



**International
Partnership**
for Human Rights

The protection of fundamental rights in Kazakhstan, Tajikistan and Turkmenistan

Update on developments in October 2014 - January 2015

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This report summarizes the findings of monitoring conducted by Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR), Nota Bene (Tajikistan) and Turkmen Initiative for Human Rights (TIHR, based in exile in Austria) in their respective countries, employing methods such as on-the-ground monitoring (including trial monitoring where possible); direct contacts with individuals affected by particular developments and other sources of information; monitoring of legal developments and actions of authorities; and media and social media monitoring. International Partnership for Human Rights (IPHR, Belgium) has assisted with compiling and editing the report.

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Summary of developments in the three countries

Kazakhstan

The human rights situation in Kazakhstan was the subject of several international reviews. The second UN Universal Periodic Review of the country was held in October 2014, and the following month the UN Committee against Torture examined its compliance with the corresponding convention. The UN Special Rapporteur on freedom of peaceful assembly and association visited Kazakhstan in mid-January 2015.

The EU also held another human rights dialogue with Kazakhstan in November 2014, shortly after concluding negotiations on a new Partnership and Cooperation Agreement that is intended to deepen mutual ties but still has to be ratified.

In what appeared to be a response to the enhanced international attention to Kazakhstan's human rights record, its authorities took some steps such as releasing strike movement leader Roza Tuletaeva from prison and lawyer Zinaida Mukhortova from forced psychiatric care. However, other individuals remained imprisoned on politically motivated grounds and harassment of opposition groups and media continued, even though the president publicly denied the existence of censorship or political persecution in the country.

The forced closure of the *Adam bol* journal was another blow to media freedom and the latest in a series of such closures in the last two years. Blocking of websites continued, and the Havas Worldwide advertising agency was ordered to pay massive damages in a defamation case initiated over an LGBT-themed poster.

In December 2014, the activities of the opposition Communist Party were suspended by court for three months over the alleged failure to meet membership requirements and the party now risks closure. There were concerns that a draft law on public grant-making may result in increasing control also over non-state funding of NGOs.

Appeals by imprisoned opposition leader Vladimir Kozlov and poet and dissident Aron Atabek relating to their treatment in prison were rejected by court, and the unfair and disproportionate prison sentence against lawyer Yevgeniy Tankov was upheld on appeal.

As the Kazakhstani authorities continued to seek the extradition of exiled opposition figures, a French court ruled in favour of extraditing Mukhtar Ablyazov to Russia where he is also wanted, while his former associate Muratbek Ketebaev has been ordered not to leave Spain pending a court hearing to consider his extradition to Kazakhstan. There are serious concerns that these individuals may face unfair trials and torture if extradited.

Unable to obtain justice in Kazakhstan, a growing number of victims of human rights violations have submitted petitions to UN human rights mechanisms. During this period, the UN Human Rights Committee issued a precedent-setting decision on a complaint concerning restrictions on peaceful assembly in Kazakhstan. In another case welcomed as progress on ensuring access to justice, a local court granted compensation to a torture victim in accordance with a decision by the UN Committee against Torture.

Tajikistan

The date for the upcoming parliamentary elections was set to 1 March 2015. The OSCE Office for Democratic Institutions and Human Rights concluded that while amendments to the elections law

adopted in 2014 were in line with some of its recommendations, other recommendations remain unaddressed. Major concerns include restrictive candidacy requirements and a restrictive campaigning environment.

The many Tajikistani labour migrants who live in Russia will have limited opportunities to vote in the elections due to new provisions on where polling stations can be opened abroad.

The practice of arbitrary blocking of websites continued. Many of the websites that were affected by the mass blocking of websites in early October 2014 remained inaccessible for weeks. New restrictions on access to social media sites were reported shortly before New Year. A temporary printing ban imposed on the weekly *Nigoh*, which covers socio-political issues in a critical manner, also gave rise to concerns about censorship.

New draft legislation on NGOs prepared by the Ministry of Justice was widely criticized by civil society as an attempt to restrict access to funding of NGOs. The proposed amendments require NGOs to register foreign grants with the government. Civil society also objected to the lack of transparency surrounding the draft law, which currently remain under consideration by the government. In response to this criticism, civil society was invited to a discussion on the draft law in December 2014.

A new law on assemblies, which was signed by the president in December 2014, contains provisions that are problematic in light of international standards. It requires the organizers of assemblies to obtain permission in advance and contains other provisions that unduly restrict the right to hold peaceful assemblies. The announced plans to carry out an opposition rally in Dushanbe in October 2014 were met with unprecedented security measures by the authorities, and the group who called for holding the rally was declared extremist.

Well-known lawyer Shukhrat Kudratov was sentenced to nine years in prison on bribery and fraud charges in early 2015. The charges against him are believed to have been motivated by his work on politically sensitive cases, such as that of businessman Zaid Saidov, as well as his involvement in an opposition party. Another of Saidov's lawyers, Fahriddin Zokirov was released after spending months in custody on similar charges.

A new draft law on lawyers is under consideration by the parliament. There are concerns that this law may undermine the independence of the legal profession, in particular by introducing a new qualification procedure for lawyers. Recommendations made by civil society on this issue have not been reflected in the draft law.

Turkmenistan

During this period, the authorities continued to closely control media, and top media officials who did not please the president were reprimanded and replaced. The authorities also continued to cover up information on "sensitive" issues that risk putting those in power in a bad light, such as information on an accident involving a presidential motorcade vehicle in which a number of children were killed. Recently, however, the government admitted that the accident has taken place.

A new internet law adopted at the end of 2014 sets out that the government will take measures to promote internet access. However, at the same time, it introduces new restrictions on accessing online content, e.g. in the name of preventing "slander" and protecting "family values." It also states that internet-regulating bodies may cooperate with public associations "whose activities are aimed at detecting illegal information in the internet." The OSCE Representative on Freedom of the Media expressed concern about vaguely defined restrictions contained in the new law.

Journalists working with foreign media remained in a highly vulnerable position, as illustrated by the case of a correspondent of the Turkmen service of Radio Free Europe/Radio Liberty who was detained

and questioned when taking photos in the food market. Another journalist who had cooperated with foreign media was killed under unclear circumstances.

While public protests remain a rare occurrence in Turkmenistan, TIHR reported about several cases of spontaneous protests during this period when citizens expressed discontent on concrete issues affecting their everyday lives, such as gas shortages.

Turkmenistan was again ranked by Transparency International as one of the world's most corrupt countries, and there were new reports of arbitrary and corrupt actions by authorities. These included, among others, new initiatives to dismantle private satellite dishes and air conditioners that are argued to spoil the appearance of buildings, the imprisonment on prostitution charges of women who have entered into unofficial polygamous marriages, and abusive and unlawful measures by law enforcement officials seeking personal gain.

A number of individuals convicted for exercising their right to freedom of religion or belief were released under one of the two presidential amnesties that were executed during this period. No other individuals held on political grounds are known to have benefited from them, such as individuals convicted in show trials after the alleged assassination attempt on late President Saparmurad Niyazov in 2002.

At its session in Geneva in mid-January 2015, the UN Child Rights Committee reviewed the protection of the rights of children in Turkmenistan.

Kazakhstan

General situation

On 1 January 2015, the **new Criminal Code and Code of Administrative Offenses** that were adopted in the summer of 2014 entered into force. Civil society has criticized provisions of the new codes for unduly restricting freedom of expression, freedom of association and assembly and other fundamental rights. (For more information, see [monitoring report](#) on developments in April-June 2014).

During the reporting period, Kazakhstan was reviewed by several international human rights bodies.

During the second **Universal Periodic Review (UPR)** of Kazakhstan held under the auspices of the UN Human Rights Council on 30 October 2014, UN member states raised a wide range of human rights concerns and made close to 200 recommendations to Kazakhstan for how to improve its human rights record. In its initial [response](#), the Kazakhstani government said that 47 recommendations “are already implemented” and 96 are “in the process of being implemented,” while it did not support the remaining 51 recommendations. KIBHR and other Kazakhstani NGOs were actively [involved](#) in the process leading up to the UPR and submitted [several](#) joint written contributions for it. The UPR outcome report has yet to be finally adopted by the Human Rights Council.

The following month, on 17-18 November 2014, the **UN Committee against Torture** examined Kazakhstan's compliance with the Convention against Torture. The Committee raised key concerns regarding persistent problems of torture in the country. It also [recommended](#) the Kazakhstani authorities to authorize an independent international investigation into the 2011 Zhanaozen events, as previously called for by the UN High Commissioner for Human Rights. The Kazakhstani NGO Coalition against Torture [provided](#) detailed information for the review.

The process of bringing EU-Kazakhstan relations to a new level advanced with the [conclusion](#) in October 2014 of the negotiations on the new mutual **Partnership and Cooperation Agreement (PCA)**,

which is intended to replace an agreement in force since 1999. In January 2015, the PCA was [initialized](#), signalling a further step toward its signature. In a 2012 [resolution](#), the European Parliament called for conditioning progress on the negotiations on the new agreement on the progress of political reforms in Kazakhstan, including with respect to human rights. However, the EU concluded the negotiations even though the human rights situation in Kazakhstan remains highly problematic and, in a number of areas, has deteriorated further since the negotiations began. The new agreement cannot enter into force without ratification by the European Parliament.

The sixth round of the annual **EU-Kazakhstan Human Rights Dialogue** was held in Brussels on 12 November 2014. According to an official [press release](#), the EU, among others, raised concerns regarding certain aspects of the new Criminal Code, encouraged the Kazakhstani authorities to consider accepting UPR recommendations that it initially did not support and made reference to individual cases. The dialogue is held behind closed doors, but NGOs are invited to contribute information in advance. (See KIBHR and IPHR [briefing note](#) for the dialogue).

The criticism of Kazakhstan's human rights record voiced by international institutions did not prevent the authorities from continuing to **deny the existence of any serious human rights problems** in the country. For example, at a press conference during the Kazakhstan visit of French President François Hollande in December, President Nursultan Nazarbaev [stated](#) that there is no censorship or political persecution in the country and also claimed that human rights in certain areas, such as ethnic minority rights, are “more widely” protected in Kazakhstan than in European countries.

As the deadline expired in early January 2015, Almaty and Beijing were the only cities to have submitted bids for holding the **2022 Winter Olympics**. According to a [letter](#) published by the International Olympic Committee, the host city contracts for these games will include “an express reference (...) to the prohibition of any form of discrimination,” as well as a requirement to respect “international agreements, standards and protocols (...) in all Games-related development-projects.” Civil society groups [welcomed](#) the new wording as a first step toward ensuring that the host country is held accountable to its international human rights obligations. The host city for the 2022 games will be selected in the summer of 2015.

Freedom of expression

Pressure on independent media

The country's few remaining opposition media outlets continued to be subjected to harassment. ***Adam bol***, a journal known for its critical coverage of political and social issues, was closed down by court and thus became the latest victim in a trend of forced media closures in the last two years.

- On 25 December 2014, an Almaty district court ruled to [satisfy](#) a lawsuit brought against *Adam bol* by Almaty city authorities, which requested that the journal be closed down due to an article published in August 2014. This article, which the local authorities claimed constituted war propaganda, dealt with the conflict in eastern Ukraine and featured an interview with a Kiev-based Kazakhstani opposition figure who called for supporting the Ukrainian authorities in their struggle against the separatist forces. The court decision against *Adam bol* was handed down late at night when the representatives of the journal had left the court building in protest. Already a month earlier, the same court had - as a preventive measure - ordered that the distribution and publication of *Adam bol* be halted.

The OSCE Representative of Media Freedom [criticized](#) the measures against *Adam bol* as “drastic and disproportionate.” Forty-three Kazakhstani civil society representatives and journalists, as well as four parliamentary deputies issued [appeals](#) in support of the journal. The staff of *Adam bol* have repeatedly

reported facing harassment, and in a separate court ruling in November, the owners of the journal were **ordered to pay 5 million Tenge** (around 25 000 EUR) **over an article about the Syrian conflict** found to have defamed the representative of a mosque. The representatives of the journal [believed](#) that this decision was politically motivated. Even if it would not have been for the later December ruling against the journal, the sizeable moral damages imposed on it in this case would have threatened its survival.

Blocking of websites

New cases of blocking of news sites were reported. There were both cases when whole websites were temporarily blocked, and when access to certain information on individual sites was limited. The sites azattyq.org (the Kazakhstani service of Radio Free Europe/Radio Liberty), ratel.kz and 365info.kz all reported being subjected to such measures. The Russia-based Fergana news site (fergananews.com), which as [previously reported](#) was blocked in August 2014, remained inaccessible.

On 28 November 2014, several popular **social networking sites**, including YouTube, Facebook, VKontakte, Instagram and WhatsApp **were temporarily unavailable**. The head of the board on communications and information of the Ministry of Investment and Development stated that this was due to “technical problems.”

Persecution of human rights defenders and opponents of the regime

During the reporting period, **two human rights defenders were released** from detention. This happened after their cases had been repeatedly raised at the international level, including in the context of the UN human rights reviews that took place in October-November 2014. **Other dissident voices remained imprisoned.**

- On 19 November 2014, strike movement leader **Roza Tuletaeva** was granted early, conditional release after serving more than two years of a five-year sentence on charges of organizing mass riots during the Zhanaozen events in December 2011. She was sentenced in an unfair trial in 2012 after allegedly being tortured during the investigation. As [previously reported](#), her request for early conditional release was initially rejected in July and September 2014. Her release came the day after the UN Committee against Torture examined the situation in Kazakhstan. During its review, the Committee [reiterated concerns](#) about the allegations of torture against Tuletaeva.
- On 15 December 2014, lawyer **Zinaida Mukhortova** was released from the psychiatric hospital in the city of Balkhash where she had been forcibly held since July 2014. This decision was made by court after a medical commission concluded that she is now longer in need of hospitalization. However, she was required to continue to use medication and to show up regularly for observation at the hospital. Mukhortova has [repeatedly](#) been subjected to forced psychiatric hospitalization in what is believed to be retaliation for her human rights activities. When examining the situation in Kazakhstan in November 2014, the UN Committee against Torture [expressed concern](#) about the forced hospitalization of Mukhortova and called for a prompt and impartial investigation into allegations that her detention is unjustified. Her case was [also raised](#) at the UPR of Kazakhstan in October 2014.
- At its November 2014 review of Kazakhstan, the UN Committee against Torture [also expressed concern](#) about the treatment of imprisoned poet and dissident **Aron Atabek** and called for an independent review of the conditions in which he is held. Shortly after this, Atabek [reported](#) that he was finally allowed to start using crutches, which he had requested due to knee and spine problems but previously been denied. In December 2014, however, a complaint filed by

him about the failure of prison authorities to respond to his petitions about his treatment was [rejected](#) by court for the third time. Atabek, who is serving an 18-year sentence for his alleged role in organizing riots in 2006, has reportedly been subjected to ill-treatment in prison, including prolonged periods of solitary confinement and denial of access to medical care. He has been [declared](#) a political prisoner by Kazakhstani civil society representatives.

- The verdict against lawyer **Yevgeniy Tankov**, who was sentenced to three years in prison for showing disrespect and threatening and using violence against a judge in July 2014, was upheld on appeal in October and November 2014. Tankov was charged over an incident in court in March 2014. At that hearing, he invited the judge in a case he was working on to participate in a “fly swatter duel” and when the judge declined, he hit him a few times with a plastic fly swatter. Civil society representatives have criticized the sentence against the lawyer as unfair and disproportionate and believe that it may have been motivated by his professional and civic activities, including his criticism of problems in Kazakhstan’s judicial system and his non-traditional and creative tactics in court.
- In December 2014, The Kapchagay City Court [rejected](#) an appeal filed by opposition leader **Vladimir Kozlov** over penalties imposed on him by prison authorities for allegedly violating the prison regime. This prevents him from qualifying for parole or transfer to improved prison conditions. Kozlov is serving a 7.5-year sentence for his alleged role in fomenting the Zhanaozen events. In March 2014, he was transferred from a prison in northern Kazakhstan to a prison closer to his home in the Almaty region, as called for by human rights groups.

The Kazakhstani authorities continued to seek the **extradition of exiled opposition figures** residing in Europe. Human rights groups have expressed serious concern that these individuals are at the risk of being subjected to unfair trials and ill-treatment and torture if extradited.

- On 24 October 2014, a French appeals court ruled in favour of extraditing businessman and opposition figure **Mukhtar Ablyazov** to Russia on embezzlement charges. In April the same year, another court had blocked his extradition. It is believed that he may be further extradited to Kazakhstan if sent to Russia. On 27 December 2014, **Muratbek Ketebaev**, another opposition figure and former associate of Ablyazov, was arrested in Spain on an Interpol warrant issued at the request of the Kazakhstani government. He was arrested in spite of the fact that he was granted refugee status in another EU country (Poland) in 2013. In mid-January 2015, he was released but prohibited from leaving Spain pending a court hearing to consider his extradition to Kazakhstan.

Freedom of association and assembly

New NGO legislation under consideration

Draft legislation on state grant-making to NGOs was under consideration. Civil society groups were [concerned](#) that while it proposes the introduction of a new grant-making body (“operator”), it does not clarify the role or composition of this body. As currently worded, the draft legislation could result in that a non-independent body is entrusted with overseeing grant-making to NGOs not only of state-funds but also of funds from other sources. The draft law has been initiated by the Civic Alliance of Kazakhstan, which is considered to be pro-government.

There were also concerns that the government may still be considering plans to introduce other new legislation aimed at stepping up **control over foreign funding of NGOs**. In the summer of 2014, it was [reported](#) that a government working group had been set up to study the experience of other countries with respect to foreign grants and NGOs, giving rise to concerns that restrictive legislation initiated in

this area in other former Soviet countries may be used as an example. However, no additional information about these plans was available at the beginning of 2015.

Suspension of opposition party

The opposition Communist Party came under renewed pressure:

- On 25 December 2014, an Almaty court ruled to suspend the activities of the Communist Party for three months. The Communist Party was [reportedly](#) not informed about the hearing and only learned about it in early January when it was too late to appeal the decision. The decision was made following inspections of Communist party branches initiated by the Ministry of Justice in October 2014 to determine whether the party had the number of members required by law. Appeals against these inspections filed by several party branches were rejected by court. The Communist Party is now required to address the alleged failure to meet the minimum threshold for the required number of members by the end of March 2015, or else it may be closed down. The activities of the Communist Party have been suspended several times before on different grounds. Its representatives believe that the new case against it is an attempt to silence it ahead of possible early, parliamentary elections.

International attention

In response to questions on freedom of assembly addressed to it at the UPR in November 2014, the Kazakhstani delegation [acknowledged](#) the need to improve current legislation, while also saying that many peaceful assemblies have been allowed to take place without approval in the past. As documented by civil society groups, however, applications to hold peaceful protests are often denied on various pretexts, and unsanctioned peaceful protests are often dispersed and the participants brought to justice. The Kazakhstani authorities failed to support several recommendations it received at the UPR concerning measures to abolish restrictions on freedom of association and assembly that are not compatible with international human rights standards.

In October 2014, the UN Human Rights Committee for the first time adopted **views on a complaint concerning restrictions on holding peaceful assemblies** in Kazakhstan. The Committee [found](#) that the Kazakhstani authorities violated articles article 9, 19 and 21 of the International Covenant on Civil and Political Rights (the right to liberty and security of person, the right to freedom of expression, and the right to freedom assembly) by arresting and fining civil society activist Bakhytzhan Toregozhina for holding an art-mob without permission in 2010. The Committee concluded that the State party should provide Toregozhina with an effective remedy, including by providing her adequate compensation and reimbursing her legal costs. They should also take measures to prevent similar violations in future and revise existing legislation to this end.

The Committee requested the Kazakhstani authorities to report back on the measures it has taken to implement its decision within six months. Toregozhina and other civil society representatives [welcomed](#) the Committee's decision as a precedent-setting case.

In mid-January 2015, the **UN Special Rapporteur on freedom of peaceful assembly and association** [visited](#) Kazakhstan for the first time and met with both representatives of the authorities and civil society. Preliminary findings from his visit were [announced](#) at a press conference held in Astana on 27 January 2015.

Equality before the law, non-discrimination and access to justice of vulnerable groups

The administration of justice

When considering the situation in Kazakhstan in November 2014, the UN Committee against Torture [raised concerns](#) about problems in the administration of justice. The Committee expressed particular concern about the **lack of balance between the participants in judicial proceedings** and the dominant role of the procurator. It called on the Kazakhstani authorities to “undertake structural reform (...) with a view to balancing in practice and ensuring equality of arms between the respective roles of the procurator and the defence counsel in judicial proceedings and ensuring the independence of the judiciary.” It also called for measures to ensure that defence lawyers are allowed to collect and present evidence, call defence witnesses and have unimpeded access to all evidence in the hands of the prosecution.

KIBHR monitors have repeatedly documented violations of the right to equality of arms, the right to defence and other fair trial rights during legal processes. These systematic problems have also been reflected in petitions submitted to UN human rights bodies, where dozens of complaints from Kazakhstani residents currently are pending.

There were concerns that **amendments on legal assistance** [adopted](#) to the Civil Procedure Code in November 2014 will prevent human rights defenders who do not have a law degree from representing victims of human rights violations in court. According to the amendments, only those with judicial education may represent the interests of individuals in court.

LGBT intolerance

As [previously reported](#), the advertising agency **Havas Worldwide** faced **court proceedings** after a LGBT-themed poster designed by it appeared on social media. The poster showed Russian writer Alexander Pushkin and Kazakh composer Kurmangazy Sagyrbayuly kissing and was designed as promotional material for an Almaty nightclub. This case is of concern both in the light of freedom of expression and tolerance of members of sexual minorities.

- On 28 October 2014, an Almaty court ruled to satisfy a lawsuit against Havas Worldwide filed by employees and teachers at the national conservatory and state academic orchestra named in honour of Kurmangazy Sagyrbayuly. The court thus sided with the plaintiffs, who [argued](#) that the poster “offended the feelings and dignity of them, as individuals who are not indifferent to the work” of the composer. It ordered the agency to pay 1 million Tenge in moral damages to each of the 34 plaintiffs (amounting to about 145 000 EUR in total), as well as to publish a public apology. The court dismissed all petitions made by the defendants. On 19 December 2014, the decision was upheld on appeal. The property of the advertising agency has been ordered seized by court pending implementation of the ruling. Earlier in September 2014, another Almaty court ruled in favour of a lawsuit filed by the Almaty mayor’s office against the advertising agency, alleging that the controversial poster constituted “unethical advertising,” and fined the agency and its director an equivalent of several hundred EUR.

Forced evictions and access to remedy for victims of human rights violations

In November 2014, a case of **forced eviction** in the city of Kapchagay in the Almaty region [gave rise to concern](#). After losing several court appeals, the Shamayev family consisting of three women and two small children (one of whom is disabled) were evicted from their apartment due to the failure to pay off debt on a car loan that had been obtained prior to drastically changed life circumstances of the

family, which resulted in economic difficulties for them. They were not provided any alternative accommodation, although they had no other housing than the apartment. KIBHR has submitted complaints to relevant authorities and filed a petition with the UN Special Rapporteur on adequate housing on the case, arguing that the eviction of the family violated the right to adequate housing, as well as child rights protected by international treaties to which Kazakhstan is a party. The case was seen to form part of a broader problematic trend concerning forced evictions in the country.

The following development was [welcomed](#) by civil society organizations a **step forward in ensuring access to remedy for victims of serious human rights violations** and implementing decisions by UN human rights mechanisms, although the amount awarded was comparatively low:

- On 12 December 2014, the Kostanau City Court [ruled in favour](#) of a **claim for damages** by Rasim Bayramov, a torture victim to whom KIBHR has provided legal assistance, and ordered police to pay him 100 000 Tenge (some 450 EUR). Bayramov filed the claim with reference to a May 2014 decision by the UN Committee against Torture, which [concluded](#) that his treatment by police amounted to torture and called on the authorities of Kazakhstan to bring to justice those responsible and to provide him with full and adequate reparation, including compensation. Police appealed the court ruling. Following the decision of the Committee against Torture, a criminal case was also opened in relation to the abusive treatment faced by Bayramov at the hands of police. This investigation was closed in December 2014, a decision Bayramov's lawyer intends to appeal.

Tajikistan

General situation

In accordance with a decree signed by the president in December 2014, **parliamentary elections will be held** on 1 March 2015. During these elections, members of the lower house of the parliament will be elected. Regional and local elections will also be held at the same time. The official candidate registration will start on 19 January 2015.

The OSCE Office for Democratic Institutions and Human Rights (ODIHR) will monitor the elections. In a [report](#) on a needs assessment mission undertaken in October 2014, the ODIHR concluded that amendments to the parliamentary elections law adopted in 2014, such as provisions to reduce the financial deposit required of candidates and to simplify voting procedures generally were in line with its recommendations. However, at the same time, it noted that **other recommendations have not been addressed**, including recommendations on abolishing unreasonable candidacy restrictions and undue limitations on freedom of expression. The last parliamentary elections were held in 2010, when the People's Democratic Party of Tajikistan led by the president won 45 of the 63 seats in the lower house. At that time the ODIHR [found](#) that the elections "failed to meet many key OSCE commitments (...) and other international standards for democratic elections."

Politics in Tajikistan are generally dominated by the president and the parliament has a limited role in practice. Opposition political parties face difficulties in making their voice heard, and outspoken political opposition leaders have been subjected to persecution.

Many of Tajikistan's voters reside abroad, in particular in Russia, where over one million Tajikistani labour migrants are [estimated](#) to be working. In accordance with recent amendments to Tajikistan's elections law, which state that polling stations abroad only can be opened at the country's diplomatic representations, it is planned that [only three polling stations](#) will be available in Russia this time. In

comparison, 24 polling stations operated in Russia during Tajikistan's 2013 presidential elections. Civil society representatives have expressed concern that this will limit the opportunities of labour migrants residing in Russia to participate in the elections, thus **undermining their right to vote**.

Under an **amnesty law** signed by the president on 29 October 2014, over 3000 individuals were released from prison. The amnesty law was also applied to individuals whose cases were under investigation or pending consideration in court. Among those amnestied were, among others, women, individuals who were below 18 at the time of the offense, men older than 55, disabled people, and people suffering from tuberculosis. (See the section below on Equality before the law etc. for concerns on the application of the amnesty law to perpetrators of torture).

On 18-19 November 2014, a new **EU-Tajikistan civil society seminar** devoted to freedom of the media took place in Dushanbe. It was attended by representatives of human rights NGOs and media, European and regional experts, as well as representatives of the Tajikistani government and international organizations. The civil society participants adopted a set of recommendations on how to improve media freedoms in Tajikistan, which will be the subject of discussion at the next round of the annual human rights dialogue that the EU holds with the Tajikistani government.

On 22 November 2014, during a visit to Tajikistan, OSCE Chairperson-in-Office and Swiss Foreign Minister Didier Burkhalter **met with Tajikistani NGO representatives**. Issues such as the independence of the judiciary, the problem of torture, the situation of civil society and the rights of women were discussed at the meeting.

Freedom of expression

Restrictions on the internet and other new media

In a by now well-known pattern, news sites, social media sites and other sites are regularly blocked in Tajikistan. The government Communication Service has denied responsibility for such blockings, typically blaming them on “technical problems.” However, internet providers are known to have received informal orders to block sites.

As previously [reported](#), in early October 2014, **hundreds of websites were suddenly blocked**. Many of them remained inaccessible for several weeks. Facebook, which was among the sites that were blocked, was still unavailable to Tajikistani users at the beginning of January 2015. The blockings in October were believed to be related to the online calls made for holding an anti-government rally in Dushanbe on 10 October. On the eve of the planned protest, SMS text-messaging services were also turned off by cell phone operators, reportedly following orders by the authorities. In the days prior to this, problems with mobile phone access were reported in the Sughd and Gorno-Badakhshan regions.

Shortly before New Year, access to the Russian social media site **Odnoklassniki and YouTube were blocked**. Internet providers reportedly received an oral order from the authorities, indicating that the sites should be blocked “temporarily” as a “preventive measure.” The Communications Service denied having issued any such order and claimed that sites were unavailable due to “technical problems” experienced by providers. At the time of writing, some internet providers had yet to restore access to YouTube.

Media censorship

As [reported](#) by the National Association of Independent Media of Tajikistan (NANSMIT), in December 2014, the weekly *Nigoh* was **prevented from issuing two of its editions** due to a printing ban imposed by the Ministry of Culture over the alleged failure of the weekly to re-register and renew its

operating license. Representatives of the newspaper said that they had initiated the process of re-registration several months earlier and that efforts to reach an agreement with the Ministry of Culture had been fruitless. They considered the incident an example of censorship, and media observers agreed. This impression was also reinforced by [statements](#) made by the minister of culture in an interview he gave to the Tajikistani service of Radio Free Europe/Radio Liberty on 19 December. In this article, he accused *Nigoh* of offending the president and showing disrespect for national symbols and warned it not to do so again. A few days later, however, the Ministry of Culture eventually gave green light for the weekly to be issued and prolonged its license.

Freedom of association and assembly

Planned opposition rally

The anti-government rally, which the opposition “Group 24” had called for holding in Dushanbe on 9 October 2014, did not take place in the end. As previously [reported](#), the day prior to the planned event, the Supreme Court declared this group “extremist” and banned its activities in Tajikistan. The authorities also took **unprecedented security measures** in Dushanbe and other major cities in connection with the planned protest and, among others, blocked roads, carefully checked cars travelling to the capital and mobilized tanks for a possible armed response. Mass blocking of websites and restrictions on cell phone use were also reported in connection with the planned protest (see more above).

In recent years, no opposition rallies have taken place in Tajikistan.

New law on assemblies

A new **Law on Assemblies, Rallies, Demonstrations and Street Marches** was adopted by the parliament in November 2014 and signed by the president at the end of December 2014. The new law, which replaces a law from 1998, contains provisions that give rise to concern in light of international standards and guidelines on freedom of assembly. It requires the organizers of assemblies to apply for permission 15 days in advance (while the previous law spoke about an obligation to notify authorities), and contains some broadly worded provisions regarding the grounds on which assemblies may be prohibited and the places in which the conduct of assemblies is restricted. Among others, it places restrictions on holding assemblies in the vicinity of government buildings, hospitals, schools, and historical and cultural monuments. As these kinds of institutions and sites are located across the central areas of large cities, this gives rise to concern that the law may be applied so as to prohibit the conduct of gatherings and rallies in such areas, and thus within the sight and sound of target audiences. The law also does not provide for the possibility of holding spontaneous assemblies.

Moreover, the law introduces new restrictions on prohibited conduct during assemblies and obliges the organizers, inter alia, to pay for the costs of law enforcement operations related to the conduct of assemblies, as well as the costs for tidying up the sites where assemblies have been held, as decided by local authorities. The law bans foreign citizens and stateless persons from participating in assemblies.

Draft NGO legislation

As part of a trend seen in many former Soviet republics in the recent period, the Tajikistani government **took steps to tighten NGO legislation** during the reporting period. The Ministry of Justice prepared draft amendments to the Law on Public Associations, which were still under consideration by the government at the beginning of 2015.

According to the draft amendments, NGOs would only be allowed to implement projects funded by foreign governments, international organizations and other sources abroad after registering such grants with the government. The draft amendments also contained an ambiguous reference to funds received “through other physical and legal entities,” leaving it unclear whether funds received from local donors also would be subject to registration. The draft amendments did not specify any minimum amount for grants that would have to be registered or elaborate on how the procedure for registering grants would be implemented.

The plans of the government were **seriously criticized by civil society**. In an [appeal issued on 25 November 2014](#), 92 NGOs from Tajikistan and other countries expressed concern about the initiative of the Tajikistani government to regulate and restrict access to NGO funding in view of the country’s international human rights obligations and commitments. They said that the proposed legislation risks endangering the work of NGOs in the country. They also expressed concern that the draft amendments had been prepared in a non-transparent process, in which civil society had not been involved.

In response to the criticism of lack of transparency, the Ministry of Justice invited representatives of civil society to a discussion about the draft legislation on 4 December 2014. The minister of justice, who was present at the beginning of this event, claimed that the amendments had been initiated in response to recommendations made by the Financial Action Task Force on Money Laundering (FATF). He also stated that the procedure for NGOs to register grants would entail notifying the government rather than requesting permission to access grants. Following this meeting, NGOs submitted a number of recommendations to the Ministry of Justice regarding the draft legislation.

Currently some 3000 NGOs operate in Tajikistan, using funding from both local and foreign donors. NGOs are already required to report in detail to the government on their activities and the sources and amounts of their funding.

Equality before the law, non-discrimination and access to justice of vulnerable groups

Harassment of lawyers

In a case that raises serious concern about the persecution of lawyers for their professional activities, a Dushanbe court **convicted well-known lawyer Shukhrat Kudratov** of bribery and fraud (articles 320 and 247 of the Criminal Code) on 13 January 2015. He was sentenced to nine years in prison and barred from practicing law for two years upon release. His lawyer filed a cassation appeal with the Supreme Court of the country, which is expected to consider the appeal within a month.

As [previously reported](#), Kudratov was arrested in July 2014 on charges of accepting a bribe from one of his client’s for the alleged purpose of passing it on to a judge to ensure acquittal. The real reason for the charges against him, however, are believed to be his professional activities. Kudratov has worked on human rights related cases and defended public figures in a number of high-profile cases, including that of businessman Zaid Saidov, who was sentenced to 26 years in prison in December 2013. Following Saidov’s conviction, Kudratov continued to speak out on this case, including the harassment faced by him and other members of Saidov’s legal team. In addition to his work on politically sensitive cases, Kudratov is also a member of the opposition Social Democratic Party.

Kudratov has denied the charges against him, and his lawyer [said](#) that he is convinced that the verdict against his client was “ordered” by the authorities. According to him, the court did not take into account any of the evidence put forward by the defence.

Another lawyer of Zaid Saidov, **Fahriddin Zokirov** was arrested on fraud charges in spring 2014, but **was released** in November 2014 as the criminal case against him was closed.

In late July 2014, a number of Tajikistani civil society organizations and representatives of bar associations [issued](#) an **appeal in support of Kudratov and Zokirov**, demanding an end to the persecution of lawyers for their professional activities. Following a mission to Tajikistan in November 2014, the International Commission of Jurists (ICJ) [called](#) on the government of the country to “take meaningful steps to ensure that the institutional independence of the legal profession and the personal integrity of individual lawyers are secured,” referring in particular to its concerns regarding the cases of Kudratov and Zokirov. In a statement on the sentencing of Kudratov, Human Rights Watch [concluded](#) that his “prosecution, which we believe to be politically motivated, strikes directly at the independence of the legal profession in the country.”

Legal reform process

The **draft Law on Lawyers**, which has been elaborated by a government working group, was adopted by the lower house of the parliament and submitted to the upper house for consideration at the beginning of 2015. A public hearing on the draft law was held in November 2014, to which all interested parties were invited, including lawyers, civil society activists and representatives of international organizations. Civil society has made recommendations for improving the draft law, which has been criticized in particular for provisions that risk undermining the independence of the legal profession. Among others, the International Commission of Jurists (ICJ) has [expressed concerns](#) about a requirement that all lawyers go through a **new qualification process**, which would be administered by a body in which the Ministry of Justice would play a prominent role. This provision currently remains in the draft law.

In mid-December 2014, the lower house of the parliament adopted legal amendments **granting prosecutors powers to sanction the arrest** of foreign citizens and stateless persons. In practice, this means a partial return to the earlier practice in which prosecutors sanctioned arrests. In accordance with the new Criminal Procedure Code that was adopted in 2010, courts sanction arrests.

Application of amnesty law and access to remedy for victims of human rights violations

Human rights defenders were dismayed that the amnesty law adopted in October 2014 also was **applied to the perpetrators of torture**. On 11 November 2014, a Khujand military court convicted four individuals charged in the case of Nosirov Makhsud, a soldier who was beaten to death in January 2014, and sentenced them to 6-13 years in prison. However, with reference to the amnesty law, the sentences were reduced. International human rights bodies have emphasized that the perpetrators of torture and other serious human rights violations should not be eligible for amnesty.

It is further of concern that the court rejected a petition for compensation for moral and material harm filed by the family of Makhsud.

Turkmenistan

General situation

At the beginning of 2015, Turkmen state media [reported](#) that the president had called for a **new draft constitution** to be elaborated and submitted for public discussion by September this year. The process

of reforming the constitution was initiated by the president in May 2014, and a commission set up for this purpose [began its work](#) in the summer of 2014.

Two **presidential decrees on pardoning prisoners** were executed during this period. Some [1300 persons](#) were pardoned on the occasion of Independence Day on 27 October 2014, while about [600 persons](#) were pardoned on the occasion of Neutrality Day on 12 December 2014.

According to [Forum 18](#), **six conscientious objectors to military service and two individuals imprisoned to punish them for exercising their freedom of religion or belief were among those released** under the first amnesty. The amnesties are not known to have benefited any other individuals held on political grounds, including individuals convicted in show trials after the alleged attempt on the life of late President Saparmurad Niyazov in 2002. The number of political prisoners in Turkmenistan is not known given the secrecy surrounding trials and imprisonments, and many of those convicted on politically motivated charges have disappeared in prison.

In November 2014, TIHR reported about the [death](#) of **one of the first political prisoners** in independent Turkmenistan, Mukhamedkuli Aimuradov. Together with Khoshali Garaev, he was arrested in Uzbekistan in October 1994 and deported to Turkmenistan at the request of security services. The two men were accused of cooperating with the Turkmen opposition and given lengthy prison sentences on trumped-up charges. Garaev died in prison in 1999, while Aimuradov was released in 2009.

On 13-14 January 2015, the **state of child rights** in Turkmenistan was assessed by the UN Committee on the Rights of the Child. This is the second stage of a review process that [began in June 2014](#) and will result in the adoption of a set of concluding observations by the Committee. TIHR and IPHR have provided [written information](#) for the review and TIHR Director Farid Tuhbatullin was present at the session in Geneva.

Freedom of expression

Internet access

At the end of December 2014, the president [signed](#) a **new law aimed at creating a legal regime for internet development in Turkmenistan**. According to the law, the authorities will take measures to ensure equal and non-discriminatory internet access, prevent unjustified restrictions on the operations of internet providers, promote fair competition in the field of internet services and boost internet infrastructure.

However, at the same time, the law lays down a number of restrictions on accessing online content. Among others, it prohibits the dissemination of material among children that “rejects family values” or “foments disrespect for parents and other family members,” which are vague expressions that have not been defined by law. The law likewise prohibits the dissemination of information that insults or slanders the president or contains other defamatory statements.

OSCE Representative on Freedom of the Media Dunja Mijatović [welcomed](#) the objective of the new law to provide unrestricted internet access, but **expressed concern** that the law entails **restrictive regulations**, including “disproportionate limitations on online content for overly broad defined activities.” She stressed that the vaguely defined restrictions “can have a negative effect on free flow of information and free expression” on the internet.

TIHR also [drew attention](#) to a provision of the new law that states that government agencies that regulate the development and use of the internet may “cooperate with public associations whose activities are **aimed at detecting illegal information in the internet.**” This gave rise to the questions as to whether such associations already have been established or are about to be set up and if they will

have a specific mandate to monitor and identify “illegal” web content. Most public associations in Turkmenistan are government-controlled so-called GONGOs and it can be expected that this task would be entrusted to such organizations.

Currently internet access remains limited in Turkmenistan and websites that contain information that displeases the authorities are blocked. Internet access is generally slow and expensive. The state-run *Altyn Asyr* provider has only one competitor, the Russian MTS, which was allowed to return to Turkmenistan in 2012 after being expelled two years earlier. MTS is required to provide 30% of its net operating profit in the country to the state provider and has reported **facing obstacles in improving its services to customers**. In October 2014, the MTS finally [launched a 3G network](#), four years after *Altyn Asyr*. The current operating license of MTS expires in August 2015.

Media control and restrictions on seeking, receiving and imparting information

As previously, national media are subject to close government control and **top media officials who do not please the president risk being replaced**, as shown by the following decisions:

- In November, President Gurbanguly Berdimuhammedov [dismissed](#) Begench Abaev, the director of the state *Altyn Asyr* TV channel due to “unsatisfactory performance.” Maksat Altaev, the president of the State Committee for TV and Radio Broadcasting and Cinematography was “severely reprimanded” for the same reason. Shortly thereafter President Berdimuhammedov [appointed](#) a new director of the *Altyn Asyr* channel, as well as a new deputy chief-editor of the newspaper *Turkmen Dunyasi*.

Turkmen authorities continue efforts to **cover up information on events that risk giving rise to popular discontent**. This is only one example:

- During the October visit of Turkmenistan’s president to the Mary region, the driver of a security vehicle in the presidential cortege fell asleep at the wheel and crashed into a group of children and teachers who had lined up along the road to greet the president. According to information obtained by TIHR, ten people [died](#) as a result of the accident, and several children were left disabled. The driver and two local officials were subsequently [detained](#). Immediately after the accident, security service officials confiscated mobile phones and video footage of individuals present at the site and warned them not to pass on any information about the accident. During the review of Turkmenistan by the Child Rights Committee in January 2015, however, the Turkmen authorities acknowledged the fact that the accident took place.

The following case [reported by Radio Free Europe/Radio Liberty](#) illustrates the **difficulties and risks faced by the few correspondents of foreign media** who are based in Turkmenistan:

- On 13 December 2014, Radio *Azatlyk* correspondent Soltan Achilova was detained after taking photos of people waiting in line at the Mir Bazaar in Ashgabat to buy fresh meat. After making several photos, she was approached by men in civilian clothes who confiscated her camera and required to see her ID. When Achilova told them who she is and that she is a Radio *Azatlyk* reporter, the men appeared to recognize her and asked her why she “is not ashamed” to work for this organization. She was subsequently taken to the Kopet Dag District police station for questioning. After the interrogation was completed, Achilova was released and given back her camera, but all the photos she took at the market had been deleted.

The same month TIHR also reported about the **death of a well-known journalist** under unclear circumstances:

- In late December 2014, journalist Gulshen Ashirova was [found dead](#) in her Ashgabat apartment, together with her son and a woman who had helped her with cleaning. They had all sustained

multiple stab wounds. Initially the law enforcement authorities in charge of the investigation treated the case as a family drama, but at the beginning of January TIHR learned that a young man had been arrested as the suspected culprit. It is not known what the motives of the murder may have been. Law enforcement authorities investigating the case do not appear to have considered a possible link to Ashirova's professional activities, although it would be important to investigate this possibility. Ashirova had been contributing to a number of foreign media, including the BBC and had published articles under her own name, contrary to many other Turkmen journalists who cooperate with foreign outlets.

During the reporting period, local authorities made new efforts to **remove satellite dishes from residential buildings**. The campaign against satellite dishes has been going on for several years and has been carried out under different pretexts, resulting in restrictions on the right of citizens to freely access information from sources abroad.

- The official visit of Turkish President Recep Tayyip Erdoğan to Turkmenistan in November 2014 entailed a visit to the Turkish mosque in Ashgabat. Shortly before his visit, [all satellite aerials were dismantled](#) from residential buildings located near the mosque under the pretext that these houses had to be whitewashed. The local authorities assured the residents that the aerials could be re-installed afterwards, although at the owners' expense.

TIHR also drew attention to concerns about the **exploitation of art and culture for propaganda purposes** in Turkmenistan, with the authorities [providing financial support](#) to art that extols the regime.

Freedom of association and assembly

Public protests

While public protests remain a rare occurrence in Turkmenistan, TIHR reported about several **spontaneous protests** that took place in October and November 2014. During these, citizens expressed discontent on issues affecting their everyday lives.

- In late October, residents in the northern Dashoguz region [protested disruptions in gas supply](#), which left some houses in this region with little or no heating at a time when temperatures dropped to as low as -10 degrees Celsius. In at least Boldumsaz and Gurbansoltan-edge, residents cordoned off intercity highways to express their discontent. Many of the country's gas pipelines and compressor stations were [built several decades ago](#) and have not been properly maintained or repaired.
- On 29-30 November 2014, the inhabitants of three residential houses in the Mir 7/1 district in Ashgabat [protested attempts to remove private air conditioners](#) from these buildings under a decision made by local authorities. Residents gathered together and demanded that the dismantling works be stopped. In one case, residents of the neighbouring house joined the protest out of solidarity. As a result of the protests, the operations to remove the air conditioners were called off. Also in [June](#) and [August](#) 2014, there were incidents when Ashgabat residents protested attempts to remove air conditioners, which provide much needed relief against sweltering summer temperatures in the capital. Authorities have argued that air conditioners spoil the appearance of buildings.

Equality before the law, non-discrimination and access to justice of vulnerable groups

Corruption and unlawful practices by law enforcement authorities

The new annual [Corruption Perceptions Index](#) made public by Transparency International in December 2014 again deemed Turkmenistan to be **one of the most corrupt countries** in the world. Turkmenistan was ranked 169th out of 175 countries.

Corruption and other **abusive practices are widespread, among others, within law enforcement authorities**. TIHR [highlighted reports about practices](#) such as extortion and blackmailing of local and foreign businessmen and illegal confiscations of apartments of one house-hold residents, such as elderly people and others living alone. The following case gave rise to concern in the latter regard, in view of earlier reports on similar cases:

- According to information obtained by TIHR, Abay Tyndybaev [was arrested](#) in October 2014 after initiating the process of privatizing his centrally located Ashgabat apartment under new rules that made this possible. Soon after visiting the housing administration office on 10 October to submit the required documents, Tyndybaev was reportedly put under pressure by local officials, who among others demanded that he hand over the original register of tenants of the apartment, one of the key documents in the privatization process. According to information available to TIHR, on 14 October, Tyndybaev was arrested on accusation of physically attacking a man who was found badly beaten in a state of drug intoxication outside his house, and on 7 January 2015, he was convicted and sentenced to 14 years imprisonment to be served in a strict regime colony. He was reportedly coerced into signing a confession, among others by being told that the sentence otherwise will be harsher. Tyndybaev's friends believe that he was targeted solely because law enforcement officials were trying to get hands on the attractive 4-room-apartment where he was living alone after his mother passed away.

Most cases of alleged misconduct by law enforcement authorities in Turkmenistan are never investigated and those responsible not brought to justice.

Crackdown on “second wives,” pressure on to-be migrants and house demolitions

Although prohibited, polygamy is practiced in Turkmenistan, especially in rural areas where young women agree to become the “second wives” of men who are already married but who can afford to provide for them. Such marriages are typically conducted in mosques according to the Islamic *nikah* tradition. The [reasons](#) for the prevalence of this practice include, among others, high unemployment especially among women, lack of access to vocational and higher education, and a decreasing male population due to migration and other factors.

While TIHR is not aware of any cases where men entering into polygamous marriages have been brought to justice, numerous so-called “**second wives**” **have been prosecuted for prostitution-related offenses** under articles 137 and 138 of the Criminal Code, each of which carries a sentence of up to two years in prison. In November 2014, TIHR reported that [37 women were serving sentences](#) in the female colony in Dashoguz after being convicted of prostitution for being “second wives.” The crackdown on “second wives” appears to form part of a recent campaign entailing enhanced efforts by the authorities to enforce moral values in Turkmenistan. Law enforcement authorities have also been reported to demand that “second wives” and their spouses pay bribes of several thousand USD to avoid criminal charges.

TIHR [reported](#) that local authorities warned and sought to **prevent residents from leaving the country** in search of jobs abroad. In spite of Turkmenistan's natural resource wealth, unemployment is widespread in the country. The authorities are reluctant to admit this problem and have sought to cover up the extent of it, similarly to information on other issues that may put into question official policies.

In December 2014, private house owners in the Gazha district in Ashgabat were [informed](#) that their **houses will be demolished** in April 2015 due to government construction needs. While they were promised alternative accommodation, they were only given one week to submit the required documents. As previously [reported](#), the residents of houses torn down as part of government-sponsored construction projects have not always received adequate compensation. Those evicted from their homes are also known to have been requested to pay bribes in order to be allocated apartments in certain districts of the capital.

Dual citizens

TIHR has repeatedly reported about the **difficulties faced by dual Turkmen-Russian citizens in obtaining new biometric Turkmen passports**, which are compulsory as of 2013. Initially all dual citizens were required to renounce their second citizenship to obtain new passports. Following Turkmenistan-Russia negotiations, it was agreed that those dual citizens who have obtained Russian citizenship before June 2003 will be able to obtain new passports. Those who obtained Russian citizenship after this date continued to be refused new passports. However, in December 2014, TIHR learned that the Migration Service in Ashgabat had [accepted the applications](#) for new passports of at least two dual citizens who obtained Russian citizenship after 2003.