



## SPOTLIGHT: FUNDAMENTAL RIGHTS IN CENTRAL ASIA

Recent developments in Kazakhstan, Tajikistan and Turkmenistan

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This document provides an overview of recent developments concerning freedom of expression and the media; freedom of association and assembly; as well as access to justice, non-discrimination and the protection of vulnerable groups in Kazakhstan, Tajikistan and Turkmenistan. It is based on 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 in August-November 2015. International Partnership for Human Rights (IPHR, Belgium) has conducted additional research and prepared the document together with the three partner organizations within the framework of the project “A Transnational Civil Society Coalition in Support of Fundamental Rights in Central Asia”.

**Contacts:**

Kazakhstan International Bureau for Human Rights and Rule of Law (KIBHR)  
[www.bureau.kz](http://www.bureau.kz)

Nota Bene  
[www.notabene.tj](http://www.notabene.tj)

Turkmen Initiative for Human Rights (TIHR)  
[www.chrono-tm.org](http://www.chrono-tm.org)

International Partnership for Human Rights (IPHR)  
[www.IPHRONline.org](http://www.IPHRONline.org)

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## Summary of developments in the three countries

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### Kazakhstan

In the recent period, the crackdown on free speech and dissent has gained new force in Kazakhstan. This development has taken place against the background of a deteriorating economic situation in the country, which appears to have made the authorities wary of growing protest sentiments among the population.

As part of a pattern of forced media closures, another journal critical of the authorities - *ADAM* - was shut down by court in October 2015 after first being suspended for alleged violations of technical requirements. It also remains of concern that courts continue to award excessive sums in compensation in defamation cases against media.

Corruption-covering journalist and blogger Bota Zhumanova was physically assaulted in October 2015, reinforcing concerns about the vulnerability of journalists. A suspect was detained and an investigation is under way.

In the recent period, there have been new cases of blocking of news and social media sites. In some cases, online resources have suddenly become unavailable without any official reason being stated, while other sites have been blocked by court because of alleged “extremist” content. Access to the popular blog platform LiveJournal was finally restored after four years in November 2015.

In an alarming trend, there has recently been a growing number of cases where journalists, activists and other individuals have been charged under Criminal Code provisions that lend themselves to enforcement restricting the legitimate exercise of freedom of expression and other fundamental rights. These include broadly and vaguely worded provisions on “inciting” inter-ethnic and other “discord”, “spreading false information”, “propagating separatism”, as well as provisions on defamation.

Well-known activists Ermek Narymbaev, Serikzhan Mambetalin and Bolatbek Blyalov were all arrested in October-November 2015 on charges of “inciting discord” because of social media posts, and in early November the trial began against blogger Ermek Taychibekov who is facing similar charges because of online writings. The case against Muslim Union head Murat Telibekov, who has been charged with “inciting discord” over a book he tried to publish two decades ago, was suspended in mid-October 2015 but has not been closed. In November 2015, Protestant believer Yklas Kabduakasov was convicted of “inciting discord” and sentenced to 7 years’ restricted freedom for sharing his faith with others.

A case on “spreading false information” has been opened against human rights defender Elena Semenova because of Facebook posts concerning the alleged use of torture in prison, while social media administrator Igor Sychev was recently sentenced to five years in prison for propagating “separatism” because of a survey shared online. In a new worrying example of the implementation of provisions criminalizing defamation, in October 2015, civil society activist Amangeldy Batyrbekov was sentenced to 1.5 years in prison over an article questioning the actions of a prosecutor.

New widely criticized legislation on NGOs was signed by the president at the beginning of December 2015. This legislation contains a number of problematic provisions that could result in restrictions on the freedom of association of NGOs. In a joint appeal, several dozen Kazakhstani human rights NGOs called on the president to veto the draft legislation, and UN human rights representatives warned that it runs counter to international human rights standards.

Trade unions that have failed to re-register under new Trade Union Law adopted last year remain at the threat of closure, while the decision to close down the opposition Communist Party because it allegedly does not have the required number of members was upheld on appeal in September 2015.

In its annual report presented in October 2015, the presidential Human Rights Commission recommended the adoption of a new law on assemblies consistent with international standards, as long called for by civil society and international human rights bodies. Meanwhile authorities continue to reject requests to hold peaceful protests on various pretexts, as well as to detain and sanction participants in unauthorized protests.

KIBHR continues to assist victims of trials that fall short of international standards with the submission of complaints to UN human rights bodies. In October 2015, the organization learned that the UN Human Rights Committee had admitted for consideration a complaint filed on behalf of Vladislav Chelakh, a conscript who was given a life sentence on charges of killing fellow soldiers in a 2012 trial that attracted wide attention.

As previously, there are concerns about the treatment in prison of imprisoned opposition party leader Vladimir Kozlov, human rights defender Vadim Kuramshin and poet and dissident Aron Atabek, who have all repeatedly been penalized for alleged violations of prison rules. The French government's approval of a decision to extradite well-known Kazakhstani opponent Mukhtar Ablyazov to Russia was criticized by human rights groups because of the risk that he may be sent onwards to Kazakhstan and that he may be subjected to an unfair trial and ill-treatment upon return.

## Tajikistan

The Tajikistani authorities have linked two armed attacks that took place in the capital Dushanbe and a nearby city in early September 2015 to the opposition Islamic Renaissance Party of Tajikistan (IRPT), although this party has denied having anything to do with these events. In the weeks following the attacks, the self-exiled IRPT chair was accused of masterminding the attacks, over 20 members were arrested on charges of involvement in the violence, and the IRPT was banned as an "extremist" organization. This decision, in effect, marked an end to the era of political pluralism under the peace agreement that ended the 1997 civil war and set out a power sharing deal between the authorities and the opposition. Tajikistan's international partners responded with great concern to the measures taken against the IRPT and its representatives and emphasized that the Tajikistani authorities must comply with their international human rights obligations in the pursuit of national security.

In another alarming development, two lawyers defending the rights of arrested IRPT members were themselves arrested on charges of fraud - charges that have also previously been used against lawyers working on sensitive cases in the country. Lawyers Buzurgmehr Yorov and Nuriddin Mahkamov were arrested in September and October 2015, respectively, and currently remain in detention. Yet a third representative of the lawyer's office where they have worked, Dilbar Dodadzhonova was arrested on fraud charges at the end of October. International NGOs and other representatives of the international community have called for an end to the pattern of arresting lawyers on charges that appear to be motivated by the professional activities of these lawyers.

Amendments to the recent Law on the Bar and the Practice of Law, which were adopted in November 2015, have reinforced concerns that this legislation is threatening the independence of the legal profession in the country. In order to practice law, all lawyers will now be required to pass a qualification exam administered by a non-independent body under the Ministry of Justice, as well as to undergo re-certification with this body every five years. Individuals with a criminal record will not be eligible to work as lawyers. While all lawyers also will be required to join a new nation-wide bar association, this association has yet to be registered by the Ministry of Justice, which has given rise to

concerns that already practicing lawyers will not have much time to comply with the requirements of the new law within the deadline that expires in late March 2016.

As part of a trend of arbitrary restrictions of internet and cell phone services, new cases of blocking of news and social media sites, as well as text messaging services have been reported in recent months. As on previous occasions, providers have indicated receiving informal orders from the government's Communications Service to implement such measures. Amendments to the legislation on counteracting terrorism adopted by the lower house of the parliament in late November 2015 grant security services new broad powers to restrict internet and phone access during anti-terrorism operations, thus creating a legal basis for a problematic practice that has already been repeatedly used.

The criticized amendments to the Law on Public Associations, which require NGOs to report information about foreign and international grants to the government prior to using them, entered into force in August 2015. However, government instructions detailing the notification procedure have yet to be adopted, as a result of which NGOs continue to operate in uncertainty with respect to how the new provisions will be implemented. Intrusive and unregulated inspections of NGOs carried out by tax and other authorities remain a matter of concern. Nota Bene remains at the threat of closure as the lawsuit brought against it by the Tax Committee is still pending in court. The Tax Committee has requested that the organization be closed down because it allegedly used gaps in the legislation when registering as a "public foundation" rather than as a "public association".

## Turkmenistan

The severe censorship that prevails in Turkmenistan has resulted in a climate in which any criticism of the country's policies is met with hostility by the authorities. While a Turkmenistani delegation participated in this year's OSCE Human Dimension Implementation (HDIM) for the first time in years, it left the meeting already after two days in a move that appeared to have been prompted by the critical statements made by other participants about Turkmenistan's human rights policies. The government condemned these statements as "provocative", "unethical" and aimed at "discrediting" the country's image.

Concerns about the government's deplorable free speech record have been reinforced by the case of Radio Free Europe/Radio Liberty correspondent Saparmamed Nepeskuliev, who has been held incommunicado since the summer and is believed to have been sentenced to three years in prison on dubious narcotics possession charges. Another case illustrating the authorities' intolerance of free speech is that of internationally acclaimed horse-breeding expert Geldy Kyarizov, who fell out of favour with the government over a decade ago. Kyarizov was finally allowed to leave the country in September 2015. However, he has reported facing continued intimidation in Russia where he now resides as he and his family have refused to keep quiet and have publicly shared their experience of harassment by the Turkmenistani authorities.

While a Turkmenistani government official claimed at the HDIM that information about the forcible removal of satellite dishes from residential buildings does not correspond to reality, official documents seen by TIHR indicates that this practice is in fact systematically implemented in the context of the preparations for the 2017 Asian Indoor Games to be held in Turkmenistan. As part of the preparations for these Games, the authorities have also continued to demolish apartment buildings in the capital Ashgabat and to forcibly evict residents with little notice, depriving them of both accommodation and belongings they do not have time to collect.

In connection with Independence Day on 27 October 2015, citizens were again mass mobilized for regime-praising celebrations, which included performing a new patriotic song composed by the president. As a result of time-consuming rehearsals, participants had to miss out on studies and work. However, this time, school children were reportedly spared from participating in the rehearsals. The

authorities also mass mobilized citizens for participation in this year's cotton harvest amid calls by the president to increase the pace of the harvest.

While young men of conscription age have already previously been banned from travelling abroad, TIHR learned that also young men who have completed the compulsory military service recently were prevented from leaving the country on the grounds that they may allegedly be recruited by military groups. Arbitrary bans on travelling abroad are a regular practice in Turkmenistan.

During his visit to Turkmenistan at the beginning of November 2015, US Secretary of State John Kerry was said to have raised human rights concerns, including the issue of political prisoners with President Berdymukhammedov. However, it is not known whether the Turkmenistani authorities took any concrete measures in follow-up to the visit. As previously, the fate of dozens of individuals imprisoned on politically motivated charges in Turkmenistan remains unknown, and the most recent presidential pardon is not believed to have benefited any prisoner in this category.

## Kazakhstan

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### General situation

In recent months, the **economic situation in Kazakhstan has continued to deteriorate**. Falling oil prices and other external developments have put pressure on the country's economy and resulted in considerably declining budget revenues. The value of the national currency has weakened, and a government decision to allow it to float freely in August 2015 saw it plunging further. Ordinary citizens have had to face rapidly growing costs on imported everyday goods, and layoffs have begun in the oil industry and other sectors. The situation is not expected to improve any time soon, with President Nazarbayev [warning](#) in October 2015 that a "real crisis is coming".

At the same time, there are concerns about a **worsening protection of labour rights**. The new Labour Code that was signed by the president on 23 November 2015 has been criticized for weakening the rights of employees; the new Criminal Code that entered into force in January 2015 further restricted the right to strike; and the new Trade Union Law adopted last year has resulted in that many trade unions now are at the treat of closure.

As highlighted in a [statement](#) issued by KIBHR in October 2015, the recent upsurge in incidents of harassment targeting civil society actors, media and online platforms appears to reflect attempts to rein in criticism and expressions of discontent against the backdrop of the deteriorating economic situation. (For more information on such incidents, see the sections on "Freedom of expression and the media" and "Freedom of association and assembly" below).

### Freedom of expression and the media

#### *Media situation*

As part of a pattern of forced media closures in recent years, **another magazine critical of the authorities was shut down** in October 2015:

- In February 2015, the Almaty City Court [upheld](#) a decision to close down the *ADAM bol* weekly over an article about the conflict in Ukraine, which was deemed to contain elements of "war propaganda". Following this decision, the journalists of the weekly initiated a new magazine,

*ADAM*, which, however, also soon was subjected to repressive measures. On 25 September 2015, the Almaty City Court upheld an August ruling by a lower-level court to suspend the publication of this magazine for three months. The reason stated was that the first editions of *ADAM* had been issued only in Russian, although the magazine had indicated both Russian and Kazakh as languages of publication when registering in March 2015. In order not to lose its readers, *ADAM* continued to post information on its Facebook page after the suspension took effect. This prompted further measures from prosecutors, who requested that the previously closed *ADAM bol*, *ADAM*, as well as *ADAM*'s Facebook page be deemed a "unified media outlet", as well as that *ADAM*'s license be revoked and a ban imposed on *ADAM* to publish its materials in any form off- or online. This request was upheld by an Almaty district court on 22 October 2015 and *ADAM* was closed down. The closure of the media outlet was [denounced](#), among others, by the OSCE Representative on Freedom of the Media Dunja Mijatović.

The same magazine was also the target of a defamation lawsuit involving an excessive request for moral damages:

- On 8 September 2015, an Almaty district court [ordered](#) *ADAM*'s chief editor to pay 50 million tenge (some 180 000 EUR) in moral compensation to the deputy head of the National Security Committee over an article published the previous month. This article reported allegations about the involvement of the security service official in unlawful actions. Later *ADAM* published a correction, saying these allegations were based on incorrect information. In spite of this, the district court awarded the claimant compensation to the full amount he requested. The decision was upheld on appeal. *ADAM* is expected to further file a cassation appeal.

This is another recent case where a media outlet was ordered to pay a large amount of compensation:

- As [previously reported](#), in the summer of 2015, the owner of the *Nakanune.kz* news portal was ordered by court to pay 20 million Tenge (about 75 000 EUR) to Kazkommertsbank - the country's largest private bank -- over an article discussing corruption allegations relating to construction projects commissioned by Almaty authorities. This decision was upheld on appeal, as a result of which the portal is at the threat of bankruptcy. Its representatives are now planning to file a cassation appeal.

In accordance with the new Civil Procedure Code, which will enter into force on 1 January 2016, the amount of state duties payable by claimants in defamation suits will hereafter depend on the amount requested in moral damages. The media watchdog Adil Soz [expressed hope](#) that this new provision will help prevent that huge defamation lawsuits are brought against media and journalists.

### *Attack on journalist*

A journalist writing about corruption issues related to government-initiated projects was recently physically assaulted, giving rise to concerns that she was targeted because of her professional activities:

- In the evening of 8 October 2015, as journalist and blogger **Bota Zhumanova** was returning to her home in Almaty, she was attacked outside the entrance of the apartment building where she lives. A young man in a tracksuit approached her from behind and beat her on the head, knocked her to the ground, and kicked her. After this, he fled without taking anything from her. Zhumanova required hospitalization for the injuries she sustained. The police opened an investigation into the attack, which was recorded by a video surveillance camera installed at the entrance of the building where the journalist lives. In late October 2015, it was announced that police had detained the suspected perpetrator, who reportedly said that he attacked the

journalist for the purpose of robbing her, but got frightened when hearing neighbours and ran off. Zhumanova [said](#) she does not believe his statements about the motives for the attack and expressed hope that police will thoroughly investigate allegations that she may have been targeted because of her work.

In many previous cases, attacks on journalists in the country have not been properly investigated and prosecuted.

### *Internet censorship*

Cases of **arbitrary blocking of websites** are regularly reported in Kazakhstan. In a recent example, in early September 2015, the popular information and analytical portal **Ratel.kz** and the news site **Zonakz.net** were both blocked without any court decision sanctioning such a measure and without any official explanation. At the end of November 2015, the two sites remained unavailable. Two other sites that were unavailable at that time were the video-sharing site **dailymotion.com** and the blog platform **tumblr.com**.

It also remains of concern that **access to online resources** is sometimes fully blocked because of **allegations that certain material posted on such resources is of an “extremist” or “terrorist” nature**. For example, on 7 September 2015, an Astana district court [ruled](#) to block, among others, the video hosting site **vimeo.com** on such grounds following a request from the Committee on Communications and Information of the Ministry of Investments and Development - the body in charge of monitoring and tracking down online content deemed unlawful. Only several weeks later was access to the site restored after the problematic content was reported to have been removed.

In an egregious example of indiscriminate blocking of websites because of alleged “extremist” content, access to the popular blog platform **LiveJournal** was blocked for four years (during which it was only temporarily available for short periods). On 11 November 2015, it was finally unblocked. According to the Committee on Communications and Information, this decision [was made](#) after LiveJournal informed it that prohibited material had been deleted from the site.

At a forum on counteracting violent extremism that was held in Astana in September 2015 and attended by representatives of authorities from Kazakhstan, Kyrgyzstan and Tajikistan, the social media sites Facebook, Twitter and YouTube were singled out as online resources containing “extremist” and “terrorist” propaganda. A representative of the Committee on Communications and Information [spoke](#) about what he said was a lack of control over what is posted on these sites, as well as difficulties in cooperating with them on counteracting the spread of illegal information. The statements made at the forum gave rise to **concerns that access to Facebook, Twitter and YouTube may also be restricted** in the country.

In October 2015, among others, parliamentary deputies from the pro-government *Ak Zhol* party [proposed](#) elaborating a new law regulating social media, arguing in particular that information posted on such media contributes to unlawful activities and includes “sexual propaganda” that is harmful for young people.

### *Problematic Criminal Code provisions*

In a growing number of cases, **journalists, activists and other individuals** have been charged in relation to their exercise of freedom of expression and other fundamental rights under **problematic Criminal Code provisions** that lend themselves to abusive implementation.

These include several cases where charges have been brought under the **broadly and vaguely worded Criminal Code provision banning “inciting” social, inter-ethnic or other “discord”** (article 174):

- On 12 October 2015, police detained civil society activist **Ermek Narymbaev** and political activist **Serikzhan Mambetalin** in Almaty on charges of “inciting inter-ethnic discord”. Three days later, on 15 October 2015, a local court sanctioned the arrest of the two activists for two months pending an investigation into the charges against them. This decision was later upheld on appeal. The detention of the activists took place the same day as representatives of the patriotic movement *Zheltoksan Akikat* held a press conference [calling](#) for the activists to be held responsible for “offending the Kazakh people” through social media posts. In these social media posts, the activists re-posted and commented on texts that previously had been posted on online portals with attribution to a book written by Murat Telibekov, head of the Muslim Union of Kazakhstan. Telibekov tried to publish the book in question over 20 years ago, but it was never published at that time since the whole print run was destroyed at the printing house allegedly for “technical” reasons. He has not tried to re-publish it since and has denied having anything to do with the online publication of the texts said to be from his book. A first hearing in the case of Narymbaev and Mambetalin was [held](#) on 9 December. If they are found guilty, they could face lengthy prison sentences. In a [statement](#), KIBHR condemned the criminal case against the two activists, saying it considers it an example of politically motivated persecution of critical voices, and called for their immediate release.
- As previously [reported](#), in June this year, Muslim Union head **Murat Telibekov** was himself informed that a criminal case on “inciting inter-ethnic discord” had been opened against him over the book he tried to publish two decades ago. This was done on the basis of a complaint from a group of public figures who claimed that the books was offensive to the national honour and integrity of Kazakhs. In mid-October 2015, prosecutors suspended the criminal proceedings against Telibekov pending an inquiry into the online texts attributed to his book. However, the case against him has not been closed. Telibekov believes that the case is related to his attempt to run as an independent candidate in the April 2015 presidential elections, for which he was not able to register since he did not pass the required Kazakh language exam.
- In October 2015, a criminal case was opened against civil society activist **Bolatbek Blyalov** on charges of “inciting social discord” because of posts made on social media, including on his Facebook page and on YouTube. Police searched his Astana home, confiscating a computer, mobile phones and documents on 30 October and detained him on 9 November. Two days later, a court [sanctioned](#) his arrest for two months, under part two of Criminal Code article 174, which foresees harsher penalties for “leaders of public associations”. Blyalov heads an NGO called the Democracy and Human Rights Institute and has, among others, provided legal assistance to citizens in cases concerning property confiscations and demolitions. He is also an active member of the Antiheptyl movement, which campaigns against the launching of Russian space rockets powered by a toxic heptyl fuel from the Baikodur Cosmodrome located in Kazakhstan’s desert steppe.
- On 4 November 2015, a district court in the Zhambyl region [began hearing](#) the case of blogger **Ermek Taychibekov**, who has been charged with “inciting inter-ethnic discord” over posts where he argued that Kazakhstan should join Russia. The case against him was opened on the basis of a complaint from an Almaty resident. Prior to the start of the trial, Taychibekov was subjected to a forcible psychiatric examination aimed at determining whether he was fit to stand trial.

In two other cases, the individuals concerned have been charged with “**spreading false information**” (Criminal Code article 274) and calling for “**separatism**” (article 180), respectively, which are also both so **vaguely worded** that they may be used to restrict the legitimate exercise of freedom of expression:

- A criminal case on “spreading false information” through the use of media and social media [was opened](#) against Pavlodar-based human rights defender **Elena Semenova**, who is a member of the Kazakhstani NGO Coalition against Torture, the Public Monitoring Commission (PMC) and the National Preventive Mechanism against Torture (NPM), in October 2015. On 30 October, she was summoned for questioning. The case against Semenova concerns posts she made on Facebook about allegations of the use of torture and ill-treatment in prison facilities in the Pavlodar region. It was opened following a complaint from the head of the region’s prison system administration, who claimed that her posts create a risk of “violations of public order” among prisoners. Semenova documented allegations of torture during discussions held with prisoners when she visited regional prisons together with other PMC and NPM members, and in some cases representatives of the prosecutor’s office. This information has also been used for dozens of complaints submitted to various authorities. The NGO Coalition against Torture [said](#) that it considers the case against Semenova an attempt to prevent information about violations of the rights of prisoners from becoming publicly known, as well as a warning to other PMC and NPM members.
- **Igor Sychev**, the administrator of a *Vkontakte* page entitled “Overheard in Ridder”, was charged with propagating separatist activities through the use of media (Criminal Code article 180, par. 2) because of a survey posted on the page he administers in spring 2015. The survey in question asked readers to imagine that a vote would be held in the city of Ridder and to express their opinion as to whether the East Kazakhstan Region - where Ridder is located - should join the Russian Federation. Sychev has said that he did not create this survey, but only agreed to post it on the *Vkontakte* page and that he removed it after concerns were raised about it. He denied having any separatist intentions. However, on 18 November, a Ridder court [found him guilty](#) and sentenced him to five years in prison. Sychev’s lawyer said that they are appealing the verdict.

The new Criminal Code, which entered into force this year, **retains sanctions for defamation**. It also **provides particular protection to public officials** against slander, although international human rights experts have emphasized that public officials must tolerate a higher level of criticism than other individuals and that criminal defamation charges must not be used to obstruct scrutiny and criticism of their actions.

- On 29 October 2015, it was [reported](#) that a local court in the South Kazakhstan Region had sentenced **Amangeldy Batyrbekov** - head of the Adilet public association - to one and a half years of deprivation of liberty on charges of defamation. These charges related to an article published in Adilet’s newspaper in April 2015 where Batyrbekov questioned the lawfulness of the actions of the region’s deputy prosecutor in two legal cases. Batyrbekov was hoping to attract the attention on the General Prosecutor to these cases.

(See also the chapter on “Access to justice, non-discrimination and the protection of vulnerable groups” for a recent case where a Protestant believer was convicted of “inciting religious discord” for sharing his faith with others).

## Freedom of association and assembly

### *New NGO legislation*

The **new legislation on NGOs** that the government submitted to the parliament this summer was approved by the *Majlis* (the lower house) in late September 2015 and by the Senate in early November

2015. It was signed by the president on 2 December 2015 and will enter into force on 13 December 2015.

As [detailed](#) in an analysis by KIBHR Chair of the Board Yevgeniy Zhovtis, the new legislation **contains a number of problematic and vaguely worded provisions** that could result in restrictions on the freedom of association of NGOs.

The Ministry of Culture and Sports will be granted new broad powers to monitor and oversee the activities of NGOs. This ministry will be in charge of overseeing a new government database on NGOs, to which NGOs will be required to provide information. Failure by NGOs to provide required or “correct” information could result in that they are fined or suspended for three months.

The draft legislation further foresees the establishment of a so-called operator that will be in charge of allocating both state and non-state grants to NGOs. Its powers will also extend to grants provided by international and foreign organizations “on a voluntary basis”. No details are provided with respect to how this body will be set up or how it will carry out its work, giving rise to concerns as to how the impartiality and transparency of its decisions will be ensured.

The new legislation also contains wording, according to which grants will be allocated to NGOs for work in certain listed areas of activities, which do not include, among others, human rights protection. This provision is not consistent with previously existing legislation, in particular the Law on Non-commercial Organizations, which sets out a much broader scope with respect to the areas in which such organizations can operate. Representatives of the government have indicated that the provision in question is not intended to restrict the areas of work of NGOs; however, as currently worded, it is open to such an interpretation and creates uncertainty.

While representatives of NGOs actively took part in the discussion of the draft legislation at all stages, their suggestions on key aspects were disregarded. In a [joint appeal](#) issued in September 2015, **several dozen Kazakhstani human rights NGOs voiced their concerns about the draft legislation** on NGOs and called on the president to ensure that it is reviewed in terms of its compliance with national and international human rights standards, as well as to veto it if needed. The following month the office of the [UN High Commissioner for Human Rights](#) and the [UN Special Representative](#) on the right to freedom of peaceful assembly and of association both warned that the adoption of the draft law may result in violations of international human rights standards.

### *Pressure on trade unions and closure of opposition party*

Trade unions that have failed to re-register under new Trade Union Law adopted last year remain at the threat of closure. As previously [reported](#), when the deadline for re-registering under the new law was approaching in July 2015, local authorities sent notifications to trade unions, warning them that they may face liquidation lawsuits if they did not re-register. In an [appeal](#) sent to the president in September 2015, **the independent Confederation of Free Trade Unions of Kazakhstan (CFTUK) stated that this federation and its member unions have not been able to re-register** because authorities first repeatedly returned their registration documents due to alleged mistakes and thereafter refused to grant re-registration because the deadline had expired.

In November 2015, the independent, unregistered Zhanarty trade union [reported](#) that oil industry workers in the Mangystau Region are being pressured by employers to join state-controlled trade unions rather than independent ones.

On 17 September 2015, an appeals court upheld the August 2015 decision by an Almaty court to **close down the opposition Communist Party of Kazakhstan** because it allegedly did not have the required number of members for registration. Similarly to the first trial, the appeal hearing was held in the absence of any representatives of the Communist Party.

## *Restrictions on freedom of assembly*

When presenting its annual report on the human rights situation in Kazakhstan in October 2015, the presidential Human Rights Commission [recommended](#) that the government elaborates and adopts a new law on assemblies, noting that the current law was adopted over 20 years ago and does not correspond to international standards. The current law has been widely criticized by civil society and international human rights bodies. Following his visit to Kazakhstan in January 2015, the UN Special Rapporteur on the freedom of peaceful assembly and of association also [voiced](#) strong criticism of current legislation and practice in this area and called on the Kazakhstani authorities to adopt a new law on assemblies in compliance with international human rights law, with the participation of civil society.

While pre-authorization is needed to hold assemblies, **requests to hold peaceful protests are often rejected on various pretexts**, including in cases when such protests are proposed to be held in remotely located areas that have been specifically designated for this purpose. These are two recent examples of such rejections:

- A request by a group of publicly active citizens to organize a protest against the devaluation of the tenge in Almaty on 27 September 2015 was rejected by local authorities on the grounds that a student gathering allegedly already was planned for the same place and same time. A new request by the same group to hold a protest on 3 October 2015 was also rejected, this time because the request allegedly did not contain all required information about the organizers.
- Representatives of trade unions operating at 16 oil-extraction companies requested permission to organize a peaceful assembly in the city of Aktau on 14 August 2015 to protest against the adoption of the new draft Labour Law. However, local authorities [did not grant](#) permission, arguing that the provision of particularly designated venues for holding assemblies temporarily had been put on hold following an initiative by the city's prosecutor.

**Participants in peaceful, unauthorized protests are regularly detained and sanctioned**, and activists and even journalists covering such events are “preventively” detained ahead of protests.

- On 9 October 2015, some 30 people gathered outside the National Bank in Almaty to protest the current program for re-financing mortgage loans that bank customers are not able to pay off. Already prior to the start of the protest, blogger **Andrey Zukanov** [was detained](#) by police as he was approaching the place. Later civic activist **Dilnar Insenova** and four others present at the event were also detained. Zukanov was released after being held for some five hours, while the other five were [brought to court](#) the same day and fined for holding an unauthorized assembly. Police initially prevented the lawyer of Dilnar Insenova from entering the court building, using forceful methods, and monitors were not allowed to attend the other trials.

In a case that attracted much attention, civic activist **Ermek Narymbaev** was “preventively” apprehended in August 2015 and sentenced to 20 days’ administrative detention after announcing on Facebook that he planned to go to Almaty’s Republic Square to protest the free float of the tenge. On 1 September 2015, the UN Special Rapporteur on the freedom of peaceful assembly and of association [called](#) on the Kazakhstani authorities “to immediately release and drop all charges against civil society activist Ermek Narymbaev, and to end what appears to be the criminalization of peaceful protests.” As described above, Narymbaev is now in pre-trial detention on charges of “inciting inter-ethnic discord” for posts made on Facebook (see the section on “Freedom of expression and the media”).

## Access to justice, non-discrimination and the protection of vulnerable groups

### *New Civil Procedure Code and complaints to UN human rights bodies*

On 31 October 2015, Kazakhstan's President Nazarbaev **signed the new Civil Procedure Code**, which will enter into force on 1 January 2016. Among others, the new Code for the first time **provides for the possibility of webcasting court proceedings**, as part of ensuring transparency of trials (article 19). It also protects the right of vulnerable groups of the population to receive **free legal assistance** (article 112). (For additional information on this Code, see "Freedom of expression and the media").

**KIBHR continues its efforts to assist with the submission of petitions to UN human rights bodies** in cases where defendants have been tried in cases involving violations of the right to equality of arms, the right to defence and other fair trial rights. This is one case where a complaint was recently submitted:

- In October 2015, KIBHR and the lawyer of **Vladislav Chelakh** - who was sentenced to life imprisonment in a case that attracted wide attention - [learned](#) that the UN Human Rights Committee had admitted for consideration a petition submitted in this case. In December 2012, Chelakh was convicted of killing 15 people at a Kazakhstani border post where he was serving as a conscript. Following the conviction, KIBHR [expressed](#) serious concern about the objectivity and impartiality of the proceedings against Chelakh, noting that he was presumed guilty from the start and that the court failed to thoroughly investigate alternative versions of the tragic events at the border post. When first held in pre-trial detention, Chelakh was [denied access](#) to lawyers of his choice. He initially confessed to the charges against him, but later withdrew his confession saying he had given it under pressure.

### *Treatment of prisoners serving sentences deemed politically motivated*

As previously, **there are concerns about the treatment in prison of individuals who have been convicted on charges believed to be politically motivated in unfair trials.**

- As already [reported](#), in July this year imprisoned Alga opposition party leader **Vladimir Kozlov**, who is serving a 7.5-year sentence for his alleged role in the 2011 Zhanaozen events, was subjected to stricter prison conditions with restrictions on communication, contacts with family etc. He has also repeatedly been subjected to solitary confinement for alleged violations of prison rules. On 8 December 2015, the Kachagay City Court [rejected](#) Kozlov's request for release on parole with reference to penalties imposed on him for his behavior in prison. He could qualify for release on parole after having served half of his sentence, which was the case in October 2015.
- In September 2015, it was [reported](#) that imprisoned human rights defender **Vadim Kuramshin** had also been subjected to stricter prison conditions as of the previous month after repeatedly being penalized for alleged violations of prison rules. Kuramshin, who was sentenced to 12 years in prison on extortion charges believed to be retaliation for his human rights work in 2012, has complained about pressure by prison authorities and has launched a number of hunger strikes to protest his treatment.
- Poet and dissident **Aron Atabek**, who is serving an 18-year sentence for allegedly organizing riots in 2006, has submitted numerous complaints to court about his treatment in prison. On 22 October 2015, the Supreme Court [declined](#) to review his complaint, in which he requested the court to recognize the treatment of him as cruel and degrading and the lengthy solitary

confinement to which he has been subjected as unlawful. His lawyer announced plans to bring the case to the UN Human Rights Committee.

### *Concerns about extradition requests*

The Kazakhstani authorities continue to **seek the extradition of opposition figures** who have fled to Europe amid concerns about the safety and well-being of such individuals in the event of extradition.

- In mid-October 2015, it became known that the French prime minister had signed an order to extradite well-known Kazakhstani opponent **Mukhtar Ablyazov** to Russia, where he is wanted on fraud and embezzlement charges in a case involving Kazakhstan's BTA Bank. Earlier this year France's Cassation Court rejected an appeal by Ablyazov against a lower-level court decision to extradite him. Human rights NGOs have [expressed](#) serious concern that Ablyazov may be sent further to Kazakhstan from Russia and that there is a credible risk that he will be denied a fair trial and subjected to torture and ill-treatment if he is extradited. Ablyazov was arrested in France in June 2013. France does not have any extradition agreement with Kazakhstan, unlike with Russia. Ablyazov's lawyer announced that they would appeal the prime minister's decision to the Council of State, the final French appeal authority in this case.

### *Discrimination issues*

**So-called non-traditional religious communities remain vulnerable to harassment and discrimination by authorities.** The following case against a Protestant believer is of concern as part of a wider trend of using broad charges of "inciting discord" against individuals exercising their fundamental rights (see also the section on "Freedom of expression and the media" above).

- On 9 November 2015, an Astana court found Seventh Day Adventist **Yklas Kabduakasov** guilty of "inciting religious discord" and sentenced him to seven years of restricted freedom. During this period, he will be subject to court-imposed control and he will not be allowed to change his place of residence or work without informing the authorities nor visit places of public entertainment such as restaurants or cafes. The charges against him [were related](#) to his efforts to discuss his faith with others and to offer Christian books to them, i.e. to his exercise of his right to freedom of religion. He had been held in pre-trial custody since mid-August 2015. In May this year, Kabduakasov was warned by security services that he was engaging in "illegal missionary activities". He is also believed to have been subjected to surveillance by security services for months before his arrest. Kabduakasov's lawyer announced that she is appealing the sentence.

KIBHR's lawyer provided legal assistance in the following case concerning **discrimination on the grounds of disability**.

- When attempting to visit the Alma City casino in the city of Kapchagay with a friend in June this year, **Vadim Kodintsev** was [denied](#) access because he uses a wheelchair. The following day a representative of the casino confirmed on the phone that people in wheelchairs are not allowed to visit the establishment. Both conversations were recorded. On 7 September 2015, a Kapchagay court began hearing a lawsuit filed by Kodintsev against the casino. However, at a later hearing on 22 October 2015, the judge ruled to leave the lawsuit without consideration because Kodintsev's lawyer was not present in court. His lawyer was not able to attend this hearing due to surgery for appendicitis, of which she had informed the court.

# Tajikistan

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## General situation

On 4 September 2015, **two armed attacks took place** in Tajikistan: one on a police station in the city of Vakhdat east of the capital and another one on a military depot in Dushanbe. As a result of these attacks, 9 police officers were killed. According to the [Ministry of Internal Affairs](#), the attacks were organized by a "terrorist group" led by General and former Deputy Defense Minister Abduhalim Nazarzoda, who was subsequently killed in the course of a special security operation launched in response to the attacks. The Ministry [claimed](#) that Nazarzoda was a member of the opposition Islamic Renaissance Party of Tajikistan (IRPT) and had received "direct instructions" and acted "under the leadership" of IRPT's Chair Mukhiddin Kabiri, who resides abroad. Kabiri categorically [denied](#) that he or his party had anything to do with the attacks. The IRPT also [refuted](#) the claims that the general was a member of this party, pointing out that national legislation prohibits army officials from belonging to political parties.

However, the Tajikistani authorities continued to assert that the IRPT was linked to the armed attacks and in the following weeks, **over 20 IRPT members were arrested on accusation of involvement in the attacks and the IRPT was banned as a "terrorist" and "extremist" organization**. Two lawyers **defending the rights of arrested IRPT members were arrested on fraud charges**. The UN, the EU, the United States and other **international actors responded with concern** to the measures taken against the IRPT and its representatives, and called on the Tajikistani authorities to uphold the rule of law and comply with their international human rights obligations. (See more about these developments in the section on "Freedom of association and assembly", as well "Access to justice" below).

A brief presented by the World Bank in mid-November 2015 [highlighted](#) the **current economic slowdown** in Tajikistan, a major reason for which is the **decrease in remittances from labour migrants** in Russia due to weakening of the ruble and the [steady decline](#) of the number of Tajikistani labour migrants working there. According to the World Bank's [country manager](#), "Remittances are the second largest source of household income in Tajikistan, so this sharp decline in remittances is limiting household consumption and is putting the sustainability of recent gains in poverty reduction at risk". At the same time, the weakening of the national currency somoni in relation to foreign currencies has resulted in increasing prices on imported foodstuff and other products.

## Freedom of expression and the media

### *Blocking of websites and SMS services*

As previously reported, arbitrary blocking of websites and restrictions on text messaging services are a regular occurrence in Tajikistan. The government's Communications Service has consistently denied responsibility for such incidents, although internet and cell phone providers have reported receiving informal orders from it.

According to media reports, internet providers [received](#) an unofficial order to **block access to Facebook and YouTube** at the end of August 2015 and were only [instructed](#) to restore access to these resources about a month later. In a development that was believed to be related to the launch of the special security operation following the armed attacks in Dushanbe and a nearby city, cell phone providers [disabled](#) **text messaging services** for their clients for several days in early September 2015.

When the Tajik version of the *Ozodagon* news site became [unavailable](#) to users at the beginning of October 2015, the representatives of the site sent a letter to the Communications Service inquiring about the reasons for this. In response, the head of the service, Beg Sabur [stated](#) that online resources may only be officially blocked on the basis of a decision by the Supreme Court. According to him, in other cases, with which his service “has nothing to do” sites are blocked as a result of maintenance work, the replacement of equipment, interruptions in electricity supply and similar reasons. He promised that the Communications Service, within its powers, would help ensure that access to *Ozodagon* is restored. In mid-November, *Ozodagon* [reported](#) that the Russian version of its site had been blocked. In late November, both versions of the site were available again.

The Finnish-Swedish **TeliaSonera telecommunication company**, which holds a controlling stake in the Tcell provider in Tajikistan, **has publicly acknowledged that it has blocked dozens of websites at the request of the authorities of the country**. In accordance with a recent company policy to inform about developments with a potentially serious impact on freedom of expression in countries where it operates, the company has [published](#) updates on its website listing requests received to block websites in Tajikistan since October 2014. In September this year, TeliaSonera announced plans to exit the Central Asian market, including Tajikistan.

According to the head of the Association of Internet Providers in Tajikistan, the repeated occurrence of blocking of websites has resulted in that a **growing number of internet users** in the country are [resorting to proxy servers](#) to access online resources that are otherwise unavailable. He believes that as many as 50% of all internet users may be using such services.

### *New legislation*

**Amendments to legislation on counteracting terrorism** adopted by the parliament’s lower house on 25 November 2015 [grant](#) the **State Committee for National Security powers to block access to internet and cell phone services** during the period of anti-terrorism operations. The Committee will have powers to initiate such measures not only in the areas where anti-terrorism operations are carried out, but also **on the whole territory of the country** when deemed necessary. These amendments will serve to create a legal basis for a practice that has already been used during anti-terrorism operations on a number of occasions. Amendments to legislation on the state of emergency adopted in 2014 already grant authorities broad powers to restrict internet and cell phone services in emergency situations.

## Freedom of association and assembly

### *The situation of NGOs*

As previously [reported](#), amendments to the Law on Public Associations adopted this summer require NGOs to report information about international and foreign grants for inclusion in a special government registry prior to using these funds. While the amendments entered into force in August 2015, **the Ministry of Justice has yet to adopt instructions detailing the procedure for reporting information about grants**, as well as relevant timelines. This has **created uncertainty among NGOs** as to how the new provisions will be implemented and what is expected from them. Some NGOs have submitted freely formulated notices with information about grants received, the amount, and donor, while other NGOs have decided to wait for the government instructions before reporting information about grants. An open question is whether the requirement to report grants also will apply to branches of international NGOs that are operating in Tajikistan and are registered in accordance with the Law on

Public Associations. Some of these NGOs are themselves grant-providing organizations, which complicates the situation.

**It remains of concern that existing legislation does not regulate the conduct of inspections of the activities and finances of NGOs in any detail**, leaving wide discretion to tax, law enforcement and other authorities conducting such checks. While the amendments to the Law on Public Associations that entered into force in August 2015 state that a procedure for inspections “is approved” by the Ministry of Justice, the Ministry is not known to have elaborated any regulations to this end so far.

**Nota Bene remains at the threat of closure.** As previously [reported](#), this summer the Tax Committee brought a lawsuit against Nota Bene, requesting that it be closed down because it allegedly took advantage of gaps in the legislation when registering as a “public foundation” rather than as a “public association” in 2009. Both of these types of NGOs are foreseen by national law, although they are regulated by different laws. While public associations are registered with the Ministry of Justice, the Tax Committee deals with the registration of public foundations. Up to now two court hearings in the case of Nota Bene have taken place at the Ismoili Somoni District Court in Dushanbe, where the Tax Committee turned after its lawsuit first was rejected by the Dushanbe Economic Court. **The Tax Committee has declined an offer by the judge in the case to settle with Nota Bene** and has continued to insist that the organization be closed down. During the first hearing, Nota Bene’s representatives requested that the Ministry of Justice be asked to provide an expert assessment with respect to the process of registering public foundations in the country. However, as representatives of the Ministry of Justice were not able to attend the scheduled hearings, the trial was postponed. Currently it is not known when the next hearing in this case will take place.

### *The Islamic Renaissance Party*

On 29 September 2015, the Supreme Court [ruled](#) in favour of a suit filed by the General Prosecutor’s office **to declare the Islamic Renaissance Party of Tajikistan (IRPT), the country’s largest opposition party, a “terrorist” and “extremist” organization** and to prohibit its activities in the country. The court also banned the party’s newspaper, its website, as well as the distribution of party literature and other material.

The Supreme Court’s decision meant that Tajikistan’s largest opposition party and the only registered Islamic party in Central Asia was closed down. IRPT was a member of the United Tajik Opposition that signed the 1997 General Agreement on the Establishment of Peace and National Accord, which ended the civil war and provided for a power-sharing deal by establishing a 30% quota for the representation of opposition representatives on executive positions. IRPT was represented in the parliament until the March 2015 parliamentary elections, where it failed to gain any seats according to the official results. During the election campaign, as well as after the elections, IRPT and its members reported being subjected to growing pressure. In August 2015, the Ministry of Justice [warned](#) the IRPT that its activities were “illegal”.

In a [press release](#) issued on 17 September 2015, the **General Prosecutor’s Office accused IRPT Chair Mukhiddin Kabiri, who resides abroad, of organizing the armed attacks** that took place at the beginning of September. It also announced that 13 IRPT members had been arrested on suspicion of involvement in the attacks. Two party deputy chairs were [arrested](#) the previous day in connection with a special law enforcement operation carried out in response to the attacks. Other IRPT members reportedly had their passports confiscated to prevent them from travelling abroad. According to a [statement](#) issued by the General Prosecutor’s Office on 6 October 2015, a total of **23 representatives of the IRPT’s leadership had been arrested and charged** with “terrorism”, “inciting racial, ethnic, regional or religious enmity” and other crimes.

IRPT chair Kabiri has [insisted](#) that he and his party does not have anything to do with the September attacks.

The banning of the IRPT and the arrests of party members were met with concern by the international community. The Office of the UN High Commissioner for Human Rights [voiced](#) concern about “an increasing risk of human rights violations” in this context, noting that the recent measures “followed a long-running campaign of pressure, intimidation and a subsequent crackdown by the Government on the IRPT”. It called on the Tajikistani authorities to “ensure that any measures taken in the fight against ‘terrorism’ or ‘extremism’ are fully in line with international human rights law”. The EU’s European External Action Service [said](#) that the decision to ban IRPT “adds a further restriction on the freedom of political expression and on pluralism” in Tajikistan and emphasized that the government “must guarantee the fundamental freedoms of all Tajik citizens and uphold the rule of law” in the pursuit of security operations. The United States likewise [expressed](#) concern about the measures taken against the IRPT and its members after the armed attacks, emphasizing that “it is vitally important to distinguish between peaceful political opposition voices and violent extremist acts”. It urged Tajikistan’s government to “fully implement” its international commitments and obligations on freedom of expression, association and assembly and to “resolve” the cases of the arrested IRPT members “in a prompt, fair, and transparent manner”.

International human rights NGOs also criticized the measures targeting the IRPT and its members. Among others, Amnesty International [warned](#) that the arrested IRPT members were at risk of torture and unfair trial.

At the end of November 2015, it was reported that the Supreme Court had [handed down](#) a first sentence in the cases of the arrested IRPT members: Hasan Rahimov was sentenced to nine years in prison on charges of involvement of terrorist and extremist activities in a trial held behind closed doors.

In another alarming development, two lawyers defending arrested IRPT members have themselves been arrested (see more in the section on “Access to justice” below).

## Access to justice, non-discrimination and the protection of vulnerable groups

### *Law on the Bar and the Practice of Law*

As previously [reported](#), the new Law on the Bar and the Practice of Law that entered into force in March this year has been criticized for threatening the independence of the legal profession by introducing a new qualification procedure for lawyers. In accordance with the law, those wishing to obtain the status of lawyers must pass an exam held by a qualification commission established under the Ministry of the Justice, which is headed by a representative of this Ministry and include members from it. Lawyers already working in the country when the law entered into force were given one year to pass the new qualification exam, while lawyers with more than 10 years of experience were exempt from this requirement. However, amendments to the law adopted by the parliament and signed into force by the president in November 2015 abolished this exemption and require practicing lawyers to undergo re-certification with the qualification commission every five years to show that they have improved their qualifications. Lawyers who fail to do so may be deprived of their status as lawyers.

The new amendments further introduced additional restrictions on access to the legal profession by broadening the grounds on which legally trained individuals are not eligible to obtain a lawyer’s license. Among others, individuals who have a criminal record or who have been dismissed from judicial, law enforcement or other public authorities for “breaches of the professional oath” are not eligible. The

amendments have reinforced concerns that the independence of the legal profession is being undermined in the country.

Another requirement set out by the new Law on the Bar and the Practice of Law was for a national Union of Lawyers to be established. All who have been certified as lawyers will hereafter be required to be members of this union in order to be able to carry out their work. Previously there has not been any nation-wide structure bringing together lawyers, but lawyers have worked in the framework of a number of different bar associations. Within the six-month time limit provided for by the new law, a **lawyer's congress was held in Dushanbe on 17 September 2015 to establish a national Union of Lawyers**. Members of governing bodies of this new organization were elected and an application for registration as a legal entity was submitted to the Ministry of Justice. At the beginning of December, the **application for registration was still pending** with the Ministry. In order to continue their work without interruption, already practicing lawyers need to join the new Union of Lawyers and pass the new qualification exam within one year as of the entry into force of the new Law on the Bar and the Practice of Law. As the law entered into force in March 2015, not much time is left for them to meet these requirements.

### *Arrests of lawyers*

In the recent period, lawyers working on politically sensitive cases have been subjected to growing pressure. **The arrests of several lawyers since September this year are of serious concern.**

Lawyer **Buzurgmehr Yorov** was arrested by police in Dushanbe on 28 September 2015. At that time, he was providing legal assistance to leading IRPT members and headed a public committee set up to defend the rights of IRPT members. Shortly before his arrest, he publicly stated that one of the IRPT members he was defending allegedly had been subjected to ill-treatment in detention. In connection with Yorov's arrest, police reportedly confiscated all documents concerning the cases of arrested IRPT members in the Sipar lawyer's office where he was working, in violation of the confidentiality of communications between lawyers and their clients. The day after Yorov's arrest, the Ministry of Interior issued a [press release](#), saying that a criminal case on fraud and forgery had been opened against him. He was accused of "fraudulently appropriating a large amount of money from citizens", in particular by requesting a sum of 4000 USD from a local resident to help ensure the release of an individual charged with murder. He was also accused of using a fake certificate concerning the technical inspection of a motor vehicle. Later the Ministry of Interior [claimed](#) to have obtained information about additional cases where Yorov had promised clients to help ensure a favourable outcome in legal cases in exchange for money, without proving any assistance.

The case against Buzurgmehr Yorov **attracted considerable international attention**. The [UN Office of the High Commissioner for Human Rights](#), the [EU](#) and the [United States](#) expressed concern about his arrest, and a number of international human rights organizations [called](#) for his release. In mid-October, the case against Yorov was "[classified](#)", meaning that no details about it may be publicly disclosed by any party with insights into it, including by his lawyer.

Shortly after this, on 22 October 2015, Yorov's lawyer and colleague **Nuriddin Mahkamov** [was arrested](#) by police. Mahkamov, who also has been working at the Sipar lawyer's office and provided legal assistance to one of the arrested deputy heads of the IRPT, was accused of "fraudulent activities" involving the use of a motor vehicle. In late November, Mahkamov, was [reported](#) to have launched a hunger strike to protest the lack of impartiality of the investigation against him and what he say as the obstruction by authorities of his defence.

Yet another lawyer from the Sipar lawyer's office, **Dilbar Dodadzhonova** was arrested by officers from the government's Anti-corruption Agency on 26 October 2015. According to a [statement](#) issued by this agency on 2 November, a criminal case on large-scale fraud has been opened against Dodadzhonova,

who is accused of requesting 10 000 USD from a citizen to help ensure that a dispute concerning a plot of land was solved in his favour. This accusation is similar to that levelled against Yorov. Dodadzhonova is not known to have been involved in defending IRPT members.

Fraud charges have also previously been used against lawyers in Tajikistan. In particular, lawyer **Shukhrat Kudratov** is currently serving a five-year prison sentence on charges bribery and fraud after being convicted earlier this year. The charges against him are believed to have been motivated by his work on high-profile cases and have been widely criticized.

### *Issues concerning religious freedom and tolerance*

As previously reported in its [2015 annual report](#), the US Commission on International Religious Freedom (USCIRF) denoted Tajikistan as a country of particular concern considered to engage in or tolerate “particularly severe violations of religious freedom”. At the beginning of November, this Commission issued a press release [criticizing the Tajikistani government’s ongoing efforts to control religious activities](#), including the ban of the IRPT and the arrest of IRPT activists. It stated: “The government’s suppression of independent religious activities provides yet another example of the Tajik government using its overly broad extremism law against peaceful and independent Islamic religious activity or affiliation, a counterproductive approach that risks increasing radicalization rather than reducing it.” The USCIRF also [urged US Secretary of State John Kerry to raise religious freedom concerns when visiting Tajikistan](#) as part of a tour to all Central Asia countries. In remarks made after meeting with President Rakhmon in Dushanbe on 3 November, Kerry [said](#) the two had, among others, discussed how to fight against violent extremism “in a way that balances human rights, religious freedom [and] the ability of people to be able to participate politically”.

The following case sparked a public outcry in September 2015:

- **Umar Bobojonov**, a Tajikistani student at a university in St. Petersburg who was visiting his home city Vakhdat during the summer holidays, [died](#) in hospital on 4 September 2015 after lying in coma for a week. When walking in a local park on 28 August, Bobojonov was allegedly detained and thereafter severely beaten by police. In the morning of 29 August, he was hospitalized in a serious condition. His family insisted that he was targeted because he was wearing a beard. In response to the attention to the case, Minister of Interior Ramazon Rahimzod [ordered](#) a special investigation to be opened into it. Currently the investigation continues.

Earlier this year cases of detentions and forced shaving of bearded Muslim men by law enforcement officials were reported and appeared to form part of efforts targeted at expressions of so-called non-traditional Islam in Tajikistan. The Ministry of Interior has denied that any official orders have been given for such measures and have stated that all complaints about unlawful actions will be investigated.

## Turkmenistan

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### General situation

Turkmenistan remains one of the most closed countries in the world, where fundamental freedoms are seriously restricted. At the same time, the **personality cult surrounding current President Gurbanguly Berdimukhammedov is thriving**. While citizens have long been mass mobilized for events

to sing the president's praise, the president has now also personally composed a [patriotic song](#) to be performed on such occasions, such as the Independence Day celebrations on 27 October 2015.

In September this year, an official Turkmenistani delegation attended the annual OSCE Human Dimension Implementation Meeting (HDIM) in Warsaw for the first time in 12 years. The delegation was present at the meeting two days, during which it participated in two sessions, before it [left](#) ahead of time. In statements made at the HDIM, as well as in a press release published thereafter, the government strongly resented criticism voiced by other participants about Turkmenistan's human rights policies, which showed again that it does not welcome an open dialogue on these issues. (See more in the section on "Freedom of expression").

Ahead of US Secretary of State John Kerry's visit to Central Asia at the end of October-beginning of November 2015, human rights groups urged him to use his visit to raise pressing human rights issues. IPHR, TIHR, KIBHR and Nota Bene issued a [joint appeal](#) with such a message. According to the US Department of State, during his talks with President Berdymukhammedov, Kerry emphasized that while the US wants to work with Turkmenistan on countering terrorism, such efforts must be carried out in a way that respects human rights and religious freedoms. He was also said to have raised issues related to press freedom and political prisoners (on the last issue, see more in the section on "Access to justice").

## Freedom of expression and the media

### *Government hostility to criticism*

At the HDIM, Turkmenistan's delegation attended two sessions devoted to freedom of expression issues. Deputy Foreign Minister Vepa Khadjiev, who spoke on behalf of the delegation, [defended](#) the country's record in this area and dismissed criticism (see more below). He also expressed discontent about the language used by some HDIM participants when speaking about the policies of the Turkmenistani government and called on human rights defenders to "mind their words".

Later the Turkmenistani Ministry of Foreign Affairs issued a [press release](#), accusing HDIM participants of a "a series of subjective, provocative attacks and biased comments about Turkmenistan", which it said were aimed at "putting pressure on members of the Turkmen delegation" and "discrediting the country's image". The ministry also said that it was "regrettable" that some of these statements were cited in electronic media "with a corresponding negative connotation". This press release demonstrated the Turkmenistani government's hostile attitude to any criticism of its human rights policies.

### *Intimidation and harassment of "inconvenient" individuals*

Journalists working for foreign media, such as the Prague-based Turkmenistan service of Radio Free Europe/Radio Liberty, as well as other individuals who dare to criticize government policies continue to be subjected to persecution.

This case is of serious concern:

- As previously [reported](#), Saparmamed Nepeskuliev, a freelance journalist working with the RFE/RL's Turkmenistan service and the Netherlands-based Alternative Turkmenistan News (ATN), disappeared in July this year and was later found to have been detained on narcotics possession charges, which are believed to be politically motivated. In early September, it was [reported](#) that Nepeskuliev had been sentenced to three years in prison on 31 August. The sentence has, however, not been confirmed by the Turkmenistani authorities. Media and

human rights organizations have [raised concerns](#) that Nepeskuliev's family members and lawyer have not been able to obtain a copy of the judgement or visit or be in contact with him. The case against the journalist has attracted international attention and at the HDIM in Warsaw, the Turkmenistani delegation was asked about it. Head of the delegation Vepa Khadjiev [brushed off](#) calls for Nepeskuliev's release and insisted that the latter "is not a journalist". Writing under a pseudonym, Nepeskuliev has published articles about issues such as corruption, problems in the health care system and water shortages.

**The following case illustrates the dangers of speaking up about the situation in Turkmenistan, not only for those who reside in the country but also those who have left the country:**

- As previously [reported](#), **Geldy Kyarizov** - an internationally acclaimed horse-breeding expert who was imprisoned on charges considered to be politically motivated in 2002-2007 - has been subjected to pressure since his release. In early August this year, he and his daughter and sister-in-law were prohibited from leaving the country, in spite of valid travel documents. In what appeared to be a step prompted by the international attention that the case attracted, Kyarizov was finally allowed to leave and go to Russia on 14 September and his relatives shortly thereafter. However, Kyarizov told TIHR that he has continued to be subjected to surveillance and intimidation even abroad.

At a briefing organized at the HDIM in Warsaw on 22 September, Kyarizov's wife Julia Serebryanik spoke about the persecution of her and her family in Turkmenistan. The following week, on 3 October, Kyarizov reported being [assaulted](#) when leaving a Moscow metro station. An unknown man approached him on the escalator, hit him in the stomach and told him in Turkmen: "You ungrateful swine. You were told to be quiet: why did your wife open her mouth in Warsaw?" The perpetrator thereafter quickly disappeared in the crowd.

Kyarizov, however, did not give in to the intimidation and on 30 October, the regional Central Asia TV channel aired an [interview](#) with him, during which he spoke about his experiences of serving in prison in Turkmenistan, as well as developments since his release. The following day, Kyarizov reported [receiving a phone call](#) from his younger brother, which he believed that the latter made under pressure by security services. Speaking in an unusual manner and at length in spite of the high costs of international calls in Turkmenistan, Kyarizov's brother "lectured" him how to behave, e.g. telling him not to be in contact with human rights activists and journalists and to stop criticizing his country. This incident reinforced Kyarizov's concerns about the safety and well-being of his relatives who are still in Turkmenistan.

### *Forcible removal of satellite dishes*

**The Turkmenistani authorities have repeatedly been criticized for the forcible removal of satellite dishes**, a practice that restricts citizens' access to alternative information. At the HDIM, the head of Turkmenistan's delegation [claimed](#) that information about this practice does not correspond to reality. He said that "no antennas are being dismantled" and invited all who wish to visit any region of the country to see this for themselves.

We already reported that local officials [dismantled](#) two satellite dishes outside the Ashgabat apartment of well-known civil society activist **Natalia Shabunts** at the beginning of August 2015. She subsequently **submitted a complaint to the General Prosecutor's Office** and received a response on 30 September, which states that "it is prohibited to install satellite antennas on roofs and walls, destroying the appearance of houses and offices". The letter does not refer to any official legal document that would set out such a prohibition. **TIHR is also in the possession of a letter on this issue** from 30 April 2014 that was addressed to Vice Prime Minister Murad Artikov, whose responsibilities included municipal affairs, by Presidential Administration Head Shamuhammet Durdylyev. In the context of the 2017 Asian

Indoor Games due to be held in Turkmenistan, the letter **speaks about “removing satellite antennas from roofs and facades” “in order to prepare for the international events in 2017** and to implement the instructions of our distinguished president to transform the white-marble Ashgabat into a contemporary city by the end of 2016”. This document also does not refer to any official decree or resolution that would serve as the basis for such measures.

### *Internet freedoms*

At the HDIM, the head of Turkmenistan’s delegation **claimed** that there has been a manifold increase in the number of internet users in the country and that information sites set up without state support have been officially registered since the entry into force of the new Media Law in 2013. **In response to criticism about internet censorship, he appeared to justify censorship in some cases** by saying that modern technologies are used not only “to obtain objective information” but also “to pressure the government by radical groups and third parties”. For years, websites providing alternative information about the situation in Turkmenistan have been blocked in the country and are only available through so-called proxies.

TIHR’s website [chrono-tm.org](http://chrono-tm.org), which is a well-known source of independent information on developments in Turkmenistan, is among the sites that are blocked in the country. This site **has** also repeatedly been subjected to cyber attacks that TIHR believes may have been initiated by Turkmen security services. Most recently, **TIHR’s site went offline due to technical problems on the eve of the HDIM, as well as again on 14 October 2015**. While TIHR has not been able to obtain clear information about the nature and reasons of these problems, there are grounds to believe that they may also have been the result of deliberate attacks and an attempt to prevent TIHR from providing independent coverage of events with implications for Turkmenistan’s international reputation.

## Freedom of association and assembly

### *Mass mobilization for events*

The Turkmenistani **authorities continue to mass mobilize residents for participation in various festive events** in the country.

According to TIHR’s information, for several weeks, university students and public sector employees in the capital Ashgabat were **forced to take part** in daylong rehearsals for a parade to be held on this year’s Independence Day, which is celebrated on 27 October. When TV footage was filmed in advance for broadcasts devoted to the Independence Day celebrations, university students and public employees in the city of Mary were similarly mobilized. However, **in a welcome development, TIHR learned** that **school children were freed from participating in these events**, unlike on previous occasions. In October 2015, schools and kindergartens in Dashoguz were also instructed to engage only teachers and other staff in rehearsals for the president’s visit to this city, which **took place** on 30 October after being repeatedly postponed.

Human rights defenders have long criticized the Turkmen authorities for **the practice of forcibly mass mobilizing citizens for various events, which denies the participants of their right to freedom of assembly and jeopardizes their health and well-being**. In several cases, participants in such events have died. Most recently, in August this year, three people **died** after being forced to wait for some 7 hours for the president to arrive to a stadium opening in Ashgabat without access to water or food.

## Access to justice, non-discrimination and the protection of vulnerable groups

### *Political prisoners*

The exact number of political prisoners in Turkmenistan is not known given the lack of transparency of the country's justice system. However, dozens of individuals convicted in flawed and politically motivated trials are known to have disappeared in prison, including individuals convicted in sham trials after the alleged assassination attempt on late President Saparmurat Niyazov in 2002.

In connection with the Independence Day on 27 October 2015, **President Berdymuhammedov signed a decree to pardon 1020 prisoners.** This decree is not known to have benefited any individual convicted on politically motivated grounds.

According to a [senior member](#) of his staff, **US Secretary of State John Kerry raised the issue of prisoners of concern in talks held with President Berdymuhammedov during his visit to Turkmenistan** at the beginning of November 2015. More specifically, Kerry referred to 87 such prisoners whose cases the US would like to see resolved. It is not known whether he received any concrete commitments from the Turkmenistani authorities on these cases.

One of the most prominent political prisoners in Turkmenistan is former Foreign Minister **Boris Shikhmuradov**, who was given a life sentence in a show trial after the alleged assassination attempt on Niyazov. He has since disappeared in detention. In a [decision](#) adopted a year ago, in October 2014, **the UN Human Rights Committee concluded that the Turkmenistani authorities had violated his rights to life, freedom from torture, liberty and security, and a fair trial.** It also found that they had **violated the right of his wife**, Tatiana Shikhmuradova not to be subjected to torture and ill-treatment in view of the anguish and distress caused by the incommunicado detention and disappearance of her husband. The Committee requested the Turkmenistani authorities to provide an effective remedy, including by releasing Shikhmuradov if he is still being detained or handing over his remains in the event that he has died, and prosecuting and punishing those responsible for the violations committed. In November 2015, the Prove They Are Alive campaign issued a [statement](#) expressing regret that Turkmenistan's government has failed to provide a substantive response on its implementation of the Committee's decision.

### *Forced evictions*

We have repeatedly reported about the problem of forced evictions related to government construction projects. In a recurring pattern, residents have been evicted without receiving adequate advance notice or being promptly granted adequate alternative accommodation or compensation. At the beginning of November 2015, TIHR [learned](#) about **new cases of forced evictions** in an Ashgabat residential area, where residents of apartment buildings were given only a few days to pack up their belongings and leave before these houses were demolished. One resident with whom TIHRs monitors spoke said that some of those evicted had been told to "stay with relatives" or "rent housing" for the time being, as they could not be provided alternative accommodation.

In a [report](#) published in October 2015, Amnesty International drew attention to forced mass evictions and illegal housing demolitions **linked to the forthcoming 2017 Asian Indoor Games**, which will be held in Turkmenistan. The organization noted that these evictions run counter to international human rights law and called on the Turkmenistani authorities to put a halt to them until necessary and sufficient safeguards have been put in place and legislation prohibiting forced evictions has been introduced.

### *Arbitrary travel bans*

According to TIHR's information, in recent months, the Turkmenistani **authorities have arbitrarily banned a growing number of young men from leaving the country**. This summer migration services [stopped issuing](#) foreign passports to young men who have not completed compulsory military service, saying that they will only be able to obtain passports after serving in the army. TIHR has also learned that the ban on travel abroad has been extended to young men who have completed the military service. On 24 October 2015, several dozen young men in this category [were not allowed](#) to board flights to Turkey at the Ashgabat airport. The reason was reportedly that they are considered potential recruits of the IS or other militant groups.

As previously reported by TIHR, the Turkmenistani authorities have repeatedly imposed arbitrary travel bans on students admitted to foreign universities, as well as "inconvenient" individuals and their family members.

The practice of arbitrarily banning citizens from travelling abroad **violates the right to freedom of movement** protected by both national and international law.

### *Forced labour*

As in previous years, the Turkmenistani **authorities have forced public sector employees, students and others to participate in this year's cotton harvest**. There are reasons to believe that mass mobilization of citizens for this purpose was prompted by the president's [criticism](#) of the slow pace of the harvest in September. Later he criticized the pace of the cotton harvest again on several occasions.

According to TIHR's [information](#), **among those mobilized for the cotton harvest were thousands of conscript soldiers** across the country. At the same time, due to the lack of preparation of cotton farms to receive such a large number of people, adequate accommodation, food and sanitation could not be ensured, and many conscripts suffered from stomach problems.