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Introduction

On 21 June 1993 the Supreme Court of the Republic of Tadjikistan banned four political parties and movements. It ruled that the Democratic Party, the Islamic Renaissance Party and the *Lali Badakhshon* and *Rastokhez* movements had violated their own statutes and programs by foregoing the pursuit of parliamentary methods to achieve their political goals, in favour of the violent seizure of power.

These parties and movements had been represented in a coalition government which had held power in Tadjikistan in the period from May to November 1992, but which had been forced to resign because of escalating civil war. The communist-dominated government which replaced the so-called "opposition" coalition in November claims that the opposition came to power by means of a "criminal conspiracy" which had begun with the organization of continuous demonstrations in the capital, Dushanbe, from late March to early May 1992, and had culminated in the forced resignation of the popularly-elected President, former Communist Party leader Rakhmon Nabyev, in September. The current government also maintains that its predecessor is wholly to blame for the civil war (for a fuller background to the civil war see the previous Amnesty International report, *Tadjikistan - Hidden terror: political killings, torture and "disappearances" since December 1992*, AI Index: EUR 60/04/93).

Since the current government led by Chairman of the Supreme Council (parliament) Imamali Rakhmonov was installed in November 1992, Amnesty International has received reports of the arrest by law enforcement officials of a number of people identified with the opposition parties and movements. Some of these people have already been tried and sentenced, others are in pre-trial detention. Amnesty International is concerned that some of these people are or may be prisoners of conscience, and that others have been tortured or sentenced to death.

Background information on the banned parties and movements

The **Democratic Party of Tadjikistan** was founded in August 1990. Its founders were mainly members of the intelligentsia, including people who left the ruling Communist Party after violent anti-government demonstrations in Dushanbe in February 1990. The party's program supported a revival of Islam, but in the context of a secular state.

A branch of the Islamic Renaissance Party of the Soviet Union was founded in Tadjikistan in June 1990. It remained banned by the authorities until October 1991; shortly afterwards the founding congress of the **Islamic Renaissance Party of Tadjikistan** (IRP) took place. The party program advocated the promotion of the rights of Muslims through democratic processes, and party leaders reject accusations of fundamentalism.

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The *Rastokhez* ("Renaissance") movement was founded in September 1989 as a discussion group broadly supporting the communist government of Tadzhikistan, but went over to the opposition following the February 1990 anti-government demonstrations. It was officially registered in 1991.

The movement *Lali Badakhshon* ("Ruby of Badakhshan") was the main opposition political organization in the Gorno-Badakhshan Autonomous Region, home to the Pamiri ethnic group, and was also supported by Pamiris living in other parts of Tadzhikistan. Officially registered in May 1991, the movement's main political goal was greater autonomy for Gorno-Badakhshan. Following the announcement of the Supreme Court's decision banning the movement it was reported that Gorno-Badakhshan's regional government would not enforce the ban on *Lali Badakhshon*. The government of Gorno-Badakhshan, a region comprising 47 per cent of the total territory of Tadzhikistan, has frequently defied the new central government installed in late 1992, and their relations remain tense.

The leaders of the banned parties and movements have been charged *in absentia* with treason and other serious crimes relating to the civil war. All reportedly fled the country or went into hiding at around the time when the current government took control of Dushanbe. Democratic Party chairman Shodmon Yusupov, IRP chairman Mukhammed Sharif Khimmatzoda and deputy chairman Davlat Usmon (a Deputy Prime Minister in the former coalition government) are believed to be the leading figures behind a self-proclaimed "Government-in-exile of the Republic of Tadzhikistan", which was set up in early 1993 in the town of Taloqan in northern Afghanistan.

At the time of writing the only legally registered political party in Tadzhikistan is the **Communist Party**. Previously the ruling party, in the anti-communist backlash which took place in most parts of the former Soviet Union in the aftermath of the failed coup in Moscow in August 1991 the Communist Party of Tadzhikistan was, in the course of late 1991, banned, restored, suspended and restored again as the Socialist Party. It reverted to its original name in January 1992.

An initiative to form a new party called the **People's Party** was announced in late August 1993 by Abdulmadzhid Dostiyev, the First Deputy Chairman of the Supreme Council.

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Prisoner of conscience

Bozor Sobir

Bozor Sobir, aged 56, is considered to be one of Tadzhikistan's finest poets. He writes in Tadzhik (a form of Farsi written in cyrillic script), but his poetry has been translated into many of the languages of the former USSR. Bozor Sobir was also a prominent member of the Democratic Party until his resignation from the party in November 1992, reportedly because of disagreement with the party leadership.

On 26 March 1993 Bozor Sobir was arrested at the airport near Dushanbe, where he had gone

reportedly to send a parcel to his son who lives in Moscow. He was taken to an unmarked vehicle by unidentified people, who later turned out to be procuracy officials. His arrest took place without a warrant, and it was only three days later that an official warrant was issued.

Bozor Sobir was charged on 5 April with "incitement to illegal deprivation of freedom" (Article 135 of the Criminal Code of the Republic of Tadzhikistan) and "attempting to inflame inter-ethnic discord" (Article 71). A procurator involved in the case told a group of Russian and US human rights monitors who visited Tadzhikistan in May and June that the charge under Article 135 related to an incident on 21 April 1992 when Bozor Sobir, addressing opposition demonstrators in Dushanbe, criticized a group of deputies to Tadzhikistan's Supreme Council. Bozor Sobir allegedly said: "It is impossible to talk nicely to these deputies. You have to talk tough." Later that day a group of parliamentary guards sympathetic to the demonstrators took 16 parliamentary deputies and two deputy ministers hostage, holding them until the following morning. The procuracy maintains that this act was a direct consequence of Bozor Sobir's comment. The procurator also reported that the charge against Bozor Sobir under Article 71 relates to a poem entitled "Mixing blood with flour", which the procurator maintained was anti-Russian, and on other written materials confiscated as the result of a search of Bozor Sobir's apartment in Dushanbe following his arrest. However, the visiting human rights monitors (from the Russian organization Memorial and the US-based Helsinki Watch) assessed the contents of the poem "Mixing blood with flour", of which they were given a copy, as attacking not the Russian people but Russia as an imperialist power and the effect of that imperialism on Tadzhikistan. They also noted that the other materials mentioned by the procurator, of which they did not obtain copies, have not been published.

Bozor Sobir was due to stand trial in September. At the time of writing the date of his trial, already postponed several times, was still not known.

Amnesty International believes that the criminal charges against Bozor Sobir are without reasonable foundation, and that they have been brought as a consequence of Bozor Sobir's having legitimately exercised his fundamental human right to freedom of expression. Amnesty International considers Bozor Sobir to be a prisoner of conscience, and is calling on the authorities in Tadzhikistan to release him immediately and unconditionally.

Possible prisoners of conscience: prosecutions for illegal possession of firearms

A number of opposition activists have been charged with "illegal carrying, keeping, acquiring, making or marketing of a firearm, ammunition or explosives" (Article 234 of the Criminal Code of the Republic of Tadzhikistan). Amnesty International would not normally take up the case of a person charged with such an offence. However, in the two cases detailed below the organization is concerned about allegations that incriminating physical evidence was planted on the people concerned by law enforcement officials in order to fabricate a criminal case against them because of their opposition political activities. Furthermore, Amnesty International is seeking clarification from the authorities about the seven and 10 year prison sentences which have been imposed in these two cases, noting that in a letter sent to Amnesty International on 8

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April 1993 Saydamir Zukhurov, Chairman of the Committee for National Security, stated that Article 234 carried a maximum penalty of five years' imprisonment.

All the cases of illegal firearms possession about which Amnesty International has learned involve people arrested and prosecuted in Leninabad Region in north Tadzhikistan. The armed conflict which during 1992 engulfed southern Tadzhikistan and Dushanbe did not extend to Leninabad Region, which remained peaceful throughout the civil war.

Amnesty International believes that the people whose cases are detailed below may be prisoners of conscience, and is calling for the cases against them to be reviewed.

Dzhumaboy Niyazov

A university lecturer and activist in the Democratic Party, Dzhumaboy Niyazov was sentenced on 5 March 1993 by a court in the city of Khudzhand, the administrative centre of Leninabad Region, to seven years' imprisonment for illegal possession of cartridges for an automatic weapon.

Dzhumaboy Niyazov had been arrested on 13 January 1993 at work at the Technical University in Khudzhand. Officers of the police and state security committee and officials from the procurator's office carried out a search of the Democratic Party offices, Dzhumaboy Niyazov's apartment and the house of his grandfather, where Dzhumaboy Niyazov and his family were currently living. During the search of his grandfather's house they found in a wardrobe a carton containing 30 live cartridges for an automatic weapon. Dzhumaboy Niyazov denied that they belonged to him, claiming that he had never had a weapon in the house. His demand that the carton be tested for fingerprints was refused by the investigator in charge of the case. He went on trial on 19 February in the Khudzhand City Court, charged under Article 234 part 1 of the Criminal Code. The only testimony against him was given by the police and security officers and procuracy officials who had participated in the search of his grandfather's house, and by the witnesses in whose presence the search had been conducted in conformity with the law. Dzhumaboy Niyazov's lawyer denounced the case as a fabrication. On 5 March Dzhumaboy Niyazov was found guilty and sentenced to seven years' imprisonment.

Dzhumaboy Niyazov was born in 1947 in Khudzhand. He is married with four children. From November 1991 he was head of the Leninabad Region branch of the Democratic Party.

Reporting Dzhumaboy Niyazov's sentence, the Moscow independent newspaper *Express Chronicle* described him as outspoken in his opposition to the civil war and an advocate of compromise and dialogue between opposing political forces.

Nuriddin Sadiriddinov

Nuriddin Sadiriddinov, a doctor in his early forties and the head of the local branch of *Rastokhez* in Asht district, Leninabad Region, was sentenced in March 1993 to 10 years' imprisonment by the Asht district court for illegal possession of a firearm and ammunition.

Unofficial sources have reported that on 22 January 1993 police twice searched Nuriddin Sadiriddinov's home in Shaydon, Asht district. During the first search they found nothing to incriminate him in illegal activities. However, during the second search the police found a pistol

and bullets. Nuriddin Sadiriddinov was arrested and charged under Article 234 part 1 of the Criminal Code. Supporters of Nuriddin Sadiriddinov allege that the pistol and bullets were planted by police during the first search of his house in order to fabricate a criminal charge against him.

While Nuriddin Sadiriddinov was in pre-trial detention his wife died from a heart attack. He is believed to have several children.

Both Dzhumaboy Niyazov and Nuriddin Sadiriddinov are believed to be serving their sentences at a corrective labour colony at Yavan in Khatlon Region, south Tadzhikistan.

Torture

Mirbobo Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov (update to information given in AI Index: EUR 60/04/93)

Amnesty International remains gravely concerned that political prisoners Mirbobo Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov are being tortured in detention. It is reported that they are being held, pending trial, in investigation-isolation prisoner No. 1 of the Ministry of Internal Affairs in Dushanbe.

Mirbobo Mirrakhimov, aged 37, was the chairman of Tadzhikistan's state radio and television company during the period of the coalition government. He was formerly a leading member of *Rastokhez*. He has been charged with treason (Article 61 of the Criminal Code) in the form of "conspiracy to overthrow the government". The maximum sentence for this offence is the death penalty. He has also been charged with defamation (Article 138 part 3).

Akhmadsho Kamilov, aged 35, was the director of national television under the coalition government. Khayriddin Kasymov, aged 34, and Khurshed Nazarov, aged 25, were television journalists. All three have reportedly been charged with "agitation and propaganda calling for the violent overthrow of the government" (Article 67 part 1), and with theft of state property (video cassettes from the state television studios, and an official car which they used to flee to neighbouring Kyrgyzstan, where they were arrested).

Amnesty International first received allegations about the torture of these men shortly after their arrest in January 1993. The organization has recently received disturbing new information which suggests that the torture has continued until recently, and may be continuing. The delegation from Memorial and Helsinki Watch which visited Tadzhikistan in May and June 1993 reports that they sought official permission for a meeting with Mirbobo Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov. The investigator in charge of the case, an officer from the Committee for National Security, was prepared to give permission only for the monitors to see these men but not to speak to them. He initially suggested that they would be able to see them at a distance of 15 metres, but when the delegates refused he reportedly attempted to negotiate over the distance, finally offering to have the men walk past the delegates at a distance of five metres. He categorically refused a request that the men should be asked to lift their shirts so that a doctor in the delegation could observe the condition of their bodies. The human rights monitors refused to agree to the conditions offered by the investigator, and so no

meeting with the prisoners took place. The monitors concluded that the behaviour of the authorities gave great cause to suspect that Mirbobob Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov had been severely beaten.

The press centre of the Ministry of Internal Affairs published a reply to Amnesty International's report *Tadzhikistan - Hidden terror: political killings, torture and "disappearances" since December 1992* (AI Index: EUR 60/04/93) on 10 June. In an apparent reference to mention in that report of concern for the safety of Mirbobob Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov, the Ministry accused Amnesty International of "shedding crocodile tears about the fact that such-and-such a political prisoner is spending a sleepless night in prison and so-and-so has had his nose broken", adding that "prisons are for keeping criminals, and not sanatoria for improving health".

Amnesty International is continuing to call on the authorities in Tadzhikistan to ensure that Mirbobob Mirrakhimov, Akhmadsho Kamilov, Khayriddin Kasymov and Khurshed Nazarov are not subject to torture or any other form of ill-treatment, and that they are granted access to appropriate medical treatment.

Death penalty concern

Political prisoner Adzhik Aliyev

Adzhik Aliyev, a 44-year-old mullah (an Islamic scholar) from Dangara in Khatlon Region, went on trial in the Supreme Court on 20 July 1993 on charges of treason, organizing especially dangerous crimes against the state, appealing for the forcible overthrow of the constitutional order, terrorism, hostage taking and murder. Formerly the chairman of the branch organization of the IRP in Dangara district, Khatlon Region, and a member of the party's presidium, he was accused of having led an armed group during the civil war. On 25 August he was found guilty and sentenced to death.

Amnesty International opposes the death penalty in all cases without exception. It is calling on authorities in Tadzhikistan to commute the death sentence passed on Adzhik Aliyev.

Amnesty International is also concerned that allegedly for a period of around four months while in pre-trial detention Adzhik Aliyev was not represented by a lawyer, and that this absence of legal representation may have jeopardized the fairness of the investigation of his case and consequently his trial. It has been reported that initially the authorities appointed a woman lawyer to defend Adzhik Aliyev, but he rejected her services; unofficial sources have suggested that the authorities deliberately appointed a woman lawyer knowing that Adzhik Aliyev would refuse her services on religious grounds. He was eventually represented at his trial by a lawyer appointed by his family.

Tadzhikistan's Criminal Code retains the death penalty for 18 peacetime offences. Amnesty International has learned from media sources of three other judicial death sentences passed in 1993. These were passed in June by Dushanbe City Court on three men who were convicted of murdering two people during a robbery in 1992. The names of the convicted men and further Amnesty International October 1993AI Index: EUR 60/17/93

details of their crime are not known to Amnesty International.

"Disappearances"

In its report *Tadzhikistan - Hidden terror: political killings, torture and "disappearances" since December 1992* (AI Index: EUR 60/04/93), published in May 1993, Amnesty International detailed the cases of people who had "disappeared" after having been detained by paramilitary forces believed to have been subordinate to the Government of Tadzhikistan. These people were apparently targeted for arrest solely on the grounds that they came from regions of Tadzhikistan identified with the political opposition. Scores of such "disappearances" are alleged to have taken place in the period up to the end of February 1993.

Since then, far fewer such incidents have been reported. However, two cases have come to the attention of Amnesty International in which the reported circumstances of the "disappearances" suggest that they may have been the work of forces operating with the endorsement or tacit approval of the Government of Tadzhikistan. Amnesty International is calling on the Government of Tadzhikistan to take immediate and effective steps to locate the people concerned, and if they are in custody to release them immediately if they are not to be charged with a recognizably criminal offence. The organization is also calling on the Government of Tadzhikistan to conduct a full and impartial investigation into these "disappearances", the findings of which should be made public, and to bring those responsible to justice according to the norms of international law.

Ayniddin Sadykov

Ayniddin Sadykov was a neurosurgeon at a Dushanbe hospital and chairman of the Democratic Party branch in Dushanbe's Frunze district. He had taken an active part in the opposition demonstrations in April and May 1992, giving medical assistance to demonstrators and occasionally making speeches.

On the morning of 21 April 1993 Ayniddin Sadykov and his wife boarded a trolleybus near their Dushanbe home on their way to separate appointments. Ayniddin Sadykov's wife left the trolleybus first. Her husband subsequently "disappeared" from the trolleybus before reaching his destination. Ayniddin Sadykov's relatives appealed to the authorities for help in locating him, but without success. At the end of May they put a notice in a newspaper appealing for information about his whereabouts. As a result, they were contacted by a person who claimed to have witnessed Ayniddin Sadykov's arrest. This witness, who was able to describe accurately what Ayniddin Sadykov had been wearing and carrying at the time of his "disappearance", recounted how almost immediately after Ayniddin Sadykov's wife had left the trolleybus, at the next stop, two cars had pulled up behind it from which five men, two of them armed, had alighted and boarded the trolleybus. They had forcibly removed Ayniddin Sadykov from the trolleybus, put him into one of the cars, and had driven away.

On the morning that he "disappeared", Ayniddin Sadykov was carrying a medical certificate for Bozor Sobir [see above]. Ayniddin Sadykov had just collected this certificate, and reportedly intended to deliver it that day to the authorities holding Bozor Sobir in the hope of securing the

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latter's release from custody on grounds of poor health (Bozor Sobir reportedly suffers from high blood pressure and a kidney complaint). Authorities in Tadzhikistan, including the office of the Procurator, the Committee for National Security and the Ministry of Internal Affairs, have reportedly denied any knowledge of the whereabouts of Ayniddin Sadykov.

Saidsho and Siyarsho Shoyev

Saidsho Shoyev is a member of the Supreme Council and the former director of a cotton factory in Ayni, Leninabad Region. His brother Siyarsho is the former director of a collective farm in Khatlon Region. They come originally from the Garm district of central Tadzhikistan, an area identified during the civil war with the opposition. They went into exile in Moscow in January 1993, at a time when Garmis in Dushanbe and elsewhere were being targeted for summary execution and "disappearance" by armed gangs believed to have been operating with the endorsement or tacit approval of the government. In June Saidsho Shoyev and seven other Garmi members of parliament in exile received an appeal from the Prime Minister, Abdumalik Abdullodzhonov, to attend a forthcoming session of parliament. The Prime Minister personally undertook to guarantee their safety. Saidsho Shoyev accepted this invitation with two others, and travelled to Dushanbe accompanied by his brother.

On the afternoon of 29 July Saidsho and Siyarsho Shoyev were seized from a street in the centre of Dushanbe by armed men and were bundled into a car and driven away. Unofficial sources report that from its number plates the car was identifiable as belonging to the Ministry of Defence. There has been no concrete information about the Shoyev brothers' whereabouts since then. The government denies any involvement in their "disappearance".

Human rights abuses by opposition groups

In August 1993 Amnesty International wrote to Shodmon Yusupov of the Democratic Party and Mukhammed Sharif Khimmatzoda of the IRP to express grave concern about reports of two recent incidents in which armed forces apparently subordinate to the self-proclaimed "government-in-exile" of the Republic of Tadzhikistan allegedly carried out deliberate and arbitrary killings. In one incident the victims were reported to have been members of the armed forces of the Government of Tadzhikistan who had been taken prisoner and were summarily executed, and in the other incident the victims were reportedly unarmed civilians. The reported details of these incidents are as follows:

- On 20 June the Russian ITAR/TASS news agency, quoting the Ministry of Defence of the Republic of Tadzhikistan, reported that nine soldiers of the Government of Tadzhikistan who were among a group of at least 11 soldiers taken hostage on or shortly before 16 June by a group of armed opposition fighters had been killed by their captors. The fate of the other captives is not clear. The armed opposition group responsible was reportedly led by a man named as Rizvon and was based in the Kalai-Khumb district of western Gorno-Badakhshan.

- On 13 July up to 200 civilian residents of the village of Sarigor in the southeast of Khatlon

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Region were reportedly killed as a consequence of an armed assault by opposition fighters based in Afghanistan on a border post guarded by Russian armed forces. It is unclear whether these civilian casualties resulted from indiscriminate mortar fire by forces during the attack on the border post, or whether, as the Government of Tadzhikistan has claimed in official statements, villagers were deliberately killed by opposition forces who entered Sarigor after overrunning the border post.

Amnesty International is concerned that forces loyal to the "government-in-exile" of the Republic of Tadzhikistan may have acted in violation of the principle of the protection of the individual enshrined in Article 3 common to the four Geneva Conventions of 1949, which forbids governments and their opponents alike to torture, to deliberately kill civilians taking no part in hostilities, to harm those who are wounded, captured or seeking to surrender, or to take hostages. It called on the Democratic Party and IRP leaders to ensure that all armed forces subordinate to or acting with the approval of the "government-in-exile" of the Republic of Tadzhikistan respect the Geneva Conventions, the two 1977 Additional Protocols to these Conventions, and other international standards on human rights.