

**Briefing paper for EU-Tajikistan Human
Rights Dialogue: Key concerns regarding the
protection of fundamental rights in Tajikistan**

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IPHR - International Partnership for Human Rights is an independent, non-governmental organization founded in 2008. Based in Brussels, IPHR works closely together with civil society groups from different countries to raise human rights concerns at the international level and promote respect for the rights of vulnerable communities in repressive environments.

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CONTENTS

INTRODUCTION..... 1

GBAO EVENTS.....3

FREEDOM OF EXPRESSION5

FREEDOM OF ASSOCIATION7

RELIGIOUS FREEDOMS..... 12

RECOMMENDATIONS 14

INTRODUCTION

The recent serious deterioration of the human rights situation in Tajikistan due to repressive measures taken against dissenters, as well as increased pressure on the media, civil society, and lawyers, has led to **a sharp decline in freedoms and a growing atmosphere of fear among the population**. The ongoing violations of fundamental rights resulted in that Tajikistan's civic space rating was downgraded from "repressed" to "closed" on the CIVICUS Monitor in March 2023¹. In addition, Tajikistan's rating has steadily worsened in other international surveys measuring the protection of fundamental freedoms, including civil liberties², media freedoms³, and religious freedoms⁴. Tajikistan has consistently been assessed as a state with an authoritarian regime of government.⁵

Since the last EU Tajikistan Human Rights Dialogue took place in December 2022, there has been **no accountability for serious human rights violations perpetrated in connection with the authorities' response to mass protests that took place in the Gorno-Badakhshan Autonomous Region (GBAO) in November 2021 and again in May 2022**. Reported violations include the excessive use of force, arbitrary detentions, torture and ill-treatment, extrajudicial killings, and unfair trials of dozens of people charged in relation to the GBAO events.⁶

At least 20 human rights defenders and journalists critical of the Government's actions in GBAO have been detained and prosecuted. Despite numerous appeals by foreign diplomatic missions⁷ and international bodies such as the European Parliament⁸, and UN treaty bodies and special procedures⁹, on 9 December 2022 the Supreme Court of Tajikistan handed down long prison sentences to several human rights defenders. Among others, Manuchehr Kholiqnazarov and Ulfathonim Mamadshoeva were targeted for their efforts to monitor, document and assist victims of government repression in GBAO.¹⁰

¹ <https://monitor.civicus.org/country/tajikistan/>

² In its annual report from 2022, Freedom House listed Tajikistan as Not Free country. <https://freedomhouse.org/country/tajikistan/freedom-world/2022>

³ <https://rsf.org/en/country/tajikistan>

⁴ <https://hrwf.eu/?s=Tajikistan>

⁵ https://pages.eiu.com/rs/753-RIQ-438/images/DI-final-version-report.pdf?mkt_tok=NzUzLVJJUS00MzgAAAGK6zhzovfOi2bM8QaUD3TTiz4bFyrF1xqn62Qi-0R4WYQyd706WJBhW4M-inlpwdpdSLM3nOjzUsC3NM86vK9aeWF52wGe_gt70R1bk1xnsSzza

⁶ For more information, see briefing paper by IPHR and partners from October 2022: <https://www.iphronline.org/wp-content/uploads/2022/10/Briefing-paper-on-key-concerns-in-Central-Asia-October-2022.pdf>

⁷ On May 19, 2022, the European Union delegation to Tajikistan, together with the embassies of France, Germany, Great Britain, and the United States, issued a joint statement expressing deep concern about the events. https://www.eeas.europa.eu/delegations/tajikistan/joint-statement-developments-gbao_en

⁸ In June 2022, the European Parliament passed Resolution RC-B9-0350/2022, strongly condemning the violent crackdown and urging the Tajik authorities to respect and protect human rights. https://www.europarl.europa.eu/doceo/document/RC-9-2022-0350_EN.html

<https://www.ohchr.org/en/press-releases/2022/05/tajikistan-un-expert-fears-crackdown-against-pamiri-minority-could-spiral>

⁹ UN SR on the situation of human rights defenders, Mary Lawlor end of mission statement <https://srdefenders.org/end-of-mission-statement-official-country-visit-to-tajikistan/> ; <https://www.ohchr.org/en/press-releases/2022/05/tajikistan-un-expert-fears-crackdown-against-pamiri-minority-could-spiral>

¹⁰ <https://www.iphronline.org/tajikistan-manuchehr-kholiqnazarov-must-be-immediately-released.html>

Moreover, **several journalists and bloggers have been detained, criminally prosecuted and convicted** following non-transparent trials held in violation of international standards. Tajikistani authorities have increasingly targeted people living outside the country whom they accuse of being linked to banned opposition groups or websites. Extraditions and requests to extradite Tajikistani nationals have significantly increased in recent months. In at least one case, an extradition was carried out in violation of an order of the European Court of Human Rights. Those requested to be extradited have, as a rule, been charged with large-scale fraud or calling for “extremist activities”. Allegations that someone has liked a post published by a banned opposition movement can be enough for the Tajikistani authorities to accuse that person of “extremism”. The excessive use by the government of broadly defined charges related to extremism and terrorism, as well as the disproportionate and unfair nature of criminal penalties imposed in this context were also noted by UN experts in a statement issued in July 2023.¹¹ The UN experts expressed concerns with regard to the use of such charges against human rights defenders and minority activists, in particular those defending the rights of the Pamiri minority. They concluded that this practice is aimed at discrediting these individuals and justifying the growing secrecy surrounding their cases.

Similarly, the broad definition of terrorist organisations contained in Tajikistan’s counter-terrorism legislation has had a significant negative impact on the freedom of association and expression in the country, particularly with regard to the expansion of the list of prohibited groups. In 2023 the government **shut down several independent news outlets**, including the Pamir Daily News after labelling them as “extremist” and limited public access to information deemed to be of that nature.

Additionally, as a result of actions taken by the Tajikistani authorities, **the operating space for civil society organisations (CSOs) continued to shrink in the country**. The number of NGOs which have been forced to close down and liquidate has increased significantly. Since the beginning of 2023, at least five organisations registered in GBAO have been ordered to shut down on unfounded grounds due to alleged connections with criminal groups.

On the positive side, the adoption of the **National Human Rights Strategy** and its first action plan on 5 August 2023 is a significant positive development for Tajikistan, as it marks the first time that the country has elaborated a comprehensive Human Rights Strategy. The groundwork for this strategy was laid in 2017, and the process involved close collaboration between the governmental Working Group in charge of its development and civil society organisations (CSOs). In fact, many of the recommendations put forward by CSOs during the development process were incorporated into the final document.

It is important to highlight that, despite the overall deteriorating human rights situation in Tajikistan, the government’s decision to adopt this strategy indicates a recognition that there are significant human rights challenges in the country and a willingness to take steps to address them. One notable aspect of the strategy is its emphasis on implementing the recommendations made by UN treaty bodies.

¹¹ <https://www.ohchr.org/en/press-releases/2023/07/tajikistan-un-experts-deplore-criminal-proceedings-against-human-rights#:~:text=%E2%80%9CWe%20would%20like%20to%20remind,practice%2C%E2%80%9D%20the%20experts%20said.>

However, while the adoption of the National Human Rights Strategy is a crucial initial step, **its effective implementation is key to advancing human rights in Tajikistan**. The lack of a comprehensive budget and specific indicators for the achievements of the tasks set out in the strategy and action plan raises concerns about its successful implementation. There's a likelihood that Tajikistan's government will depend on support from international donors to implement the strategy. In providing such support, donor organisations should stress the involvement of civil society organisations at all stages of the implementation process.

There is a pressing need for a comprehensive awareness campaign targeting public officials to familiarize them with the National Human Rights Strategy and its Action Plan in Tajikistan. Many officials currently perceive human rights issues as foreign and incompatible with local realities, posing a challenge rooted in the perception that human rights are Western ideals. This mindset obstructs the promotion of sensitive human rights issues by public officials, creating obstacles for human rights defenders and activists.

In the conclusions of his visit to Tajikistan in October 2023 the UN Special Rapporteur on national minorities, Fernand de Varennes also highlighted a prevalent lack of understanding among officials in relation to the implementation of the country's international human rights commitments, even to the point of outright hostility or denial.

GBAO EVENTS

In 2023, the situation in GBAO remained a significant international concern, with Tajikistan's international partners such as the EU, USA, UN, and OSCE expressing serious apprehensions about the sustained pressure on the Pamiri minority in the region.

Three UN Special Rapporteurs, including **the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on freedom of religion, and the UN Special Rapporteur on minority rights highlighted concerns about the situation in GBAO during recent visits** to the country. Notably, special permission was granted to the Special Rapporteurs on freedom of religion and national minorities to visit the GBAO region. This visit marked the first time that UN Special Procedures have visited this region, signifying increased attention to human rights matters in that particular area.

When visiting Tajikistan in November-December 2022, UN Special Rapporteur on the situation of human rights defenders Mary Lawlor expressed concern that the events in GBAO have "had a broader effect on the ability of civil society to operate in the country" and "marked a watershed moment" in the attitude of authorities toward civil society actors. She criticised the authorities for creating an "intensifying climate of fear" for civil society.¹²

The atmosphere of fear and the reluctance of local CSOs and religious leaders to speak was also noted by the UN Special Rapporteur on freedom of religion or belief, Nazila Ghanea during her visit to Tajikistan

¹² See the Rapporteur's end-of-visit statement at: <https://www.ohchr.org/en/press-releases/2022/12/tajikistan-human-rights-defenders-face-increasing-threats-climate-fear-says>

in April 2023. Although the Special Rapporteur was granted special permission to visit GBAO she expressed regret that official meetings were not facilitated by the authorities. According to Ghanea her observations strongly confirmed the allegations she previously received about the ongoing pressure in the region.¹³

The UN Special Rapporteur on national minorities Dr. Fernand de Varennes highlighted the negative rhetoric of state officials, especially during meetings in GBAO. According to him, any inquiries into the investigation of alleged rights violations against members of the Pamiri minority during the events in 2021 and 2022 encountered open hostility and denial. State officials labelled any arrested or detained individuals as 'terrorists, criminals, or extremists' without specifying individuals, asserting that all actions of the authorities were within the framework of Tajikistan's legislation. The Rapporteur also expressed regret that, despite clear minority characteristics, including language, ethnicity, and religion, Pamiris are not officially recognized as a distinct ethnic group within the country.¹⁴

During the review of Tajikistan's report by the UN Committee on the Elimination of Racial Discrimination (CERD) in April 2023, Tajikistan's Minister of Justice Muzaffar Ashuriyon argued against considering Pamiris as a minority group, asserting that they are regarded as authentic Tajiks and have been an integral part of the Tajik identity for centuries.¹⁵

In June 2023, the Pamir Daily news portal published the names of **205 GBAO residents sentenced to various terms of imprisonment** in connection with the events of November 2021 and May 2022.¹⁶ Out of them, 11 were sentenced to life imprisonment, 85 to prison terms ranging from 10 to 29 years, and 53 to prison terms ranging from one and a half to nine years. They were often convicted on charges of participating in an organised criminal group and engaging in extremist activities and terrorism. Human rights defenders believe that many of those prosecuted were **targeted for exercising their rights to freedom of assembly and expression** in peaceful ways and/or are **victims of collective punishment**.

In particular, there were reports of cases of collective punishment against family members of detained informal leaders in the region. Specifically, six family members of Tolib Aembekov, including two of his sons, received lengthy prison sentences on charges believe to have been initiated because of their relationship with him. Aembekov himself was sentenced to life imprisonment. The brother and cousin of Niyozsho Gulobov, who also was identified by authorities as an informal leader and sentenced to life imprisonment, were similarly convicted. Relatives of Mamadbokir Mamadbokirov, allegedly killed by law enforcement authorities in May 2022, and brothers and relatives of General Kholbash Kholbashev of the former officers of the State Committee for National Security (GKNB) of Tajikistan, who was sentenced to life imprisonment, were also among those allegedly targeted for collective punishment.¹⁷

¹³ Preliminary observations and recommendations Dushanbe, 20 April 2023 <https://www.ohchr.org/en/press-releases/2023/04/un-expert-urges-tajikistan-leave-past-behind-and-uphold-freedom-religion-and>

¹⁴ <https://www.ohchr.org/en/press-releases/2023/10/tajikistan-un-expert-commends-progress-calls-greater-effort-ensure-rights>

¹⁵ <https://www.ohchr.org/en/news/2023/04/experts-committee-elimination-racial-discrimination-commend-tajikistan-improved>

¹⁶ <https://pamirdaily.com/pamiris-prisoner-list-2022/>

¹⁷ <https://rus.ozodi.org/a/32486926.html>

In many cases involving GBAO residents, court verdicts were classified, which obstructed efforts to appeal the sentences (for more information about GBAO cases, please see the Submission on the situation with respect to torture and ill-treatment).

FREEDOM OF EXPRESSION

Freedom of expression in Tajikistan is further declining. In the 2023 World Press Freedom Index¹⁸, published by Reporters without Borders (RSF), Tajikistan was ranked 153rd among 180 countries. Among other conclusions, RSF noted that the authorities “misuse legal provisions to punish incitement to hatred, discord or the dissemination of false information” and that “these laws, which directly threaten journalists, create a climate of fear and prevent them from expressing any critical view of the regime.”

Restrictions on **access to information remains a serious problem** for the media, journalists and the public in the country.¹⁹ Journalists have repeatedly raised concerns over the challenges they face in obtaining information from government agencies, as they are required to submit written requests even in urgent situations. The country’s journalistic community addressed these issues in a joint appeal²⁰ sent to the President’s Executive Office and General Prosecutor’s Office of Tajikistan on 17 July 2023, in which they called on these bodies to “respond in a timely manner to oral and written requests from journalists and media” and “not to wait for semi-annual press conferences”.

Since the beginning of 2023, **at least two independent news outlets have been forced to close down** after being labelled as “extremist” organisations. On 19 July 2023, the Supreme Court of Tajikistan banned the activities²¹ of the online media outlet Pamir Daily News, which had been covering events in GBAO since 2019. On 26 July 2023, the New Tajikistan 2 website, associated with the opposition “Group 24” movement, was also banned by court order²², leading to the blocking of more than 20 social networks and YouTube accounts belonging to the authors of the websites. In accordance with Tajikistan’s Criminal Code, any cooperation with banned organisations is punishable by five to eight years of imprisonment.

As covered by media reports²³, detentions and lengthy prison sentences handed to journalists and bloggers in Tajikistan have rendered journalism a dangerous profession. The authorities’ ongoing

¹⁸ https://rsf.org/en/2023-world-press-freedom-index-journalism-threatened-fake-content-industry?year=2023&data_type=general

¹⁹ <https://www.asiaplustj.info/en/news/tajikistan/society/20230719/tajik-journalists-express-concern-about-the-difficulty-of-obtaining-information-from-government-agencies>

²⁰ <https://nansmit.org/index.php/tj/khabar-o/116234-muro-iatnomai-r-znomanigoron-va-sozmon-oi-r-znomanigor>

²¹ <https://www.asiaplustj.info/en/news/tajikistan/society/20230720/tajik-authorities-define-pamir-daily-news-as-extremist-organisation>

²² <https://www.rferl.org/a/tajikistan-group-24-website-banned-extremist/32520928.html>

²³ <https://cabar.asia/ru/zhurnalistika-v-tadzhikistane-stala-opasnoj-professiej#:~:text=%D0%97%D0%B0%D0%B4%D0%B5%D1%80%D0%B6%D0%B0%D0%BD%D0%B8%D1%8F%20%D0%B8%20%D0%BC%D0%BD%D0%BE%D0%B3%D0%BE%D0%BB%D0%B5%D1%82%D0%BD%D0%B8%D0%B5%20%D1%82%D1%8E%D1%80%D0%B5%D0%BC%D0%BD%D1%8B%D0%B5%20%D1%81%D1%80%D0%BE%D0%BA%D0%B8,%D0%BF%D1%80%D0%BE%D0%B4%D0%BE%D0%BB%D0%B6%D0%B0%D1%8E%D1%82%20%D1%83%D1%81%D0%B8%D0%BB%D0%B8%D0%B2%D0%B0%D1%82%D1%8C%20%D0%B4%D0%B0%D0%B2%D0%BB%D0%B5%D0%BD%D0%B8%D0%B5%20%D0%BD%D0%B0%20%D0%B6%D1%83%D1%80%D0%BD%D0%B0%D0%BB%D0%B8%D1%81%D1%82%D0%BE%D0%B2.>

pressure on journalists makes it increasingly difficult for them to operate in the country and continue their work without fear of persecution or intimidation.

Since last year, **at least ten journalists and bloggers have been imprisoned** in the country after being found guilty in unfair trials of spreading false information, involvement in “extremist” activities and cooperation with banned organisations (see IPHR’s Civicus Monitor updates from September 2022²⁴ and from March 2023²⁵). Of these, at least eight journalists were convicted on charges of calling for “extremist” activities or justifying “extremism” online or in the media (under Article 307 (1) of the Criminal Code, which carries a five-to-10-year prison sentence). This pattern reinforces concerns about the misuse of criminal charges of “extremism” to prosecute journalists who speak out on issues which the government perceives as sensitive.

Shortly after the last EU-Tajikistan Human Rights Dialogue in December 2022, on 26 December 2022, a Dushanbe court sentenced 44-year-old journalist and blogger **Abdusattor Pirmukhammadzoda** to seven years in prison. His trial was held in the Dushanbe detention centre behind closed doors. Relatives of Abdusattor Pirmukhammadzoda said that they have not yet received a copy of the sentence, but they know that the blogger was found guilty under Part 2 of Article 307 (3) (“Organisation of the activities of an extremist organisation”) of the Criminal Code. In autumn 2022, a handwritten letter by Pirmukhammadzoda was smuggled out of prison where he described in detail the **torture and ill-treatment** he had suffered at the Vahdat police station following his detention. Allegedly, he was forced to confess to the crimes after he was beaten and tortured with electric shocks. When Radio Ozodi requested the Supreme Court to confirm whether Pirmukhammadzoda’s torture allegations had been investigated, a judge replied that such a complaint had been made during the trial, the prosecution had reviewed the allegations but had not been able to confirm them.

Independent journalist and human rights defender **Khurshed Fozilov**²⁶ was sentenced to seven years of imprisonment under Article 307 (3), part 2 of the Criminal Code by Panjakent City Court on 26 May 2023 (see IPHR statement²⁷ from May and CIVICUS Monitor entry²⁸ about his detention). Fozilov was convicted on charges of cooperating with banned organisations and media outlets, including the independent Akhbor News website that was blocked in Tajikistan in 2020. His trial was held behind closed doors. The journalist’s mother told Radio Ozodi, the local service of Radio Free Europe/Radio Liberty (RFE/RL) that during the first days of his detention, Fozilov was put under pressure to plead guilty under threats of violence.²⁹ She also added that prior to his arrest, the authorities had repeatedly warned her son “not to write about shortcomings”. In a joint statement³⁰ issued on Khurshed Fozilov’s case in March 2023, several international human rights organisations including IPHR, the Norwegian Helsinki Committee, Civil Rights Defenders, the Helsinki Foundation for Human Rights and Front Line Defenders called on the

²⁴ <https://www.iphronline.org/tajikistan-civicus-2021-2022.html>

²⁵ <https://www.iphronline.org/tajikistan-continuous-crackdown-on-civil-society.html>

²⁶ <https://asiaplustj.info/en/news/tajikistan/laworder/20230526/panjakent-city-sentences-local-freelance-journalist-to-seven-year-prison-term>

²⁷ <https://www.iphronline.org/tajikistan-independent-journalist-handed-seven-year-sentence.html>

²⁸ <https://www.iphronline.org/tajikistan-continuous-crackdown-on-civil-society.html>

²⁹ <https://rus.ozodi.org/a/32449906.html>

³⁰ <https://www.iphronline.org/khurshed-fozilov-statement.html>

Tajikistani government to stop using criminal prosecution as a tool to suppress critical reporting, to uphold its international obligations to respect freedom of expression and the media and to immediately and unconditionally release Khurshed Fozilov.

According to Radio Ozodi, in June 2023, the Ministry of Foreign Affairs of Tajikistan sent an extradition request to the French authorities in relation to exiled journalist **Muhammadikboli Sadriddin**³¹, former editor-in-chief of the Islokh website. The Islokh news portal and YouTube channel are known for their critical stance towards the authorities and their critical reporting on issues including corruption, etc. Previously, in 2020, Sadriddin was charged with large-scale fraud under Article 247(4) of the Criminal Code of Tajikistan, an accusation he has consistently denied. Civil society activists view the extradition request as politically motivated.

The recent arrests of an author and an editor show how rigorously the authorities crack down on the slightest hint of criticism of the government: according to a press statement by the Prosecutor General's Office on 15 August, on 7 August 2023 the Director of the Dushanbe private medical clinic "Ibn Sino", **Abdukhalil Kholikzoda**³² – a well-known public figure - was detained on charges of incitement of social, racial, national, regional, religious enmity or discord (under article 189, part 2 of the Criminal Code). The allegations related to Kholikzoda's memoir "Events of My Life", which he published in March 2023. The Prosecutor General alleged that Kholikzoda had insulted representatives of different regions of the country instead of "being grateful" for the President's policies. According to media reports, the head of the clinic's Personnel Department, Abdukodir Rustam³³, who edited Kholikzoda's book, was also arrested on the evening of 31 August on similar charges of incitement³⁴, as he was leaving the office. Human rights activists believe that his arrest is related to his editorial work on the book. In mid-October 2023, the General Prosecutor's Office extended the period of investigation in the case by another two months.³⁵

On 16 September 2023, Khairiniso Yusufi, deputy chairwoman of the ruling People's Democratic Party of Tajikistan, called Abdukhalil Kholikzoda, an "internal enemy and a provocateur", and accused him of betraying the nation and the state.³⁶

FREEDOM OF ASSOCIATION

CSOs

In recent months the authorities have **increased pressure on CSOs in GBAO**, in particular those who work on human rights and socio-economic issues. Most alarmingly, security officials have reportedly summoned CSO representatives and threatened them with serious repercussions, such as the

³¹ <https://rus.ozodi.org/a/32455385.html>

³² <https://old.asiaplustj.info/en/news/tajikistan/laworder/20230815/the-prosecutor-general-of-tajikistan-confirmed-the-directors-detention-of-the-ibn-sino-clinic-for-inciting-hostility>

³³ <https://asiaplustj.info/en/news/tajikistan/laworder/20230904/abdukodir-rustam-the-book-editor-of-the-arrested-abdulkhalil-kholikzoda-was-detained-in-dushanbe>

³⁴ <https://rus.ozodi.org/a/32594671.html>

³⁵ <https://www.ozodi.org/a/32636438.html>

³⁶ <https://rus.ozodi.org/a/32595580.html>

instigation of criminal cases against them or their relatives, unless they “voluntarily” close down their organisations. Those summoned for such “discussions” include representatives of CSOs working on development, educational and human rights projects, including projects funded by international donors. This trend has given rise to concerns that the authorities are seeking to fully suppress and eradicate independent CSO activities in the region.

Based on official data from the Ministry of Justice of Tajikistan, 472 organisations ceased their activities due to liquidation or “self-liquidation” in the country in 2022. That marked a significant increase compared to 2021, when approximately 100 organisations were shut down. During the first half of 2023, 240 organisations were liquidated, with 15 NGOs being subject to court-ordered liquidation, while the remainder closed down “voluntarily”. In total, in a devastating blow to civil society and freedom of association, in the last year and a half, **more than 700 NGOs have been liquidated in the country.**³⁷

According to media reports, **among the organisations that were dissolved in the first half of 2023, five NGOs were registered in GBAO:** Nomus va Insof, Pyanj, Pamir Lawyers’ Association (LAP), Youth of Ishkashim District and Klubi Gushtini Shaidon.³⁸ **LAP was closed without due process** by decision of the Ministry of Justice³⁹, although the Ministry claimed during a press conference on 8 August 2023 that all five organisations had been closed based on court decisions due to their alleged ties with banned criminal groups. Human rights defenders believe that none of the information presented so far provides sufficient grounds to justify the closure of the NGOs, and that the decision to liquidate the organisations was a retaliatory measure for their independent and critical work.

Local NGO reports indicate that several NGOs in GBAO were first pressured to undergo a process of re-registration, only to subsequently be forcibly liquidated. In informal discussions, Ministry of Justice representatives from Dushanbe acknowledged their lack of control over new NGO registrations in GBAO, attributing the process to the State Committee on National Security. While registering a new NGO in GBAO is nearly impossible, there are reportedly better chances of registering a nation-wide organisation in Dushanbe with a branch office in GBAO. However, this alternative entails a substantial financial burden

³⁷ <https://www.asiaplustj.info/en/news/tajikistan/society/20230817/almost-700-ngos-have-been-liquidated-in-tajikistan-why-is-it-bad-and-where-are-we-going>

³⁸ <https://rus.ozodi.org/a/32538999.html>

³⁹ Regarding the closure of LAP: In March 2021, the Lawyers Association of Pamirs (LAP) initiated a legal action against the Tax Committee to challenge a tax inspection decision made in January 2021, which imposed a substantial tax payment of 394,179 Somoni on the organisation. The Tax Committee’s decision was primarily grounded in Government Resolution No. 83 from 1 March, 2019, which categorised organisations not registered with the State Committee on Investments as commercial entities and obligated them to pay 6% of their income under a simplified tax system. LAP argued that it shouldn’t be considered an implementing agency, as defined in the government resolution, since implementing bodies are typically established by the Tajikistani government or executive agencies responsible for managing financial resources for investment projects. Despite LAP’s objections, their requests to involve independent experts from the Ministry of Justice and the State Committee on Investments to clarify the legal requirements regarding grant registration procedures were repeatedly denied. Following a series of legal proceedings and appeals, on 10 February, 2022, the cassation instance of the Supreme Economic Court of Tajikistan partially overturned a determination from the Dushanbe Economic Court, specifically regarding the appointment of an additional judicial expert, arguing that the economic court did not have the authority to consider this matter. However, further legal actions in the case came to a halt after the detention of LAP’s Director, Manuchehr Kholiqnazarov, in May 2022. At the end of December 2022, LAP received notice that it had been dissolved by the Ministry of Justice without following proper liquidation procedures. In August 2023, during a press conference, the Deputy Minister of Justice, Assadulo Khakimzoda, stated that LAP had been liquidated due to alleged ties with banned criminal groups, but the court decision has not been made publicly available, and concerns were raised about the fairness of the liquidation process.

for NGOs, requiring them to cover the costs of maintaining offices in both Dushanbe and Khorog. Given the current realities and a significant gap in donor funding, this poses a significant challenge for NGOs.

Also **outside GBAO** independent human rights NGOs have been closed. In a case of serious concern, the renowned human rights NGO, the **Independent Centre for Human Rights Protection (ICHRP)** was **liquidated** by court order on 26 January 2023 on spurious and unsubstantiated grounds. IPHR, and the World Organisation against Torture (OMCT) issued a joint statement on 10 March 2023⁴⁰ stating that the accusations levelled against ICHR were contrived, far-fetched and clearly aimed at silencing the NGO because of its human rights work. Furthermore, the statement emphasized that the forced closure of ICHR is contrary to Tajikistan's international human rights obligations and at odds with its bid to join the EU's GSP+ trade preference regime, which requires compliance with core international human rights treaty obligations, including those protecting the right to freedom of association. According to Asadullo Hakimzoda⁴¹, Deputy Minister of Justice, the Somoni District Court in Dushanbe ruled to liquidate ICHR in response to a claim from the Ministry of Justice.⁴² On 14 December 2022, the Ministry of Justice had accused ICHR of several alleged violations of its statutes and national law after conducting an inspection of the organisation. Hakimzoda explained that during the inspection a number of deficiencies were identified in the Centre's activities, in particular, the organisation was accused of the late submission of financial reports to authorities. According to media reports⁴³, the absence of branches and representative offices of the Centre in the regions of Tajikistan was considered one of the violations.

Human rights defenders believe that ICHR was a thorn in the side of the authorities because of its independent, critical and efficient human rights work and that the decision to liquidate the organisation was a retaliatory measure. In recent years, ICHR had worked on issues which the authorities perceive as sensitive, such as housing rights, and the provision of legal assistance to victims of forced evictions and other vulnerable groups such as journalists and victims of torture.

Recent developments also demonstrate the importance of the recommendations issued by **UN Special Rapporteur on the situation of human rights defenders**, Mary Lawlor's following her Tajikistan mission in November-December 2022, when she urged the Tajikistani authorities to "radically improve the situation of its human rights defenders, and dispel an intensifying climate of fear", and to "to treat human rights defenders as allies, not adversaries".⁴⁴

The serious challenges faced by human rights defenders, civil society organisations and journalists in Tajikistan, including in GBAO, were also highlighted during the **UN CERD's review** of Tajikistan's implementation of the UN Convention on Elimination of Racial Discrimination on 20-21 April 2023.⁴⁵ Committee members criticised the Tajikistani government for, among other things, using charges related

⁴⁰ <https://www.iphronline.org/tajikistan-well-known-human-rights-ngo-liquidated-by-court-order.html>

⁴¹ <https://fergana.media/news/129243/>

⁴² Asadullo Hakimzoda, Deputy Minister of Justice, announced this at a press conference on 16 February 2023, <https://fergana.media/news/129243/>.

⁴³ <https://fergana.media/news/129243/>

⁴⁴ <https://monitor.civicus.org/explore/continuous-crackdown-on-civil-society/>

⁴⁵ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en

to “terrorism”, which is defined in an overly broad and ambiguous manner under national legislation, to justify the arrest, detention and imprisonment of those advocating for human rights.

In response to the Committee’s concerns, the Deputy Interior Minister Abdurahmon Alamshozoda accused local residents of having “affiliations with extremist and terrorist organisations seeking to destabilise the situation in the GBAO, including al-Qaeda, ISIS, Ansarulloh and others”. When asked about the harsh sentence recently issued against human rights activist Manuchehr Kholiqnazarov, Alamshozoda claimed that Kholiqnazarov was a “member of the criminal organisation “Commission 44”, had close contacts with “organised criminal groups”, “received money from them” and was “in contact with the leaders of the National Alliance of Tajikistan”, an EU-based group uniting several opposition movements and parties, which has been labelled as a “terrorist-extremist organisation” by the government.

However, it is important to note that “Commission 44” was created as a joint initiative between the government and civil society groups in Khorog to mediate between protesters and local authorities during the November 2021 events in the GBAO. Six members of “Commission 44” also joined the investigative team examining the November events, including Kholiqnazarov. Nevertheless, in August 2022, the Supreme Court of Tajikistan declared “Commission 44” to be a criminal association and subsequently sentenced several civil society members of the Commission, including Kholiqnazarov, to various terms of imprisonment. In fact, the criminalisation of “Commission 44” was an absurd and far-fetched measure intended solely to discredit its civil society members.

On 4 July 2023, **five UN Special Rapporteurs issued a joint statement sharply criticising the criminal proceedings against human rights defenders** in Tajikistan.⁴⁶ The UN human rights experts stated that “criminalising the legitimate peaceful work of human rights defenders is incompatible with Tajikistan’s international human rights obligations” and that “conflating human rights defenders with extremists and terrorists is a very dangerous practice”. The cases of human rights defenders raised by the UN experts with the Tajikistani government included Daler Imomali, Abdulloh Ghurbati, Zavqibek Saidamini, Abdusattor Pirmukhammadzoda, Ulfathonim Mamadshoeva, Manuchekhr Kholiqnazarov, Faromuz Irgashov and Khushom Guliam, who were sentenced to prison terms between October and December 2022.

Human Rights Lawyers

Imprisoned human rights lawyer **Buzurgmehr Yorov**, who was sent to isolation in a “punishment cell” after allegedly criticising President Rahmon (see IPHR update for the CIVICUS Monitor⁴⁷), was sentenced to an additional 10 years of imprisonment by Vahdat Township Court on 10 July 2023.⁴⁸ The new criminal case against Yorov was initiated on charges of a large-scale fraud committed with a particularly dangerous recidivism under Article 247 (4) of the Criminal Code. The trial was held behind closed doors. Yorov did not have access to a lawyer and the details of the process remain unknown. Two attempts by him to appeal against this sentence were reportedly unsuccessful.

⁴⁶ <https://www.ohchr.org/en/press-releases/2023/07/tajikistan-un-experts-deplore-criminal-proceedings-against-human-rights>

⁴⁷ <https://www.iphronline.org/tajikistan-continuous-crackdown-on-civil-society.html>

⁴⁸ <https://rus.ozodi.org/a/32500920.html>

Yorov was first detained in September 2015 and subsequently sentenced to 22 years in prison (reduced by four years under amnesty in October 2021) on trumped-up charges after he provided legal representation to members and leaders of the banned opposition party, the Islamic Renaissance Party of Tajikistan (IRTP).⁴⁹ According to international standards, lawyers must “not be identified with their clients or their clients’ causes as a result of discharging their functions”.⁵⁰

Political Opposition

The authorities continue to **crack down on people they accuse of collaborating with the political opposition**, which the Tajikistani government considers to be “extremist”. Opposition groups, including the IRTP have been banned as “extremist” by court. The anti-extremism laws on which the authorities base their actions have been criticised by human rights defenders for years.⁵¹ For example, the Law on Counteracting Extremism, which came into effect in January 2020, contains a worryingly vague definition of extremism. Civil society activists have accused the government of deliberately abusing the law, which can be easily manipulated in order to silence critics, or those perceived as such by the authorities.

In a growing trend, authorities have targeted individuals who have engaged with opposition related material on social media, such as through reposts and likes, for prosecution on “extremist” charges. This is one example of such a case:

- On 7 August 2023, 70-year-old Isfara resident **Kamoliddin Sharofov** was sentenced to five years in prison on charges of extremism.⁵² Sharofov was reportedly detained after complaining about staff at the Surkh rural jamoat (local authority) of Isfara and threatening to write to the media about them. Shortly after the incident, an investigation was launched which allegedly revealed that Sharofov had subscribed to the social media platforms of Islokh TV (an outlet affiliated with the political opposition), “liked” their publications and shared videos from the opposition website.

The authorities have also used the fight against extremism to target opposition activists based abroad, seeking their forcible return to Tajikistan. These are examples of such cases:

- On 22 June 2023, in violation of a ruling issued by the European Court of Human Rights (ECHR), Poland extradited Tajikistani political opposition activist **Sorbon Abdurahimzoda** to Dushanbe, where he was wanted for his alleged connection to banned opposition groups.⁵³ While the exact accusations and his current whereabouts remain unclear at the time of writing, Abdurahimzoda’s father said in media interviews that the authorities accused his son of allegedly “liking” a social media video from an opposition group.⁵⁴ Sorbon Abdurahimzoda has denied all accusations of having links to banned opposition groups.

⁴⁹ <https://www.iphronline.org/tajikistan-release-human-rights-lawyer-ahead-of-50th-birthday-behind-bars.html>

⁵⁰ <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

⁵¹ <https://www.iphronline.org/tajikistan-denialism-of-covid-19-pandemic-and-continuous-threats-to-freedom-of-expression.html>

⁵² <https://rus.ozodi.org/a/32552417.html>

⁵³ <https://www.rferl.org/a/poland-tajikistan-deportation-echr/32472491.html>

⁵⁴ <https://rus.ozodi.org/a/32431541.html>

- On 21 July 2023, Belarusian authorities extradited Tajikistani opposition activist **Nizomiddin Nasriddinov** to Dushanbe, disregarding warnings from human rights organisations about the risk of arbitrary detention and torture due to his political beliefs.⁵⁵ A criminal case against Nasriddinov was initiated on charges of calling for extremist activities under Article 307 (3), part 2 of the Criminal Code of Tajikistan. According to media reports, the investigation in his criminal case has been completed and sent for consideration to the Ismoil Somoni district court.⁵⁶
- Exiled Tajikistani activist **Amriddin Holmurodov**, who was arrested when crossing the border from Ukraine to Slovakia in February 2022, is at risk of extradition to Tajikistan.⁵⁷ Holmurodov is facing charges under three articles of the Criminal Code - 189 (Incitement of national racial, regional or religious hatred), 187 (organising a criminal community), and 307 (public calls for the forcible changing of the constitutional system of Tajikistan). If found guilty, he faces more than 10 years of imprisonment. Holmurodov's relatives claim that he is being punished for his criticism of the Tajikistani authorities on social media.

RELIGIOUS FREEDOMS

Representatives of **Tajikistan's Ismaili community**, which belongs to the Shiite branch of Islam, **are in a difficult situation**. There are currently two Ismaili centres in Tajikistan - in Khorog and Dushanbe, which have limited capacity to accommodate worshipers. Until late 2022 Ismaili community representatives were allowed to gather in private houses for weekly prayers on Thursday evenings or on Fridays. However as of January 2023 officials banned holding joint prayers in private homes with threats of fines for participants.⁵⁸

The law on parental responsibility allows minors between the ages of seven and 18, with written parental consent, to obtain religious instruction provided by a registered religious organisation outside school hours. This may not duplicate religious instruction that is already part of the school curriculum – classes on the history of religion.

However, the Ismaili Centers both in Dushanbe and Khorog are banned from conducting such educational or cultural activities. According to reports, in December 2022 and January 2023, teachers of “Akhlok va Marifat”, a course designed for school children about Islamic ethics and history of Islam and Ismailism, were summoned by the GBAO prosecutor office. The text books were confiscated and teachers were forced to sign a statement promising not to teach this course, even though they taught after school and on a voluntary basis. The courses were designed and supervised by the Ismaili Tariqa and Religious Education Board (ITREB) an institution based in Khorog and Dushanbe that has functions of religious education, research on religion and interpretation of the religious messages from the Aga

⁵⁵ <https://www.asiaplustj.info/en/news/tajikistan/society/20230725/belarus-extradites-tajik-opposition-activist-to-tajikistan-despite-warnings-from-human-rights-groups>

⁵⁶ <https://rus.ozodi.org/a/32589088.html>

⁵⁷ <https://rus.ozodi.org/a/32537129.html>

⁵⁸ https://www.forum18.org/archive.php?article_id=2811

Khan⁵⁹. The staff of ITREB has come under pressure since the summer of 2022 and the centre was closed for several months due to ongoing inspections.⁶⁰

In addition, there have been continuous reports about **pressure against representatives of the Ismaili community**. Several members of the Ismaili Shiite Council of Tajikistan, including its president Sharofat Mamadambarova, were questioned by Tajikistan's security service in August 2022.⁶¹

The reluctance of the local religious leader to speak was also noted by the UN Special Rapporteur on freedom of religion or belief, Nazila Ghanea during her visit to Tajikistan in April 2023.⁶² Based on the findings of her visit, Ghanea emphasized that Tajikistan's current legal provisions in this area are not in line with international human rights standards. She stressed the importance of ensuring visible respect for freedom of religion or belief, including for women, religious and belief minorities, and children and young people. Ghanea highlighted that freedom of religion or belief encompasses the right to worship, observe, practice, and teach, and is connected to freedom of expression and association. She **urged the authorities to move beyond their focus on extremism, terrorism, and incitement, and to recognize the positive contributions of religion or belief to a harmonious society.**⁶³

For many years, the Aga Khan Development Network has played an important role in supporting Tajikistan's Shia Ismaili community, which predominantly consists of the Pamiri minority in the GBAO. The Foundation has supported various development initiatives in the region, including education, healthcare and poverty reduction programmes. At the same time, the influence of Prince Karim Aga Khan IV– the founder and chair of the Aga Khan Development Network and the spiritual leader of the Shia Ismaili Muslims – within the Tajik Ismaili community, has led to tensions with the central government in Dushanbe. In the recent period, the central government has taken steps to tighten **control over Aga Khan development institutions** in GBAO.

Local media reports that in recent months, the Serena Khorog INN hotel, owned by the Aga Khan Foundation, was nationalized, and handed over to the GBAO administration. Additionally, the city park of Khorog, previously belonging to the Aga Khan Foundation, was transferred to state ownership. According to Radio Ozodi's sources, the GBAO prosecutor's office has filed a lawsuit related to the nationalization of the Aga Khan Foundation's Medical Center in the Barhorugh mahalla of Khorog.

The Aga Khan Lyceum in GBAO's capital Khorog was abruptly closed on 30 June 2023 by representatives of the Education Department. All teachers and staff were dismissed, although the reason for the closure remains unclear. There were no prior indications of dissatisfaction with the school's performance, leading to speculation that the authorities may be seeking to gain control over the lyceum's educational

⁵⁹ The Ismaili Tariqa and Religious Education Board (ITREB) registered in 2012 along with the Ismaili Center in Dushanbe. The location was used by followers of Ismaili Shiism for secular and religious education.

⁶⁰ <https://eurasianet.org/tajikistan-authorities-intensify-war-on-ismailis-other-muslims>

⁶¹ <https://rus.ozodi.org/a/31994584.html>

⁶² Preliminary observations and recommendations Dushanbe, 20 April 2023 <https://www.ohchr.org/en/press-releases/2023/04/un-expert-urges-tajikistan-leave-past-behind-and-uphold-freedom-religion-and>

⁶³ <https://www.ohchr.org/en/press-releases/2023/04/un-expert-urges-tajikistan-leave-past-behind-and-uphold-freedom-religion-and>

programme and finances. The lyceum, established in 1998, was unique in GBAO as it offered education in three languages to foster multilingual communication among students.

The Aga Khan institutions have refrained from any public commentary on the situation.

RECOMMENDATIONS

Based on the information provided in this briefing paper, we have identified the following recommendations as particularly pressing and timely:

The EU should call on the Tajikistani authorities to:

- Ensure that serious human rights violations reported in connection with the GBAO events are investigated in an independent, transparent, and effective manner and that those responsible for violations are held accountable.
- Take effective measures to put an end to the widening crackdown on civil society and safeguard the right of human rights defenders, journalists, bloggers, civil society activists and others to peacefully exercise their fundamental freedoms without intimidation and harassment, in accordance with the recommendations of international human rights bodies, including the five UN Special Rapporteurs who issued a joint statement on the situation of human rights defenders in the country in July 2023.
- Immediately and unconditionally release human rights defender Manuchehr Kholiknazarov and others imprisoned in retaliation for their human rights engagement in the GBAO.
- Put an end to the pressure exerted on CSOs in the GBAO and ensure that they are able to operate free from undue government interference.
- Promptly release imprisoned lawyer Buzurgmehr Yorov in accordance with the opinion issued by the UN Working Group on Arbitrary Detention.
- Stop misusing the fight against extremism to target those who criticise and oppose the policies of the authorities in peaceful ways.
- Safeguard the rights of the Pamiri ethnic minority and the Ismaili religious community, in accordance with the recommendations of international human rights experts.
- Take effective measures to implement the recommendations issued by the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on freedom of religion, and the UN Special Rapporteur on minority rights following their recent visits to Tajikistan, as well as the CERD following its review of Tajikistan's compliance with the corresponding convention.