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TAJIKISTAN: PROMINENT MEMBERS OF PAMIRI MINORITY ARBITRARILY DETAINED, TORTURED AND UNFAIRLY CONVICTED

Since May 2022, the Tajikistani authorities have stepped up their ongoing crackdown on Pamiris, an ethnic, linguistic and religious minority originating from the Pamir mountains in Gorno Badakhshan Autonomous Oblast of Tajikistan. They have arbitrarily detained hundreds of Pamiris, including civil society activists and human rights defenders, and imprisoned over 200 of them after convictions in unfair trials, in a campaign aimed at stripping the local communities of their leadership and dismantling their civil society.

The authorities must immediately and unconditionally release Pamiri civil society activists, journalists and human rights defenders who have been detained solely for exercising their rights to freedom of expression, association and peaceful assembly. They must effectively investigate allegations of torture and other ill-treatment of people in custody. They must cease denying the Pamiris the rights to enjoy their own culture, to profess and practice their own religion, and to use their own languages.

Gorno-Badakhshan Autonomous Oblast (GBO) is a high mountain region in the east of Tajikistan and officially had a population of 223,600 in 2018.¹ The *de jure* autonomy of the region is enshrined in Art. 81-83 of Tajikistan's Constitution,² which entitles it to a local legislature merely with "the right of legislative initiative" and unspecified "powers ... in social, economic, [and] cultural spheres of life ... determined by a constitutional law". Most of its population identify as ethnic Pamiris and adhere to the Ismaili branch of Shia Islam. They form ethnic, linguistic and religious minorities in the country. However, they are not recognized as ethnic and linguistic minorities by the state.³ The central authorities have been increasingly suppressing the use of Pamiri languages and the assertion of Pamiri identity in state institutions, schools, the media, artistic performances and public spaces,⁴ in violation of the right of minorities "to enjoy their own culture, to profess and practise their own religion, [and] to use their own language" enshrined in Art. 27 of the International Covenant on Civil and Political Rights. They have also asserted tight state control over Ismaili religious practice like collective prayers and severely restricted religious freedom.⁵

MAY 2022 AND ONGOING CRACKDOWN AGAINST PAMIRI MINORITY

Since May 2022, the Tajikistani authorities have stepped up their efforts to remove all vestiges of actual autonomy of the region and a crackdown on civil society in GBO, violently dispersing protest events that were overwhelmingly peaceful or started as peaceful prior to their violent dispersal by government forces, and arbitrarily detaining individuals who disposed of informal authority or local influence, including civil society activists, journalists and human rights defenders.⁶ As well, they targeted individuals who had attempted to exercise their rights to freedom of

¹ <https://stat.tj/storage/publications/June2019/demographic-yearbook-2018.pdf>, p. 20.

² <https://mfa.tj/en/main/tajikistan/constitution>.

³ At the UN Committee on the Elimination of Racial Discrimination in April 2023, the Minister of Justice of Tajikistan declared that Pamiris were not considered to be a minority and alleged they were Tajiks:

<https://www.ohchr.org/en/news/2023/04/experts-committee-elimination-racial-discrimination-commend-tajikistan-improved>.

⁴ This was reported by various sources, e.g., exiled journalist Anora Sarkorova who is well-known for her network of reliable sources in GBO: <https://t.me/anorasarkorova/859>, and the Anti-Discrimination Center Memorial: <https://adcmemorial.org/en/articles/five-stories-about-pamir-and-the-pamiris/>, and the Minority Rights Group: <https://minorityrights.org/2022/12/09/gbao-sentences/>.

⁵ https://www.forum18.org/archive.php?article_id=2811. Further details in a forthcoming Amnesty International report.

⁶ See, for example, <https://eurasianet.org/tajikistan-pamiri-activists-imprisoned-en-masse>,

<https://www.frontlinedefenders.org/en/statement-report/tajikistan-authorities-should-cease-persecution-human-rights->

expression, peaceful assembly and association by publicly voicing dissent in the context of protest events and in social media anytime in the past. According to a statement by the Inter-Agency Committee on Enforcement of Law and Order in GBAO on 17 June 2022, 220 persons had been detained in the framework of the so-called “special operation” which had started in mid-May 2022.⁷ Dozens or hundreds of further individuals were detained before and after the most intense phase of the crackdown. The news portal Pamir Inside (previously Pamir Daily News) listed the names of 205 convicted individuals in June 2023 whose cases had been made public or whose relatives had agreed to make public.⁸ Short-term arbitrary detention, including officially unacknowledged custody, for instance for the purpose of interrogation, was a mass phenomenon during the crackdown in May-June 2022 and has continued on a lesser scale since then.

For example, one Pamiri man was detained by the State Committee for National Security (SCNS) during the most intense phase of the crackdown in summer 2022. He was taken to an SCNS office and interrogated about the protests in which he had taken part, and about community leaders and civil society activists with whom he was acquainted. The interrogating officer beat him, insulted him and denigrated him because of his ethnic and religious identity. After several hours, he was released. Shortly afterwards, he was summoned for interrogation by the Office of the Prosecutor. Once again, he was insulted and denigrated, but this time there was no physical violence. After a few weeks, he was interrogated once more by the SCNS. He left the country, fearing that one of the security agencies could detain and prosecute him anytime.⁹

Respected community figures among the Pamiri diaspora, political activists and other dissenters were forcibly returned or secretly renditioned from the Russian Federation in cooperation with Russian security services, and detained immediately after arrival in Tajikistan. In the months following May 2022, many Pamiris in Russia who expressed political dissent or volunteered in the framework of community activities of the Pamiri diaspora, were informally threatened with forcible return by members of the Tajikistani or Russian security services. Many Pamiri refugees have been at risk of deportation from a number of countries in Europe and elsewhere where they were seeking international protection. Back in Tajikistan, many family members of Pamiri refugees have been repeatedly visited by and threatened by the Tajik security services about the whereabouts of their family members overseas.¹⁰ Countries forcibly returning Pamiris to Tajikistan are breaching the principle of non-refoulement, a cornerstone of international human rights and refugee law, which prohibits the transfer of anyone to a place where they could be exposed to persecution or other serious human rights violations. Pamiris forcibly returned to Tajikistan are at risk of arbitrary detention, torture and other ill-treatment, enforced disappearance and unfair trials.

The risks for Tajikistani citizens targeted by the authorities and forcibly returned to Tajikistan are evident in the case of Abdullohi Shamsiddin. In spite of multiple warnings about the risk of detention and torture in Tajikistan,¹¹ on 18 January 2023, Germany deported him to Tajikistan. He is an ethnic Tajik and closely related to several leaders of the oppositional Party of Islamic Revival of Tajikistan. After arrival in Tajikistan, he was subjected to enforced disappearance and then reportedly held in solitary confinement by the SCNS. On 29 March 2023, a court in Dushanbe reportedly convicted Abdullohi Shamsiddin on charges of “public calls for the violent change of the

defenders, <https://www.hrw.org/news/2022/08/23/tajikistan-autonomous-region-protesters-denied-fair-trials>, <https://www.iphronline.org/tajikistan-civicus-2021-2022.html>.

⁷ <https://khover.tj/rus/2022/06/mezhvedomstvennyj-shtab-soobshhaet-polnostyu-prekrashhena-deyatelnost-organizovannyh-terroristicheskikh-grupp-na-territorii-gbao/>.

⁸ <https://pamirdaily.com/pamiris-prisoner-list-2022/>. There is an unknown number of additional imprisoned individuals whose family members have chosen not to disclose or discuss their cases publicly, fearing social stigma for themselves and repercussions for the imprisoned individuals. For a synopsis of publicly available information about detained persons, as compiled by a credible initiative Roof-top Info on the basis of reports e.g. by the state news agency Khover, the independent news portal ASIA-Plus, Radio Ozodi (the Tajik service of Radio Free Europe / Radio Liberty), and reliable Pamiri journalists and media outlets, see the appendix of <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

⁹ Interview #213 with a person interrogated by SCNS in GBAO after May 2022, conducted on 19 May 2023 in the country of residence (outside of Tajikistan) on condition of anonymity.

¹⁰ Reports from numerous sources who must remain anonymous.

¹¹ Abschiebungsreporting NRW: <https://www.abschiebungsreporting.de/will-die-stadt-dortmund-einen-tadschikischen-oppositionellen-abschieben/>, Human Rights Watch: <https://twitter.com/HughAWilliamson/status/1602351272102957069>, Norwegian Helsinki Committee: https://twitter.com/nhc_no/status/1602743103835840512.

constitutional order of the Republic of Tajikistan” under Article 307 of the Criminal Code and sentenced him to seven years in prison.¹²

Amnesty International has conducted interviews with two individuals who had been interrogated by various security agencies during or after the crackdown in May 2022 but were not arrested and could leave the country,¹³ and with five individuals who had been detained or interrogated before May 2022.¹⁴ Almost all interlocutors, who spoke on conditions of strict anonymity, reported verbal abuse during interrogation which did not only target the interrogated person, but also their female relatives, ethnic Pamiris and their Ismaili religious community. Many interlocutors reported physical violence during interrogation as well, including beating with fists, batons and metallic devices, electric shocks and sleep deprivation. According to interlocutors who had been subjected to torture and other ill-treatment, it had mostly been aimed at extracting information from them and forcing them to incriminate themselves and others.

With few exceptions, those who were arbitrarily arrested and officially remanded in detention during and after the crackdown in May 2022 were convicted in unfair trials, many of them under unfounded charges of participating in organized criminal groups (Art. 187 of the Criminal Code¹⁵). The Law of the Republic of Tajikistan on Combating Terrorism¹⁶ (Art. 4) defines crimes under Art. 187 of the Criminal Code as crimes of “terrorist” character and in such cases allows closed trials (Art. 18). UN experts have recently expressed concern about the potential negative impact of this overly broad definition of terrorism on due process.¹⁷

Pamiris detained during and after the crackdown in May 2022 were often convicted in such closed trials and in many cases did not have access to a lawyer.¹⁸ In particular, the trials of human rights defenders were described as unfair by many observers,¹⁹ as no evidence of credible charges was publicly presented. Sentences were extraordinarily harsh, which is reflected in the high number (11) of sentences to life imprisonment.²⁰ UN experts have addressed the cases of human rights defenders Ulfatkhonim Mamadshoeva, Manuchekhr Kholiknazarov, Faromuz Irgashov and Khushruz Jumaev.²¹

¹² Amnesty International, “Tajik Dissenter Deported and Convicted”, Urgent Action, 11 April 2023, <https://www.amnesty.org/en/documents/eur60/6660/2023/en/>.

¹³ Interview #210, conducted on 17 May 2023 in the country of residence (outside of Tajikistan). Interview #213, conducted on 19 May 2023 in the country of residence (outside of Tajikistan). All interviews were conducted on condition of anonymity to protect the interviewees and their relatives in Tajikistan from reprisals.

¹⁴ Interview #101, conducted on 5 March 2023 in the country of residence (outside of Tajikistan). Interview #204, conducted on 30 May 2023 in the country of residence (outside of Tajikistan). Interview #207, conducted on 30 May 2023 in the country of residence (outside of Tajikistan). Interview #209, conducted on 23 May 2023 in the country of residence (outside of Tajikistan). Interview #219, conducted on 3 July 2023 by a messenger call. All interviews were conducted on condition of anonymity to protect the interviewees and their relatives in Tajikistan from reprisals.

¹⁵ https://online.zakon.kz/Document/?doc_id=30397325.

¹⁶ <https://www.mfa.tj/ru/main/view/3959/zakon-respubliki-tadzhikistan-o-borbe-s-terrorizmom>.

¹⁷ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27787>, p. 1.

¹⁸ <https://www.icj.org/tajikistan-detained-protesters-should-be-given-immediate-access-to-lawyers/>.

¹⁹ Lawyers for Lawyers: <https://lawyersforlawyers.org/en/statement-on-the-arrest-of-the-lawyers-manuchehr-kholiknazarov-and-faromuz-irgashov/>. Minority Rights Group: <https://minorityrights.org/2022/12/09/gbao-sentences/>. Committee to Protect Journalists: <https://cpj.org/2022/12/tajikistan-authorities-sentence-2-journalists-to-lengthy-prison-terms/>. Human Rights Watch: <https://www.hrw.org/news/2022/12/12/tajikistan-long-sentences-autonomous-region-activists>. Observatory for the Protection of Human Rights Defenders: <https://www.fidh.org/en/issues/human-rights-defenders/tajikistan-heavy-prison-sentences-for-rights-defenders-from-gorno>. Frontline Defenders: <https://www.frontlinedefenders.org/en/case/human-rights-defender-manuchehr-kholiknazarov-sentenced-15-years-imprisonment>. Reporters Without Borders: <https://rsf.org/en/tajikistan-10-years-prison-independent-journalists-rakhmons-regime-gags-criticism>.

²⁰ For a synopsis of publicly available information about convictions and sentences, see the appendix of <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

²¹ The most recent communication to the Government of Tajikistan was submitted in May 2023: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28026>. Another communication, which did not cover Jumaev yet, had been submitted in October 2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27560>.

For example, Commission 44 was an informal group of individuals formed in November 2021 in Khorugh to monitor the investigation into an alleged extra-judicial execution and lethal violence against protesters and to intermeditate between the authorities and the population in GBAO. Several respected Pamiri lawyers and civil society representatives joined Commission 44. During the May 2022 crackdown, its most prominent members were arbitrarily detained. They were convicted and sentenced after the Supreme Court of Tajikistan arbitrarily labelled Commission 44 a “criminal organization”.²²

Faromuz Irgashov, a lawyer who had tried to register as a non-party candidate for the 2020 presidential elections, was sentenced to 29 years in prison for alleged participation in a criminal group, murder, terrorism and organization of activities of an extremist organization.²³ Manuchebr Kholiknazarov, also a lawyer, the director of the Lawyers Association of Pamir and a member of the NGO Coalition against Torture and Impunity in Tajikistan, was sentenced to 16 years in prison for alleged participation in a criminal group and organization of activities of an extremist organization²⁴; and the Lawyers Association of Pamir was closed by the authorities for alleged links to organized criminal groups.²⁵ Addressing the alleged arbitrary detention of Irgashov, Kholiknazarov and others, UN experts in a joint communication to the Government of Tajikistan in May 2023 expressed “serious concerns about the apparent pattern of using extremism- and terrorism-related charges against human rights defenders and minority activists, particularly those defending the rights of the Pamiri minority, allegedly to discredit them and justify further secrecy around their cases.”²⁶

Several international non-governmental organizations, including Human Rights Watch, the International Partnership for Human Rights (IPHR), CIVICUS and others, have called for Kholiknazarov’s immediate and unconditional release, raising concerns about the sharp deterioration of the environment for human rights defenders and civil society activists in recent years.²⁷

RECOMMENDATIONS

The Tajikistani authorities must respect the human rights of all persons in Tajikistan, and in particular end immediately reprisals against Pamiri activists and other dissenting voices. All Pamiri human rights defenders, other civil society activists, journalists, community leaders and others, who have been arbitrarily detained and imprisoned solely for exercising their rights to freedom of expression, association and peaceful assembly, must be immediately and unconditionally released.

²² In August 2022, Radio Ozodi reported that the Supreme Court considered Commission 44 as a criminal organization: <https://rus.ozodi.org/a/32001378.html>. The Deputy Minister of Internal Affairs called Commission 44 a “criminal group” in April 2023: <https://media.un.org/en/asset/k1v/k1v3evdsxl>, min. 02:25:33.

²³ <https://thediomat.com/2022/12/what-tajikistans-persecution-of-faromuz-irgashev-really-means/>. The charges were published by the office of the General Prosecutor: <https://www.prokuratura.tj/news-tj/1822-alasai-ayati-mushovara-dar-prokuraturai-general-505.html>.

²⁴ <https://www.fidh.org/en/issues/human-rights-defenders/tajikistan-arbitrary-detention-of-lawyers-manuchebr-kholiknazarov>, <https://lawyersforlawyers.org/en/statement-on-the-arrest-of-the-lawyers-manuchebr-kholiknazarov-and-faromuz-irgashov/>. The charges were published by the office of the General Prosecutor: <https://www.prokuratura.tj/news-tj/1822-alasai-ayati-mushovara-dar-prokuraturai-general-505.html>.

²⁵ <https://rus.ozodi.org/a/32538999.html>.

²⁶ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28026>, p. 11. Kholiknazarov’s case had already been addressed in a joint communication in July 2022:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27423>. Both cases had already been addressed in a joint communication in October 2022:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=27560>. The Tajikistani authorities submitted a summary reply to these and other communications to OHCHR in May 2023:

<https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gld=37600>.

²⁷ <https://www.hrw.org/news/2023/04/04/tajikistan-human-rights-defender-manuchebr-kholiqnazarov-must-be-immediately>, <https://civicus.org/index.php/media-resources/news/6551-civil-society-demands-tajikistan-release-jailed-human-rights-defender>, <https://www.iphronline.org/wp-content/uploads/2023/04/Tajikistan-Human-rights-defender-Manuchebr-Kholiqnazarov-must-be-immediately-released.pdf>.

All allegations of torture and other ill-treatment of people in custody must be effectively investigated, and all suspects must be brought to account in fair trial proceedings.

All victims of human rights violations in Tajikistan should receive full and adequate reparations for the damage suffered.

Members of the Pamiri communities should be able to fully enjoy their economic, social and cultural, as well as civil and political rights.

The reported widespread discrimination against Pamiris, particularly in the criminal justice system, must be effectively, independently and impartially investigated. All laws, policies and practices that may be discriminatory should be independently examined, and all necessary measures taken to ensure that these are fully compliant with Tajikistan's international human rights obligations, including by repealing or amending the relevant legislation, abolishing relevant policies and ending relevant practices, and monitoring the actions of state officials. All victims of discrimination should have access to effective, transparent and accessible remedies.

The international community should monitor and report on human rights violations in Tajikistan, including in GBAO. International and regional organizations and Tajikistan's other international partners, including national governments, should raise these violations at every opportunity, including in multi- and bi-lateral fora, and actively seek an end to these violations and take steps to provide remedy for their victims.

All states should respect the principle of non-refoulement and must not forcibly return individuals from GBAO to Tajikistan or to any third country such as Russia, where they would be at risk of forcible transfer to Tajikistan, where in turn they could be victims of human rights violations, including arbitrary arrest and prosecution, torture and other ill-treatment, and unfair trials.