
TAJIKISTAN

OBSERVATORY FOR THE PROTECTION OF HUMAN RIGHTS DEFENDERS
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In 2010-2011, human rights defenders in Tajikistan continued to face severe restrictions resulting amongst others, in self censorship. While the human rights situation in the country remained poor, it was also insufficiently addressed outside the country. Furthermore, two human rights defenders were arbitrarily arrested in 2010.

Political context

2010-2011 was marred by continuing human rights violations in areas ranging from elections, freedom of the media, freedom of religion to women's rights, freedom from torture and ill-treatment, arbitrary detention and violations of fair trial, in a context marked by extreme poverty. The elections in the lower chamber of Parliament on February 28, 2010 ended up with an overwhelming victory of the pro-presidential People's Democratic Party of Tajikistan, receiving more than 70% of seats. Despite minor positive steps like the greater representativeness of the election commissions, the Organisation for Security and Co-operation in Europe (OSCE) noted that Tajikistan failed to meet many important criteria for free and fair elections¹. Furthermore, the State television, primary source of information in Tajikistan, did not allocate enough space to cover the campaign. The more diverse printed media covered more vigorously the election-related topics, but its reach was limited by low circulation outside of the main cities.

Moreover, on several occasions in 2010, the authorities restricted the right of citizens to receive and disseminate information, including by blocking the major opposition websites or by slandering media outlets and journalists that were not in line with the official media coverage, first on the eve of the legislative elections held on February 28, 2010 and then in September 2010, in the context of intensification of the counter terrorism operations in the eastern part of the country, following the military operation

1/ Notably, there was a high level of family and proxy voting, and cases of ballot stuffing. The minority parties were able to register far fewer candidates than the ruling one, due to the unduly high electoral deposit. Women were marginalised as candidates. See ODIHR, Parliamentary Assembly of OSCE and European Parliament, Election Observation Mission Joint Statement on preliminary findings and conclusions - Republic of Tajikistan, Parliamentary Elections, February 28, 2010.

of the Government against Islamist militants in Kamarob valley². Given the severe restrictions, journalists frightened to openly criticise the authorities and exercised self-censorship.

Torture and ill-treatments of detainees also remained a serious problem, in particular in pre-trial detention. In the absence of effective and independent complaint mechanism, torture and ill-treatment remain unaddressed. Moreover, assessing the precise dimension of such violations was complicated by the absence of permissions of Tajik and international observers to monitor prison conditions in the country. Tajikistan's record in implementing decisions of the United Nations Human Rights Committee equally remained poor.

Judicial harassment of two human rights defenders

In 2010, two human rights defenders were victims of judicial harassment. On November 23, 2010, Mr. **Makhmadyusuf Ismoilov**, an independent journalist who works for the weekly newspaper *The Nuri Zindagi (Ray of life)*, based in Dushanbe and known for denouncing mismanagement, poor social and economic policies, as well as abuse of power by the regional Government, law enforcement agencies, and the judiciary, was arrested for violation of four articles of the Criminal Code³. Arrested in the remote Soghd region where he had been working to promote circulation of the newspaper, he is facing a prison sentence up to two and a half years. The charges do not refer to any specific article written by Mr. Ismoilov and mention no specific plaintiff. On November 29, 2010, the Editor of the newspaper received an official letter from the Asht District Prosecutor's office, demanding copies of all articles written by Mr. Ismoilov. As of April 2011, the latter remained held in a detention facility in the city of Khujand, in the north of the country, and the investigation was still ongoing⁴. Moreover, a Kyrgyz human rights defender, who was exiled in Tajikistan, was detained without reason during three months. On February 26, 2010, Mr. **Nematillo Botakuziev**, a member of the Kyrgyz human

2/ See National Association of Independent Mass Media in Tajikistan (NANSMIT) Report, *Report on Freedom of Speech in Tajikistan*, March 2010. Moreover, in October 2010, the Minister of Defence published an Open Letter in the State media accusing the independent media that - contrary to the State media - tried to provide some coverage of the attack of governmental troops by Islamist militants in September 2010 of "supporting terrorism". As a result, publishing houses refused to print the newspapers.

3/ Article 135 Part 2 on "defamation", Article 136 Part 1 on "breach to a person's right to dignity", Article 189 on "incitement to nationalistic, racial, ethnic or religious hatred" and Article 250 on "extortion".

4/ See Bureau on Human Rights and Rule of Law.

rights centre Justice-Truth⁵, was reported missing after he went to the United Nations High Commissioner for Refugees (UNHCR) office in Dushanbe. On March 13, 2010, it was discovered that Mr. Nematillo Botakuziev was being held in a detention facility in Dushanbe. Police agents reportedly had stopped Mr. Botakuziev on the street and checked his documents. Because Mr. Botakuziev did not have identification documents with him, the police pulled him into their car and took him to the detention facility. Accordingly, Mr. Botakuziev who had recently suffered a heart attack, was subjected to repeated beatings while in detention. Neither the lawyer hired by the UNCHR nor the one hired by his family were allowed to speak to Mr. Botakuziev during his detention. In March 2010, he was reportedly transferred from the Dushanbe detention facility to the headquarters of the National Security Committee. On April 13, 2010, the General Prosecutor, during an interview given to a journalist, stated that Mr. Botakuziev was only kept in detention in order to identify the reason of his presence in Tajikistan. Mr. Botakuziev was released on May 25, 2010 without charge but acts of ill-treatment, which had allegedly been inflicted to him in detention, had not been investigated as of April 2011.

Urgent Intervention issued by The Observatory from January 2010 to April 2011

Name	Violations / Follow-up	Reference	Date of Issuance
Mr. Nematillo Botakuziev	Arrest / Judicial harassment	Press Release	March 16, 2010

5 / Mr. Botakuziev's work focused on issues related to the ethnic Uzbek community and people accused of religious extremism in southern Kyrgyzstan. He arrived in Tajikistan in February 2010, after he had been hiding in Kyrgyzstan since October 2008, as he was accused of organising a violent protest in the centre of Nookat and prosecuted on fabricated charges, reportedly for denouncing the repression of this demonstration by Kyrgyz security forces before international media and NGOs.