist in exile, Umarali Kuvvatov, was assassinated in Istanbul.¹⁸ 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. In February 2016, a Tajikistani man was convicted of Umarali Kuvvatov's killing by a court in Istanbul and sentenced to life imprisonment, while five other citizens of Tajikistan had been indicted and prosecuted in absentia in connection with this crime.

Human rights violations in Tajikistan should be immediately addressed

Tajikistan should fully respect its obligations under international human rights law, including by addressing immediately the violations outlined in this document. In particular, the IRPT members, and any other individuals who face or have faced grossly unfair trials, should be retried in independent courts in proceedings which meet international standards of fairness, as should their arrested lawyers who are currently standing trial. The Tajikistani authorities should also initiate prompt, effective, independent and impartial investigations into all allegations of torture and other ill-treatment. Where sufficient, admissible evidence is found, suspected perpetrators must be brought to justice in fair trials. The Tajikistani authorities should also respect the right to freedom of expression and association for all, and in particular end harassment and persecution of government critics, including political activists and other dissenting voices.

¹⁶ The Ministry of Justice of the Republic of Tajikistan referred to the law on political parties, article 3, which states "in order to pass state registration a political party shall submit the list of not less than one thousand supporting citizens, which are inhabitants of most cities and districts of the Republic of Tajikistan". The Ministry of Justice argued that the IRPT failed to meet this requirement.

¹⁷ Amnesty International, *Tajikistan: 14 high-ranking members of political opposition party sentenced to long prison terms in unfair trial*, 7 June 2016, Index number: EUR 60/4214/2016, available at <https://www.amnesty.org/en/documents/eur60/4214/2016/en/>.

¹⁸ 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/>.

Tajikistan's international partners should commit to monitoring and reporting human rights violations in the country, and ensure that concerns about Tajikistan's human rights record are considered at every opportunity where the Tajikistani authorities are represented in bilateral and multilateral fora.