

IHF FOCUS: elections and referenda; political violence; freedom of expression and media; fair trial; torture, ill-treatment and police misconduct; religious intolerance; refugees; death penalty; social rights; women's rights.



Refugees at the Toza Lokay refugee camp on Tajik-Afghan border.

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Tajikistan remained unstable, still recovering from the 1992-1997 civil war.¹ Major elements of the 1997 peace accord between the Government and the now dissolved United Tajik Opposition (UTO) were still not implemented, including the demobilization of UTO troops and the reform of security and law enforcement institutions. Renewed fighting between government troops and paramilitary forces highlighted the shortcomings of the peace process and the continued mistrust between the Government and former UTO members.

Although President Rakhmonov seemed reluctant to encourage a personal cult evolving around him², his Government moved steadfastly forward to strengthen its au-

thoritarian rule by obstructing political opposition, curtailing freedom of expression and the media and detaining a growing number of people on religious grounds.

The judiciary was corrupt and dependent on the executive branch, trials were held in flagrant violation of international standards, and the police and security forces largely relied on brutal methods. The death penalty also remained in use.

Political violence involving both governmental and non-governmental actors fostered an atmosphere of insecurity and lawlessness. Abject poverty added to problems faced by the population and triggered new waves of emigration as well as soaring crime rates. In particular, women and girls suffered from a lack of means of sustaining themselves. As of the end of the year, thousands of Afghan refugees - not able to return to their home country in spite of the change of regime - remained holed up in miserable conditions at the border to Afghanistan, as Tajikistan continued to refuse them entry to its territory.

Although Tajikistan decided to back the US-led campaign against terrorism, the Government did not take any political measures as a direct response to the 11 September events.³

Elections and Referenda⁴

During the May parliamentary by-elections candidates supporting the ruling party and the President ran uncontested because opposition candidates had - on spurious grounds - been charged with violating the electoral procedure and thus prohibited from running.

Moreover, the Party of Justice (*Adolatkoh*) was outlawed on charges of violating the law on political parties, and the Social Democratic Party waited in vain for confirmation of its registration with the Ministry

of Justice. The Islamic Renaissance Party (IRP), a key part of the former UTO, continued to enjoy parliamentary representation, but the influence exercised by the IRP deputies was minimal. There were also several reports of harassment against members of the party.⁵

The peace settlement established a 30% quota for former UTO members in governmental bodies. However, during the year the ruling elite increasingly attempted to undermine or have former UTO members serving as officials removed from their positions. A number of dubious reshuffles were initiated to this end.⁶

Political Violence

Small-scale fighting between government troops and forces comprised of former UTO members was frequent. Part of northeast Tajikistan remained under the control of former UTO fighters who have rejected the terms of the peace accord. Violence also regularly erupted between opposition groups. Assassinations of high-ranking politicians reflected internal power struggles within different groups, in a pattern persistent since 1997. Deputy Interior Minister Habib Sanginov, Presidential Foreign Policy Advisor Karim Yuldashev and Minister of Culture Abdurahim Rahimov were all assassinated during the year. Moreover, wanton violence, extortions and kidnappings undertaken by law enforcement and security forces with impunity contributed to lawlessness and a precarious security situation for civilians.⁷

◆ In June, former UTO field commanders based in northeast Tajikistan kidnapped at least four policemen in Teppa Samarkandi and 15 members of a German humanitarian aid organisation in Tavl-Dara. This was done in protest against the arrest of former UTO fighters in connection with the assassination of Deputy Minister Sanginov. After the hostages had been released uninjured, government troops carried out an operation against the rebels. Local legal experts

and journalists reported that these troops indiscriminately killed and injured up to 80 civilians and that law enforcement officials beat and robbed civilians during the operation and in the aftermath. The authorities only acknowledged six civilian deaths.⁸

Freedom of Expression and Media

Freedom of expression and media activities were severely restricted. The only state-owned publishing house continued to refuse to publish material critical of the Government. In addition, the Government monitored and "counselled" all news media on political content and imposed pre-publication censorship and burdensome licensing procedures. There were also reports of the authorities threatening or harassing journalists and editors who published views directly critical of the President or governmental policies.

◆ In July 2001, Dodojon Atovullo, exiled Editor-in-Chief of the independent opposition newspaper *Charogi Ruz* (Light of the Day), was arrested at the Moscow airport. Mr Atovullo has in recent years written several articles accusing Tajik authorities of corruption and involvement in drug trafficking. Threatened with extradition to Tajikistan to face charges of sedition and publicly slandering the President, he was released after six days following pressure from several governments and international organisations.⁹

There were both governmental and private television stations, and three Russian ones could be received. However, the public often learned about political and other events only several days after they had taken place and after a long process of censorship by numerous governmental organisations. For example, on 11 September, when the whole world was watching what happened in New York and Washington, the population of Tajikistan was deprived of this possibility because all the Russian programmes were interrupted and all the other channels broadcasted an interview with President Rakhmonov. During the following

days, when the Russian channels covered the 11 September incidents, any comments on their influence on Central Asia and Afghanistan were cut out.

The radio-stations were to a predominant degree state-controlled. The programmes broadcasted by them were virtually identical to those broadcasted during the Soviet era: they only included news about achievements in agriculture and uncontroversial reports about culture.

Most of the non-state owned media that existed in the country was concentrated to the northern region of Sogd. In early 2001, the region boosted 10 private television stations and 17 private-owned newspapers - more than in the rest of the country put together. In January, a private information agency, financially supported by the OSCE, was also set up in the region.¹⁰ However, although about a third of the population in the region is ethnic Uzbek, television and radio airtime in Uzbek was minimal. The regional branch of the state-TV only broadcasted in Uzbek for 10 minutes per day and the radio for 25 minutes.

Due to the strategic importance of the Tajik-Afghan border, the international community focused increasing attention on Tajikistan following the launch of the US-led anti-terrorism campaign. Foreign politicians and government authorities frequently visited Dushanbe and some 1,100 foreign journalists were accredited in Tajikistan. In addition to reporting on developments in Afghanistan, the journalists devoted time to looking into the political and human rights situation in Tajikistan with the result of increasingly reliable information being published by the international media.

Judicial System and Independence of the Judiciary

Although the 1994 Constitution provided for the independence of the judicial branch, the judiciary was not independent in practice. The President continued to appoint and dismiss judges, with the formal

agreement by the Parliament, and the judges depended to a high degree on the executive branch in their work.¹¹

The so-called Council of Justice, which was established in 2000 to deal with personnel questions within regional level courts, reportedly prohibited judges to communicate with international organisations and requested them to obtain special permission to participate in seminars and conferences, in particular if these were held outside the republic.¹²

Corruption within the judiciary was also widespread, and politicians and paramilitary groups intimidated and intervened in the work of judges at all levels. Most judges were not adequately trained. The work to draft a new Criminal Code continued. However, progress was slow, and no date for the completion of the work had been set.¹³

Fair Trial and Detainees' Rights

The legislation in force granted broad powers to prosecutors and placed few checks on their exercise of powers. Prosecutors, and not judges, ordered arrests and detentions as well as extensions of detentions. Arbitrary arrests were common, and members of opposition movements were regularly detained on trumped-up charges. Many detainees were not granted prompt access to a lawyer, and sometimes they did not receive any legal counsel at all. The legislation also presumed suspects to be guilty, and enabled courts to remit cases for additional investigation instead of acquitting defendants due to lack of evidence. Typically, pre-trial detention was long. During trials the prosecution and the defence were not treated equally, *habeas corpus* was almost never applied and judgments of acquittal were rare.¹⁴

Torture, Ill-Treatment and Police Misconduct

Police and security forces were notorious for brutal abuses and ill-treatment.¹⁵

Torture was regularly used to coerce detainees to confess crimes, and sometimes also to extract incriminating statements from persons summoned as witnesses. Law enforcement officials not only beat their victims but also used special instruments for the purpose of torturing them. As a rule those guilty of torture were not brought to court, although some cases were initiated against law enforcement officials who allegedly had committed abuses, including a case involving seven police officers in the region of Sogd.¹⁶

Religious Intolerance

In contrast to the other Central Asian republics, Tajikistan permitted political parties of a religious character; the legalisation of political parties based on religion was one of the major concessions made by the Government during the peace negotiations.¹⁷

The Law on Freedom of Faith imposed a requirement on religious communities to register with the Committee on Religious Affairs that was subordinated to the Government. The official motivation for this requirement was that it helped ensure that religious communities functioned according to the legislation of the country. During the year, a special Coordination Council of Religious Faiths was also set up. This body was composed of the heads of all religious communities registered with the central authorities.¹⁸

Muslims

As the authorities grew increasingly worried about the threat of religious extremism, several IRP members were harassed and arrested. Officially, the targeted members had been involved in the activities of the banned Hizb-ut-Tahrir (Party of Liberation), which advocates the establishment of an Islamic state by peaceful means. The IRP claimed that only one of its members supported Hizb-ut-Tahrir and that the Government only was trying to weaken the party.¹⁹

In the fight against religious extremism, the Government also arrested a growing number of other persons alleged to be members of Hizb-ut-Tahrir, and sentenced them on charges of inciting religious hatred, distributing anti-state literature, membership in a banned organisation and attempted violent overthrow of the state. At the same time, prison sentences for such charges were extended from 5-12 years to up to 14 years.²⁰ Those sentenced also included women.²¹

In November, during the holy month of Ramadan, the city authorities in Dushanbe cracked down on unregistered mosques. In connection to the crackdowns, a city official stated that an increasing number of unregistered mosques would mean that “[it would] be more difficult to control their activity [...and,] then mosques could become centres of extremism and could destabilize the situation in the republic.”²²

Other Religious Communities

On a local level, registration requirements were sometimes used to restrict the activities of minority communities. These communities were made to go through overly bureaucratic procedures in order to register or were even prevented from registering.²³

◆ In Kurgan-Tyube, the Mayor categorically refused to register an Evangelical Church, referring to the fact that the church statute was almost identical to that of another church already registered in the city. At the end of 2001, a case brought against the city authorities by the Evangelical Church was pending.

In other places, the authorities regularly intervened at meetings organised by registered Christian communities, while allegedly trying to find formal grounds to close the churches down.

◆ In the southern Khatlon region, the head of the religious affairs office expressed concern about “increased activity”

by Christian churches and stated a need to place them under "the most stringent control".²⁴

Intolerance toward persons who were not Muslims also persisted within the society. In particular, attitudes were hostile toward the Baha'i community, registered with the central authorities since 1997. Members of the community reportedly faced harassment by non-governmental actors, amounting to *inter alia* tailing and bugging of their phones. It was also believed that two community members who were killed in the autumn had been targeted for their religious activities. Upon its formation, the Baha'i community actively propagated its beliefs, which was believed to have fuelled negative sentiments toward it. Moreover, in the late 1990's a book with the title "Why you have turned away from the Islam" sharply condemned the Baha'i faith.²⁵

◆ In January 2002, Austrian citizen Mavoddat Farishd, who was a member of the administrative body of the Baha'i community, felt forced to leave the republic together with his wife and their two children. The family had reportedly been subjected to intimidation and harassment, including tailing and anonymous phone calls, for a long period of time, and had lived in constant fear.

Refugees

During a major part of the year, Tajikistan continued to refuse entry to the more than 10,000 refugees who had fled an advance by the Taliban forces in north-east Afghanistan in late 2000. According to the authorities the refugees were not admitted due to a lack of resources to accommodate them as well as the danger of combatants infiltrating among displaced civilians. The refugees were marooned in precarious conditions in makeshift camps on islands in the river Pyandj. They lacked food, safe drinking water and adequate sanitation, and many of them suffered from

illnesses, ranging from typhoid and malaria to tuberculosis. At times crossfire exchanged between the United Front and Taliban forces on the Afghan side of the river stroke the encampments.²⁶

Prior to and during the US-led military campaign in Afghanistan the number of refugees increased.²⁷ However, after the Taliban had been ousted from northern Afghanistan, the camp population decreased notably. As of the end of 2001, about 3,000 refugees, most of whom were women, children and elderly, remained in the camps. According to their own statements there was no place for them to return to: their houses had been destroyed or robbed and means of subsistence in their home cities and villages were close to non-existent.²⁸

Death Penalty

The new Criminal Code that came into effect in September 1998 included significantly fewer articles carrying the death penalty than the previous Code. According to Article 59 of the 1998 Code, 15 crimes were punishable by death, including murder, rape, terrorism, illegal circulation of narcotics and assassination attempts against public figures. Although not listed in the general provision, taking of hostages was also penalized with death in Article 181.²⁹

In spite of the reduction of the number of articles carrying the death penalty the number of death sentences has increased in the last few years, not only because of rising rates of crimes still punishable by death, but also - and primarily - because of tougher sentencing policies. Although there were no legal provisions defining information related to the death penalty as state secrets, the authorities continued to refuse to publish statistics on persons sentenced to death and executions that had been carried out. However, at a December conference organised by the OSCE and the Soros Foundation, a Ministry of Interior official stated that 74 death sentences had been

handed out in 2001, and that one execution had been carried out. Independent researchers estimated that the total number of death sentences during the year was over 100, and that several executions had taken place.³⁰

In a number of cases, persons on death row had reportedly been sentenced in unfair trials and been subjected to torture or ill-treatment while in pre-trial detention.³¹ Typically relatives did not receive any information about persons on death row, and thus did not know whether their family members were still alive or already executed. By way of clemency the death penalty could be commuted to 25 years of imprisonment. However, this possibility was rarely used: in 2001 only five persons were granted clemency. According to the Criminal Code pregnant women and minors could not be sentenced to death.³²

◆ On 4 April, Gaybullojon Saidov was executed, although the UN Human Rights Committee had requested the Tajik authorities to postpone his execution while it examined his case. Mr Saidov was sentenced to death by the military board of the Supreme Court in December 1999. According to the charges brought against him, he had supported the opposition leader and warlord Makhmud Khudoyberdiyev, who allegedly attempted to seize power in the region of Leninabad in November 1998. Reportedly, Mr Saidov was not granted access to a lawyer of his choice. Moreover, he was not permitted to meet his lawyer regularly, and the lawyer was not able to attend a number of important court hearings. There were also reports indicating that Mr Saidov was tortured by police officers, and thus coerced to confess the crime he was charged with, shortly after his detention in November 1998. Mr Saidov's family was not notified of the date of the execution in advance.³³

◆ On 11 May, Dovud and Sherali Nazriev were sentenced to death by the military

board of the Supreme Court. The two brothers were charged with attempting to assassinate the Dushanbe Mayor and Chair of the Upper Chamber of the Parliament, Makhmadsaid Ubaydullayev. In February 2000, a bomb exploded in the car that the Mayor and Deputy Security Minister Shamsullo Jabirov were travelling in. While Mr Jabirov, who was allegedly not the target of the attack, was killed, Mr Ubaydullayev was slightly injured. According to unofficial sources, there were several contradictory explanations of the bomb attack and the ones responsible for it. Allegedly, the charges against the Nazriev brothers were fabricated, and used to punish them for their involvement in opposition forces during the civil war. To quote the words of the exiled journalist Dodojon Atovulloyev: "Especially in high-profile cases like this one the authorities have to arrest someone to show that they are doing their job. I think these two men have nothing to do with the assassination attempt. Those who actually organised the incident have not been found. Mayor Ubaydullayev is so powerful that no lawyer would dare to challenge him." According to some reports, the two brothers were ill-treated while in pre-trial detention.³⁴

◆ On 13 July, the Supreme Court sentenced Mustofokul Boymuradov and Sadridin Fatkhudinov, students at the Islamic Institute in Dushanbe, to death on terrorism charges. The two students were allegedly responsible for a number of terrorist acts that have been carried out in the republic in the last few years, including the October 2000 explosion in the Korean missionary centre Grace Somnin. Reportedly, the two men were tortured in pre-trial detention and made to confess the crimes they were charged with; they had *inter alia* been beaten with truncheons, and had their fingernails pulled out. Medical investigations carried out while the two men were in pre-trial detention also certified skull injuries. Investigations were initiated into the

torture allegations, but were later discontinued. Upon appeal the Board of the Supreme Court decided on 12 October to return the case of Mr Fatkhudinov for additional investigation to the general prosecutor. However, at the same session the Board decided to uphold Mr Boymuradov's death sentence. After this had been announced his father appealed to the UN Human Rights Committee to intervene in the case.³⁵

Social Rights

Tajikistan remained the former Soviet republic with the lowest per capita income. According to estimates, about 80% of the population of 6.5 million lived below the poverty line, a fact aggravated by drought and crop failure. A third to a half of the population was believed to be unemployed, though official figures put the figure much lower. Tajikistan depended on humanitarian aid for much of its basic subsistence.³⁶

As a result of abject poverty and lacking employment opportunities, large numbers of citizens continued to leave the country. According to the National Migration Service, more than 100,000 Tajiks have migrated to Russia, while unofficial sources estimate the number of Tajik labour migrants in Russia and the other CIS countries to be more than one million people. The same reasons that prompted emigration contributed to the rise of crime rates, in particular regarding drug related crimes.³⁷

Statistics presented in 2001 also revealed that the level of education had decreased significantly among the youth since the end of the Soviet era, when everyone was guaranteed a secondary education and free access to university or college. In 2001, less than 40% of young people in the age of 16-29 had completed secondary education. Moreover, many of these did

not continue for a post-secondary degree - to a large extent because of the fees requested and a belief that no well-paid job would come out of it. The problem was most acute for girls.³⁸

Women's Rights³⁹

The legislation granted women equal rights with men. However, due to norms and attitudes prevailing in society, women were often in a weak position.

Particularly in rural areas, where patriarchal traditions remained strong, girls were married off at a young age. The average age of brides in the country as a whole was 20, but in some areas it was not uncommon for a girl to marry at 14.⁴⁰ Sometimes young women had to marry a husband who already had one or two wives, although polygamy was officially illegal.

Prostitution involving young girls was another problem. There were few accurate statistics, but the authorities believed that the average age of prostitutes had fallen sharply - to as low as 11-12. Sometimes the affected girls were sold to traffickers by relatives, but more often they were abducted.⁴¹ An increasing number of women were exploited in drug smuggling; they were, for example, forced to carry drugs inside their bodies over the borders.

Violence against women was widespread. According to figures from the regional branch of the World Health Organization, 50% of the women in the country had been exposed to physical violence and 47% to sexual violence. Women also faced verbal abuses and humiliating treatment, often from their husbands. Given their economic dependency on husbands abusing them, some women saw no other way out of violent situations than suicide, with self-burning as an extreme form.

Endnotes

- ¹ The 1992-1997 civil war represented the culmination of a power struggle between the Communist-led Government dominated by people from Leninabad (known as "Leninabadis"), and an opposition coalition that drew support primarily from people whose origins were from the northeast ("Gharmis") and Gorno-Badakhshan ("Pamiris"). The Government was supported in the civil war by people from Kuliab ("Kuliabis"), a district in the southern Khatlon province. The United Tajik Opposition (UTO) was an amalgam of nationalist and Islamist parties and movements. The war's greatest destruction and toll in civilian deaths was in the south, where Kuliabis and their allies conducted campaigns of "ethnic cleansing" against local residents of Gharmi and Pamiris origin. Human Rights Watch (HRW), *Press Backgrounder on Tajikistan*, 5 October 2001.
- ² In December, President Rakhmanov ordered ministers and local administrators to refrain from devoting excessive media coverage to his person and activities and to avoid displaying his portrait in every office. Arguing that modesty is a quality that merits respect, he also issued a decree stating that his picture should not be reproduced on carpets, china or other products. In addition, he cited the situation in unspecified neighbouring countries as a warning example of what a personality cult could result in. *RFE/RL Newswire*, 21 December 2001.
- ³ Initially Tajikistan only expressed vague support for the US-led coalition, but in October the Government finally agreed to let the US Force use its airspace and airport. Institute for War and Peace Reporting, Vladimir Davlatov (pseudonym), "Dushanbe Finally Backs US Campaign" in *Reporting Central Asia*, No. 74, 12 October 2001. For more information on the topic Tajikistan and the fight against terrorism, see the IHF report *Human Rights and Terrorism in the Central Asian OSCE Member States*, December 2001, at www.ihf-hr.org/reports/Bishkek/FirstPages.pdf.
- ⁴ Unless otherwise noted based on *Human Rights Watch World Report 2002*, at www.hrw.org/wr2k2/
- ⁵ For more information on the case of IRP, see Religious Intolerance.
- ⁶ Information to the IHF from Tajikistan.
- ⁷ HRW, *Press Backgrounder on Tajikistan*, 5 October 2001, at www.hrw.org/backgrounder/eca/tajikbkg1005.htm
- ⁸ *Ibid.*
- ⁹ *Ibid.*; *Human Rights Watch World Report 2002*; HRW, *No Safe Refuge, The Impact of the September 11 Attacks on Refugees, Asylum Seekers and Migrants in the Afghanistan Region and Worldwide*, 18 October 2001, at www.hrw.org/backgrounder/refugees/afghan-bck1017.htm.
- ¹⁰ Lidia Isamova, "Tajikistan's Media Haven", in *Reporting Central Asia*, No. 44, 13 March 2001.
- ¹¹ Freedom House (FH), *Nations in Transit 2001*, at www.freedomhouse.org/research/nitransit/2001/pdf_docs.htm
- ¹² Information to the IHF from Tajikistan.
- ¹³ FH, *op.cit.*
- ¹⁴ *Ibid.*; and information to the IHF from Tajikistan.
- ¹⁵ *Human Rights Watch World Report 2002*
- ¹⁶ Information to the IHF from Tajikistan.
- ¹⁷ HRW, *Press Backgrounder on Tajikistan*, 5 October 2001.
- ¹⁸ Information to the IHF from Tajikistan.
- ¹⁹ *Human Rights Watch World Report 2002*

- ²⁰ *Human Rights Watch World Report 2002*; Amnesty International (AI), *Central Asia; No Excuse for Escalating Human Rights Violations*, 11 October 2001, at <http://web.amnesty.org/ai.nsf/Index/EURO40032001?OpenDocument&of=COUNTRIES\TAJIKISTAN>).
- ²¹ Institute for War and Peace Reporting, Vladimir Davlatov, "Tajik Radicals Arrested", in *Reporting Central Asia*, No. 36, 16 January 2001.
- ²² Keston News Service, Summaries 19-23 November 2001.
- ²³ Information to the IHF from Tajikistan.
- ²⁴ Human Rights Without Frontiers (HRWF), October 2001.
- ²⁵ Information to the IHF from Tajikistan.
- ²⁶ UNCHR, *Tajikistan Urged to Help Stranded Afghans*, 6 December 2000.
- ²⁷ *Human Rights Watch World Report 2002*
- ²⁸ BBC, "Refugees on the Afghan-Tajik Border Need Assistance", 9 January 2002.
- ²⁹ Information to the IHF from Tajikistan.
- ³⁰ *Ibid.*
- ³¹ AI, *Concerns in Europe*, January-June 2001, at <http://web.amnesty.org/ai.nsf/index/EUR010032001?OpenDocument&of=COUNTRIES\TAJIKISTAN#TAJ>
- ³² Information to the IHF from Tajikistan.
- ³³ AI, *Concerns in Europe*, January-June 2001.
- ³⁴ *Ibid.*
- ³⁵ AI, *Concerns in Europe*, July-December 2001; and information to the IHF from Tajikistan.
- ³⁶ *Financial Times*, "Tajikistan Fears Onset of Battle With Hunger", 26 September 2001.
- ³⁷ The Eurasia Foundation, Lidia Isamova, "Economic Instability in Tajikistan Perpetuates Unhealthy Reliance on World Neighbours", in *Eurasia Insight*, 5 July 2001.
- ³⁸ Institute for War and Peace Reporting, Saida Nazarova (pseudonym), "Lost Tajik Generation", in *Reporting Central Asia*, No. 58, 29 June 2001.
- ³⁹ Unless otherwise noted, based on information to the IHF from Tajikistan.
- ⁴⁰ The Eurasia Foundation, Lidia Isamova, "Economic Instability in Tajikistan Perpetuates Unhealthy Reliance on World Neighbours", *Eurasia Insight*, 5 July 2001.
- ⁴¹ Institute for War and Peace Reporting, Lidia Isamova, "Tajik Women Turn to Crime", in *Reporting Central Asia*, No. 48, 19 April 2001.