

Tajikistan¹

IHF FOCUS: Rule of law; elections and referenda; freedom of expression and the media; freedom of association; judicial system and independence of the judiciary; torture and ill-treatment; death penalty; protection of refugees.

The 1997 General Agreement on establishing peace and national accord between the government of Tajikistan and the United Tajik Opposition (UTO) formally put an end to the civil war that broke in May 1992, killing 100,000 people. At the end of 1998, Tajikistan ratified the International Covenant on International Covenant on Civil and Political Rights (ICCPR) and its first Optional Protocol, as well as the International Covenant on Social, Economic, and Cultural Rights (ICESCR). Tajikistan also signed the Concluding Document of the OSCE Istanbul Review Conference.

The prohibitions on opposition activities were supposed to be abolished at the second stage of the implementation of the military protocol to the peace agreement, under which the UTO forces were to join the republican army. In 1999, progress was made with regard to the formalities of the transfer, and the UTO announced the liquidation of its armed forces. However, the disbandment of the UTO guerrillas was problematic because the UTO leadership did not have full control over its field commanders. In late August, right after the statement on the dissolution of the UTO military units, a group of armed UTO guerrillas (ethnic Uzbeks), penetrated Kyrgyzstan territory from Tajikistan, held several persons hostage and demanded that the Kyrgyz authorities provide unhindered transit to Uzbekistan.

Nevertheless, the second stage of the implementation of the agreement's military protocol was announced to begin on 3 Au-

gust. Soon after, the government lifted the ban on the activities of the opposition parties and their publications.

The settlement of the conflict created favorable conditions for the holding of a constitutional referendum in September, presidential elections in November, and elections for the new professional two-chamber parliament in February 2000. However, these positive political trends were not accompanied by an improvement in the human rights situation.

Rule of Law

Due to a general state of lawlessness – including political and criminal violence, continued hostage taking, and the corruption of law enforcement bodies and the judiciary – people lived in constant fear and insecurity. Crimes were often committed by the police or other pro-governmental, but uncontrolled, armed groups. Officially, the military committed 1,500 crimes, although the real number was believed to be much higher.

According to official data, in 1999, the overall number of crimes increased by 10.1 percent. However, many crimes were not registered, and, in many cases, people did not appeal to the police or the prosecution, fearing that these bodies were connected to organized crime. According to the printed media, in 1999 alone, gangsters kidnapped 46 people (businessmen, military and law enforcement employees). According to other sources, there were 58 kidnappings with a view to obtaining ransom.

The “commander” and “guerrilla” cult was propagated in the state media and everyday life. Armed conflicts between governmental forces and the UTO guerrillas were commonplace – even in broad daylight – in the capital and its suburbs. According to

¹ Unless otherwise noted, based on reports to the IHF.

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official data, around 60 people were killed in such conflicts in 1999.

Extrajudicial executions continued and the most prominent victims included former Deputy General Prosecutor, Tolib Boboev; the Chairman of the Socialist Party of Tajikistan, Safarali Kendzhaev (who was rumored planning to run for presidency); and the head of the press center of the Ministry of Interior, Dzhumakhon Khotami.

Elections and Referenda

Referendum

On 26 September, a constitutional referendum was held in Tajikistan. According to official data, the constitutional amendments proposed for the referendum were supported by 92 percent of the voters. However, independent observers reported several irregularities in the election procedure, including proxy-voting and falsified voter registers.

The adopted constitutional amendments weakened the legislative and judicial branches of power, and gave the president almost unlimited power. The president's term of office was extended from five to seven years. The amendments stipulated that local voters would directly elect three quarters of the parliament's upper chamber, and the president would appoint the remaining 25 percent.

Presidential Elections

According to the Central Election Commission (CEC), incumbent President Emomali Rakhmonov obtained 96 percent of the votes in the 6 November presidential

elections. However, on 17 November, the EU described the presidential poll as "not compatible with democratic principles and values." It added that "the EU does not see any progress in the democratic development of Tajikistan if basic rules of civil society are not respected, and are even violated."² The OSCE did not send election observers, saying that democratic conditions in which to vote had not been created.³

The law on presidential elections required the signatures of 5 percent of the electorate in order to nominate a candidate – an excessively prohibitive figure. It also lacked adequate provisions on media access and coverage.⁴

The government made attempts to suspend and terminate the activities of political parties under the pretext that they had violated the law on political parties. Prior to the presidential elections, the government suspended the activities of the Agrarian Party, the Congress of People's Unity, the Party of Justice and the Party of Political and Economic Renovation of Tajikistan. The Party of National Movement was denied registration. The Supreme Court had a standard justification for the denial: "falsification of the party's member list." When asked, many people concealed or denied their membership in opposition parties for fear of reprisals. People were reportedly dismissed from work, or demoted, for their refusal to join the presidential People's Democratic Party.

The UTO repeatedly appealed to the National Reconciliation Committee (NRC) – the body responsible for overseeing the implementation of the peace accord⁵ – to

² *RFE/RL Newswire*, 18 November 1999.

³ *RFE/RL Newswire*, 8 November 1999.

⁴ *Human Rights Watch/Europe and Central Asia Division*, *Human Rights Watch World Report 2000: Tajikistan*.

⁵ *NRS consists of 13 representatives of the government and the UTO. It has four subcommittees – on military, political, juridical and refugee issues.*

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register its candidates for the presidential elections. In October, in protest against the obstacles in registering its candidates, the UTO suspended its participation in the NRC and the CEC and called for a boycott of the elections. However, just prior to the elections, it withdrew the boycott and resumed its work in the NRC, citing the need to establish peace and order. According to RFE/RL, the UTO changed its policy in return for the release from prison of 93 Tajik fighters, and unspecified concessions related to the conduct of the elections.⁶

The candidates of the Party of Justice, Saifitdin Turaev; and of the Democratic Party, Sulton Kuvvatov, claimed that the authorities obstructed the collection of voters' signatures in their support. The Supreme Court later denied them registration. Only 10 days before the elections, the Supreme Court allowed the registration of a third candidate, Davlat Usmon from the Islamic Revival Party. He later requested that his registration be annulled because he had not been able to collect the required number of signatures in his support. He also called for the postponement of the elections, but this did not happen.

According to Usmon, his late acceptance as a candidate was only a face-saving measure designed to make the elections look more democratic.⁷

Freedom of Expression and the Media⁸

Despite legislation protecting freedom of speech and the press in Tajikistan, in practice, freedom of expression was severely limited. Major opposition parties and their newspapers were banned for six years. The government continued to employ a variety of tactics to limit political content-

ment with the remaining media, intimidating journalists and editors with threats and "guidance" sessions. Government-run printers often refused to print newspapers that published controversial material. Foreign journalists whose reporting displeased the government often lost their accreditation.

In late 1999 – prior to the presidential elections – only one independent newspaper in Dushanbe with significant political coverage, *Biznes i politika*, (Business and Politics), was in print. Its content, however, was largely pro-governmental. No independent radio stations had been licensed to operate, and the newspapers of most opposition political parties were unable to publish material. Independent television and television production stations continued to experience administrative and legal harassment, and access by opposition political figures to the state media was nearly nonexistent.

Tajikistan has been considered one of the world's most dangerous countries for journalists. At least 50 – and perhaps up to 80 – journalists have been murdered in connection with Tajikistan's civil war and its aftermath – yet not a single investigation has resulted in prosecutions for these killings. The general absence of law and order in Tajikistan has been exacerbated for journalists by the heightened risks associated with their professional duties. This was one of the most important factors contributing to self-censorship.

As envisaged in the 1997 peace agreement, the ban on UTO parties and their media was lifted in August 1999 – but only two years after the peace accord was signed. However, the political climate provided little hope that independent political

⁶ *RFE/RL Newswire*, 8 November 1999.

⁷ *Human Rights Watch/Europe and Central Asia Division*, *Tajikistan: Freedom of Expression Still Threatened*, November 1999.

⁸ *Ibid.*

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views would be easily incorporated into the Tajik media. In reality, the peace agreement's slow implementation meant that freedom of expression continued to be significantly curtailed.

UTO members had, in practice, little access to state-controlled television and radio. Their efforts to express their views through the independent press met with obstructions and other difficulties. Political opposition not belonging to the UTO enjoyed no access whatsoever to the state media, and was subjected to increasing press curbs in late 1999.

In late 1999, restrictions on freedom of expression had reached crisis proportions. As UTO withdrew its participation from the work of the NRC, it called for *inter alia* equal access to state media for presidential candidates.

■ The Dushanbe newspaper *Junbish*, which had published statements by the UTO and other opposition parties, became the subject of harassment and threats on behalf of the state authorities, and was closed in mid-October. The director of the state-owned printshop that used to print the newspaper told the editor that the government had explicitly prohibited its publication.⁹

■ All state TV programs presented positive images of the president, and the governmental "People's Newspaper" even referred to him as "our God."¹⁰

Freedom of Association¹¹

One year after the war broke out – on 17 June 1993 – the Supreme Court of Tajikistan passed a resolution to outlaw the activities and publications of the four major

political opposition parties, which later formed the present UTO: the Party of Islamic Revival of Tajikistan (PIRT), the Democratic Party of Tajikistan (the DPT), and the movements Rastohez and Luzly Bodakhshan. Although the General Agreement lifted the ban, this was only done in August 1999.

As a result of a compromise reached between the government and the UTO, the new constitution legalized political parties based on religious convictions.

Independence of the Judiciary, Torture and Ill-Treatment

The judicial system of Tajikistan was under constant pressure from both UTO guerrillas and the government. As a result, there was no independence of the judiciary in Tajikistan. During the judicial proceedings initiated in connection with the November 1998 rebellion in Khodzhent – during which over 100 people were arrested – it turned out that torture and ill-treatment had been used to obtain confessions from the accused. The International Committee of the Red Cross, as well as local human rights organizations, did not have access to penitentiary institutions.

The Council of Justice, established under the president in accordance with the newly amended constitution, exercised unlimited authority in hiring and firing judges.

Death Penalty¹²

According to unofficial information, at least 15 persons were sentenced to death in Tajikistan in 1999. While the total number of persons was not known, there were credible reports of at least two persons

⁹ Information to the IHF, March 2000.

¹⁰ *Ibid.*

¹¹ See also *Presidential Elections*.

¹² Based on OSCE/ODIHR, *The Death Penalty in the OSCE Area*, March 2000.

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being executed in late 1998 and early 1999. No official information on the use of the death penalty was made available by the Tajik authorities.

■ Bakhrom Sadirov, who was found guilty of the February 1997 hostage-taking of several UN observers, was allegedly executed in January 1999.

Several trials with political backgrounds resulted in death sentences, including the case of three UTO members who were sentenced to death in March 1999 for their alleged involvement in the killing of four UN employees in July 1998. The defendants alleged that they had been tortured.

■ Two prominent opposition figures and former high officials of Khatlon province, Sherali Mirzoyev and Kosym Babayev, were sentenced to death in June 1999 for having participated in the 1997 coup attempt led by Colonel Makhmud Khudoberdiyev.

■ Three leaders of an armed group, which had operated in Kurgan Tyube during another anti-government mutiny led by Colonel Khudoberdiyev in November 1998, were sentenced to death in December 1999 for murder, terrorism, weapons contraband and high treason. Political trials were mostly closed to the public, and were often not held in courts, but rather in the prisons where the defendants were being held. Fair trial violations were reported by international observers.

Protection of Refugees

The UNHCR assisted in the return of 6,000 Tajik refugees from Kazakhstan, Turkmenistan and Kyrgyzstan. Under the influence of Uzbek President Karimov, the official authorities of Tajikistan threatened to evict more than 1,600 Uzbek citizens seeking refuge in Karategin valley on political and religious grounds. Due to security problems in this area, the UNHCR could not react promptly to the situation, and around 1,600 Uzbek citizens left the country, with no official information released on the issue.

The military air forces of Uzbekistan bombed north-eastern Tajikistan, the location of the guerrillas who subsequently invaded Kyrgyzstan, several times. ■■■