

TAJIKISTAN

HUMAN RIGHTS VIOLATION REPORT

» JANUARY 2016 «



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I. INTRODUCTION

Turkish and Russian lawyers have formed a delegation to review human rights in Tajikistan after recent reports and events which followed the ban and closure of the Tajikistan Islamic Revival Party (TIRP) in September 2015, party member's imprisonment and serious human rights violations they faced as well as pressure and restrictions imposed on Tajik Muslims. The Tajikistan Human Rights review delegation has decided to visit Tajikistan between 21-23 January 2016.

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Zaur Bayoghlu as the translator, the delegation headed to Tajikistan on 21 January 2016 but only half of them were granted visas to enter the country.

Before the delegation left, they notified the Dushanbe Embassy and the Prosecutor's Office in Turkey both written and in person.

A portion of the delegation who reached Tajikistan first met with the Tajikistan International Relations Prosecutor Officer and told them that “they would like to see those in prison” but the prosecutor



Tajikistan's Human Rights Committee at a press conference in Dushanbe 21-01-2016

said “such a request should be made through the Ministry of Foreign Affairs” upon this, a request was made to Tajikistan's Ministry of Foreign Affairs to visit;

1. **Zarafo RAMONI**

2. **Buzurgmehr YOROV**

3. **Domullo Zubaydullahi RAZIK**

4. **Seyid Omer HUSEYINI**

5. **Mehmet Ali HAYIT**

6. **Hikmetullah SAYFULLAHZADE** who was kept in prison or held in custody.

A written request was submitted in order to visit those whose names were mentioned above, however, it was not notified whether or not the request had reached the officials and even if it was accepted, it later got rejected. Upon this, the delegation got in contact with close relatives of some of the victims. They also got in contact with some of their lawyers.

The Tajik government's oppression does not only apply to those accused. Their families and lawyers also face hardship and have their rights violated. For this reason, the names of those interviewed will not be mentioned in this report.

Delegation members Gulden Sonmez, Emine

Yildirim and translator Zaur Bayoghlu were kept by Tajik intelligence in their hotel and had their passports and phones confiscated. They were then forced out of their hotel and taken into interrogation. The translator was beaten while being forced to enter the car.

The delegation of lawyers who were kept in custody for approximately 12 hours, objected to the matter. After public pressure they were released on condition of boarding a plane at the airport. The delegation who were held for questioning said frustration was voiced over the human rights investigations. This report has been prepared on the basis of information and documents obtained during the visit to Tajikistan. Many of the information and data were gathered through interviews, investigations and research.



Members of the Human Right Committee arrive in Turkey, after being detained in Tajikistan.



II. ABOUT TAJIKISTAN

The Tajik population are of Persian origin. Throughout history their territorial land has been ruled by the Persian's, Alexander the Great and various Turkish states. Between the 7th and 8th centuries the Muslim Arabs conquered the region and named it "Transoxiana." In a short time, the Tajik's embraced Islam, and were deeply affected by the culture and language of the Turks in the region.

In 1917 the Russians invaded Tajikistan and in 1929 became a member of the Soviet Union which consisted of 15 Soviet Socialist Republics. After reforms which emerged in the Soviet Union in 1989, Tajikistan held multiparty elections for the first time. Tajikistan declared its independence in 1991 and in the same year joined the Commonwealth of Independent States. Despite being rich in natural gases, uranium, coal, iron ore etc, Tajikistan is among the poorest Central Asian Republics in terms of income per capital. Tajikistan is

a mountainous country and does not have a coastal region. With a relatively high population growth rate, data from the 2013 census shows Tajikistan's population at 8,208 million.

- 62% of the population is made up from Tajik's
- 24% from Uzbek Turks
- 8% from Russians
- 6% from other nations
- 95% of the population are Sunni Muslims.

The country's largest cities are Dushanbe, Kulyab, Kurgantepa, Horug and Hucand. With a surface area of 143,100km², most people in the country earn a living from the cotton industry, farming and agriculture. Tajikistan is managed by the "semi-presidential" system and has a double winged parliamentary system. The president of the country is Imam Ali Rahman.

III. EVENTS AND CRISIS

Post Independence, the Civil War and Post Developments

For nearly a century, the Muslim Tajik population have faced great difficulties and suffered dearly from the attacks of Tsarist Russia and Bolsheviks. Scholars were killed, religious and cultural heritage was ruined and literature being destroyed. In the early seventies, the movement of political Islam emerged and soon after in 1973, a young Tajik Muslim youth named Sayyid Abdullah Nuri established the "Islamic Youth Organization."

The highlight of the organizations program is "returning youth who underwent communist education to their cultural foundations, establishment of study circles and reviving the Islamic tradition through the publication of religious books." Despite being free from violence, the activities were carried out in complete privacy due to external pressure. After the collapse of the Soviet Union and Tajikistan's declaration of independence, people attempted to return to their cultural and religious roots but the military and civilian elite, who were enemies to its own people and still under the Soviet influence, attempted to draw public awareness

against Muslims by drawing conspiracies under the "Tajik nationalism" movement in 1992.

Militias were formed and Muslims began to face armed attacks, people were killed, goods were usurped, their houses were burned, they were imprisoned and subjected to torture. Due to the oppression, more than a million people were forced to migrate to neighbouring countries or have been banished. At the end of all these attacks and torture, the Islamic movement declared that they were forced to use "weapons to protect their life, property and preserve their honour and faith." The command of the armed resistance was transferred to Afghanistan. The process called the "Civil war in Tajikistan" began in 1992 and continued until 1997. In 1997 a group called the Renaissance movement proceeded towards the armed forces capital Dushanbe, the regime was then forced to make peace. The peace talks were sealed by the TIRP along with the United Tajik Opposition leader, Said Abdullo Nuri and Tajik President Imam Ali Rahman.



The President of Tajikistan Imam Ali Rahman



The agreement included, the integration processes of armed groups linked to the United Tajik Opposition and the National Armed Forces, the disarmament process, the legalization of the TIRP, a 30% quota granted to the United Tajik Opposition in state management and topics generated to guarantee the implementation of the agreement. The peace agreement was signed in Kremlin on June 27, 1997 in the presence of the UN, Russia, OSCE, the Organization of Islamic Conference and seven other countries (Afghanistan, Iran, Kazakhstan, Kyrgyzstan, Pakistan, Turkmenistan and Uzbekistan). The civil war in Tajikistan has led to the death of 150 thousand people, forced over 1 million people to migrate and caused the country to face a financial loss of about 6.2 million Euros.

The most important points in the peace agreement were;

1. The official recognition and registration of the Islamic resistance movement as a legal political party.
2. The armed fraction of the Islamic resistance movement joining the National Army.
3. Government authorities given to 30% of the United Tajik Opposition including all public staff.
4. The war to end and those forced to flee or

exiled given permission to return to their homeland.

However, the Tajik government did not comply with almost any of the Peace agreement substances. It imposed arbitrary practices, violated rights and increased oppression and injustice. It arrested TIRP managers and members, brought them to trial and began to torture those in prison. Muhiddin Kabiri TIRP chairman KABIRI, was born in Faizabad district on 20 July 1965.

The only legal Islamic party in Tajikistan is TIRP. KABIRI and its TIRP party, is a strong opposition party in Tajikistan. More than 10 books and over 100 articles have been published and in addition, he has given many interviews. Tajik and Russian speeches, articles and books are works associated with Islam in Central Asia. Many official awards can be found. The Proudness award was given to him by the Tajikistan President Emomali Rakhmonov. After graduating from Soviet high school in 1982, he began his studies in Tajikistan State University and after he graduated continued his postgraduate degree with a student scholarship in Sanaa University in Yemen.

Between 92-97, the period when the civil war broke out between government and the Islamic opponents, he went to Moscow to begin his doctoral studies. KABIRI, born into a religious family,

learnt the fundamentals of Islam from his family upbringing. KABIRI, a member of the International Islamic Forum served as deputy parliament chairman in Tajikistan between 2005-2015. He is known as the International Islamic leaders in Central Asia. He has sent several documents to many Western and Arab countries including the European Union. The TIRP president's native language is Persian and knows fluent Russian, English and Arabic. His married and has 7 children.

Tajikistan Islamic Revival Party (TIRP)

The Islamic Revival Party of Tajikistan was the second largest party in the country and the only legally established Islamic political party in Central Asia, until it was closed in September 2015. Also, during Imam Ali Rahman's 22 years of presidency, it was one of the only real opposition parties. TIRP was not only a religious and political movement but also a social phenomenon. TIRP was a unique example of Islamic movement party which made a peaceful contribution to the politics of a secular state in the Central Asia region.



Muhiddin Kabiri

On February 27, 2005 TIRP won 8% of the valid votes in Tajikistan's parliamentary elections and won 2 out of the 63 seats. In 2006 it boycotted the presidential elections and did not participate in the elections. The president of TIRP Said Abdullah Nuri passed away in 2006 and Muhiddin KABIRI became the new president of TIRP. In 2010 elections, President Imam Ali RAHMAN won 55 of the 63 seats in the People's Democratic Party. TIRP on the other hand won only 2 seats. Despite this, with 42,000 members in state it continued to intimidate president Imam Ali Rahman and the regime.

The Cumhuriyet newspaper, making reference to TIRP leader KABIRI, had a headline which warned of not taking "Egyptian politician Mohammed MURSI as an example." "Kabiri, should learn a lesson from Mursi's case and that the Muslim brotherhood wanted to return to power in Egypt however, they were only able to govern for 1 year, and was imprisoned through military intervention," the article wrote making mention of past events, with the intention of intimidating. In its article in 2014, direct attacks on TIRP and its members had increased. It was preparing the public with media close to the regime about rumours that "TIRP members had a lot of partners, sex tapes and sent fighters to help DAESH in the Syrian war."

Tajikistan president of the Center for Strategic Studies assistant Saifullo Safarov stated that "no action had been taken against TIRP and the Tajikistan Constitution permitted for an Islamic Movement to engage in activities, each party is equal before the law and each one is undertaking equal opportunities."

The ongoing pressure and persecution against TIRP increased as March 1 2015 parliamentary elections approached. More than half of TIRP's 160 candidates reportedly "failed the compulsory Tajik language test" and was said to not be qualified to enter the elections. State television and radio committee, claimed that TIRP had produced its election "promotion videos in an unlicensed studio" therefore, prevented it from being aired.

A number of TIRP candidates withdrew from the elections due to "family" or "health" issues, through fake letters sent to election officials.



When TIRP could not pass through the 5% election threshold, it lost its only 2 seats in parliament. Although the Tajik regime says that “elections are held in a free, transparent and democratic manner, authorities from the former Soviet states always praise Tajikistan elections”. The Organization for Security and Cooperation in Europe (OSCE), never declared the elections in Tajikistan to be “free and fair.”

Besides the scandals and pressure before and after the election, another Tajik opposition leader of Group 24, Umarali QUVVATOV was killed in Istanbul on March 2015. KABIRI the TIRP leader and KABIRI'S friends were forced to leave Tajikistan for the security of their own lives.

After TIRP was shut down, the General Abdulhalimov Nazarzoda event and the events which followed; on July 2015 TIRP, filed a complaint against the guarantor of the peace agreement, the UN, OSCE and Russia over “state bodies targeting individuals, parties and religious groups through illegal and unconscionable actions.”

Upon TIRP's request to hold a congress, the Tajikistan Ministry of Justice sent an official letter on 28 August 2015 stating that “all illegal activities should come to an end in 10 days.”

The statement wrote that “TIRP which had been left outside the parliament and was no longer a party at

the republican level, and also did not have sufficient members to be counted in as registered party, and that according to the law in Tajikistan, a party which is not at the republican level is prohibited from organising a congress” The Ministry of Justice gave TIRP “until 7 September, a 10 day period to put an end to all of their activities.”

The sufficient number of members stated by Tajikistan's Constitution was 1000, while TIRP members during that period were over 400,000. This shows that the primary purpose was to stop the party's activities. They reflected such a perception to the public by saying that there were not enough party members, and to close representative offices one by one, they forcibly wrote applications to them.

On 4th of September 2015, they claimed that the deputy defence minister General Abdulhalimov NAZARZODA and its supporters organised an attack on a police station and weapons depo in Dushanbe. 39 people, including 14 police officers were killed in the attack and many were left wounded.

On 16th September General Abdulhalimov Nazarzoda and his supporters were killed in a special operation, about 2 weeks after they were accused of carrying out the attack. On 16th and 17th of September, 13 important members of TIRP were taken into custody over allegations that “Nazarzoda was a confedera-

te and Nazarzoda was involved in the rebellion.” Buzurgmehr YOROV, a lawyer to many TIRP members who were taken into custody was later arrested himself. After he was arrested he was accused for “scams and fraud.” The main reason for Buzurgmehr YOROV's arrest was stating that SaidOmer Huseyni suffered torture.

According to an initial statement issued by the General Prosecutor's Office on 17 September, “Nazarzoda was accused of being the ringleader” and “was taken into custody in order to prevent terror attacks by TIRP members.” The process to close the party sped up and those in government institutions with no link to the state were removed after Nazarzoda and his supporters were accused of the attack.

At the request of the Tajik state prosecutors on 29 September, the high court listed the TIRP, a leading opposition party with 40,000 active members who were banned and closed in the beginning of September, “in its blacklist as a terrorist group.” With this decision, TIRP's newspaper, Nejat (Salvation/Liberation) was closed and the distribution of any video, voice recording or written material with its signature was banned.

Ravina SHAMDASANI who spoke in Geneva on behalf of the UN High Commissioner for Human Rights on October 2 2015 said “they were concerned about the increasing violations of human rights as TIRP members were arrested after the closure of the party since the beginning of September, Tajik Supreme Court's decision to list TIRP as a radical and terrorist organization and have it closed down, and the decision was made after governmental pressure, intimidation followed bans, and precautions taken while fighting against “terrorism” and “extremism” needs to comply with appropriate freedom of religion, thought, expression and peaceful gathering needed without discrimination when participating in public affairs under the international human rights law, it should be guaranteed that those taken into custody should be done so under lawful conditions which meet international standards.”

Today, it is publicly known that female students in Tajikistan are banned from wearing the headscarf, children and teenagers are not permitted to go to

the mosque, besides attending the funeral of those under 18- attendance to any form of religious gathering and taking special religious classes is restricted. Those under 40 years of age are prohibited from going to Hajj and Umrah in Mecca and Muslim men are forced to shave their beards.

Despite all the pressure, persecution and arbitrary provocative actions by the regime, TIRP did not give up. The party who believed in uniting, providing peace and working to develop its country never went astray from its political agenda. It never went down the path of violence whether this be through violence or protests.

President Imam Ali RAHMANOV, used America's fight against “Islamic terrorism” as an opportunity to put pressure and declare war on the opponents, and in general any activity related to Islam, in particular those by TIRP.

Russian officials uncovered no. 32/22 top secret document from a National Security meeting 23 November 2011 about RAHMANOV. In this document it was ordered for “central and senior officials to investigate TIRP, to pressure them and no matter how, pay for the removal of TIRP members from government offices and create problems to politically destroy the party from within.”

From that moment on, the government arrested and imprisoned anyone who was part of a community, even if they weren't working to spread religious teachings. It also prevented youth from travelling to another Arab or Islamic country to learn their religion. Fathers who sent their children to religious classes abroad were even tried and imprisoned for up to two years and/or fined 15-35 thousand dollars.

Whereas, many fathers were sending their children Islamic schools abroad because they were free. Student's educational costs in most religious institutions are covered by the organization. Religious classes in Tajikistan are held in many mosques and madrasah's. These classes are prohibited for women, children, those under 18 and state officials. For this reason, 85% of the country's population is deprived from this education.

IV. VIOLATIONS

Death and injuries

TIRP President of the Badahshan Province Siroc Kalonov was invited to a council meeting organized by the government on 1 September 2010. Three days later he died as he drank poisoned water during the meeting. Doctors confirmed that he died from poison.

The TIRP President of the Badahshan Province Sabzali Mohammad REZA was murdered on 24 July 2012. 3 thousand soldiers and police were involved in this operation and many innocent civilians were brutally killed in the incident. The party building was set on fire.

Haci Zarif, a distant friend of Nazarzoda, was taken from his home to be interrogated over the Nazarzoda incidents. However, after being questioned he died after being shot in the mouth.

Deputy Secretary of Defense General Aldulhalim was killed in a special operation on 16 September 2015, two weeks after he and his supporters were accused of carrying out an attack.

The three brothers of Abdulhalim NAZARZODA; Hayat, Rahim and Kerim surrendered to authorities despite having no involvement in any incidents. They were also brutally murdered.

Allegations of torture and ill-treatment

TIRP Deputy Chairman Mehmet Ali Hayit announced that he was frequently threatened, they called for him to end all political activities



and was brutally beaten by people who have not been identified. Chief editor of the Nacot newspaper and TIRP administrative board member Hikmetullah Sayfulozoda was tortured and beaten to near death by people who have not been identified, 19/04/2013. Many suspicious deaths have also been recorded in Tajikistan's history, 07/02/2011.

On 30 October 2013, Umedjon Tojiev was arrested by police for being a TIRP member. He was held in custody for 10 days. Later he was forced to confess to allegations that he gathered together a radicalized group. When he was taken to hospital after being thrown from the third floor, traces of torture were seen over his body.

TIRP authorities wanted him to return to Amydjan hospital, but despite heavy protests by human rights organizations, he was taken to prison. Umedjon Tojiev was the only person who was granted permission to visit him. This visit took place while he was held in custody at a hospital in the city of Sughd.

Recently, there have been many talks of political members held in custody who have had their



rights violated after facing serious ill treatment and have been subjected to torture. It is said that they have been kept in cells with cold and

wet floors, been raped, beaten, degraded and psychological pressure imposed on them.

These claims were strengthened after the incidents following their interview with two relatives of the prisoners. The very same day of the interview, the relatives were arrested, TIRP members families, relatives, lawyers or human rights lawyers were banned from speaking to the delegation. Our delegation also had all communication tools and their passports confiscated and were forced out of the country.

Although the exact number is not known, it has been reported that hundreds of people are currently being subjected to torture in prisons.

Unlawful Detentions

Name, Surname	Detained date	Location detained
1 Maksud Ibragimov	23.01.2015	Moscow, Russia
2 Abdurakhim Vosiev	12.11.2014	Moscow, Russia
3 Mekhrubon Sattarov	3.12.2014	Moscow, Russia
4 Nuriddin Bafoev	11.25.2014	Moscow, Russia
5 Sulaymon Jobirov (serbest birakildi)	19.12.2014	Samara, Russia
6 Roziya Abdurakhmonova	19.12.2014	Novosibirsk, Russia
7 Nematullo Kurbonov	9.10.2014	Dushanbe, Tajikistan
8 Umedjon Solikhov	-----	Dushanbe, Tajikistan
9 Odinaev Ekhsion(kayip)	19.05.2015	Saint Petersburg, Russia
10 Loikov Firuz	May.15	Moscow, Russia
11 Mirzorakhim Akhmedov	April 2015	Saratov, Russia
12 Shabnam Khudoidodova	18.06.2015	Brest, Belarus
13 Seyid Omer Huseyni	16.09.2015	Dushanbe
14 Mehmet Ali Hayit	Sep.15	Dushanbe, Tajikistan
15 Vahidhan Kasidinov	Sep.15	Dushanbe, Tajikistan
16 Muhammedali Feyizmuhammed	Sep.15	Dushanbe, Tajikistan
17 Abdukahar Davlatov	Sep.15	Dushanbe, Tajikistan
18 Zarafo Rahmani	Sep.15	Dushanbe, Tajikistan
19 Zubaydullahi Razik	Sep.15	Dushanbe, Tajikistan
20 Celaliddini Mahmut	Sep.15	Dushanbe, Tajikistan
21 Hikmatullah Sayfullazade	Sep.15	Dushanbe, Tajikistan
22 Rahmatullah Racab	Sep.15	Dushanbe, Tajikistan
23 Muhammedserif Nabiev	Sep.15	Dushanbe, Tajikistan
24 Abdusamed Gayratov	Sep.15	Dushanbe, Tajikistan
25 Omersah Devlet	Sep.15	Dushanbe, Tajikistan
26 Fahrettin Mahmadaliev	Sep.15	Dushanbe, Tajikistan
27 Kiyamiddin Avazov	Sep.15	Dushanbe, Tajikistan

Name, Surname	Detained date	Location detained
28 Asamiddin Abdurahmanov	Sep.15	Dushanbe, Tajikistan
29 Musa Sehov	Sep.15	Dushanbe, Tajikistan
30 Zavkibek Rahmanov	Sep.15	Dushanbe, Tajikistan
31 Tavak Boboev	Sep.15	Dushanbe, Tajikistan
32 Manan Kurbanov	Sep.15	Dushanbe, Tajikistan
33 Hasan Rahimov	Sep.15	Dushanbe, Tajikistan
34 Zayniddin Yusupov	Sep.15	Dushanbe, Tajikistan
35 Naimov Mirzosarif	Sep.15	Dushanbe, Tajikistan
36 Madiso Jomiev	Sep.15	Dushanbe, Tajikistan
37 Boboev Abdusattor	Sep.15	Dushanbe, Tajikistan
38 Karimov Abdusattor	Sep.15	Dushanbe, Tajikistan
39 Bobohido Haydarov	Sep.15	Dushanbe, Tajikistan
40 Imamov Rustam	Sep.15	Dushanbe, Tajikistan
41 Sayfov Hikmatullo	Sep.15	Dushanbe, Tajikistan
42 Narzulloev Camsed	Sep.15	Dushanbe, Tajikistan
43 Rahmatulloev Mehmet	Sep.15	Dushanbe, Tajikistan
44 Sadidini Rustam	Sep.15	Dushanbe, Tajikistan
45 Islamov Mehmet Ali	Sep.15	Dushanbe, Tajikistan
46 Holov Mirzaalim	Sep.15	Dushanbe, Tajikistan
47 Sino Hasanzade	Sep.15	Dushanbe, Tajikistan
48 Safarov Anarbey	Sep.15	Dushanbe, Tajikistan
49 Abdulov Abdugafar	Sep.15	Dushanbe, Tajikistan
50 Abdulov Faruh	Sep.15	Dushanbe, Tajikistan
51 Abdulov Mehridin	Sep.15	Dushanbe, Tajikistan
52 Abdulov Nizam	Sep.15	Dushanbe, Tajikistan
53 Abdulov Nazim	Sep.15	Dushanbe, Tajikistan
54 Tabarov Mirzo Omer	Sep.15	Dushanbe, Tajikistan

Name, Surname	Detained date	Location detained	Name, Surname	Detained date	Location detained
55 Mevlevi Seyid	Sep.15	Dushanbe, Tajikistan	74 Mulla Mustakim	Sep.15	Dushanbe, Tajikistan
56 Tabarov Mirzo Omerin oglu	Sep.15	Dushanbe, Tajikistan	75 Hocaev Mehmetnazar	Sep.15	Dushanbe, Tajikistan
57 Sangov Rahmiddin	Sep.15	Dushanbe, Tajikistan	76 Mirzaev Razibek	Sep.15	Dushanbe, Tajikistan
58 Sangov Sayriddin	Sep.15	Dushanbe, Tajikistan	77 Tagoev Saydali	Sep.15	Dushanbe, Tajikistan
59 Sangov Mahmudcan	Sep.15	Dushanbe, Tajikistan	78 Devletov Devletyar	Sep.15	Dushanbe, Tajikistan
60 Cakalov Idibek Hasanovic	Sep.15	Dushanbe, Tajikistan	79 Cakalov Idibek	Sep.15	Dushanbe, Tajikistan
61 Pirov Kasim Mirzoevic	Sep.15	Dushanbe, Tajikistan	80 Hucamuratov Taciddin	Sep.15	Dushanbe, Tajikistan
62 Seyidov Davliyor Alimardonovic	Sep.15	Dushanbe, Tajikistan	81 Rizaev Omer	Sep.15	Dushanbe, Tajikistan
63 Abdulloev Curabek Gullovic	Sep.15	Dushanbe, Tajikistan	82 Safarov Murteza	Sep.15	Dushanbe, Tajikistan
64 Devletov Dilaver Abdunarovic	Sep.15	Dushanbe, Tajikistan	83 Boboev Seyidishak	Sep.15	Dushanbe, Tajikistan
65 Abdulloev Bahtiyar Rizaevic	Sep.15	Dushanbe, Tajikistan	84 Nazarov Cemal	Sep.15	Dushanbe, Tajikistan
66 Taciddin Feyziddin	Sep.15	Dushanbe, Tajikistan	85 Abdulfeyz Receb	Sep.15	Dushanbe, Tajikistan
67 Gulov Mehmet Emin	Sep.15	Dushanbe, Tajikistan	86 Safarov Nazarmuhammed	Sep.15	Dushanbe, Tajikistan
68 Samadov Nadihan	Sep.15	Dushanbe, Tajikistan	87 Nazari Panci	Sep.15	Dushanbe, Tajikistan
69 Abdulov Nurulla	Sep.15	Dushanbe, Tajikistan	88 Adina Mahsumun damadi	Sep.15	Dushanbe, Tajikistan
70 Abdulov Sadi	Sep.15	Dushanbe, Tajikistan	89 Sarabek Muratov	Sep.15	Dushanbe, Tajikistan
71 Buzurgmehr Yarav	Sep.15	Dushanbe, Tajikistan	90 Mehmedulloev Kamil	Sep.15	Dushanbe, Tajikistan
72 Adaletsaev Saadetsa	Sep.15	Dushanbe, Tajikistan	91 Seyid Mahmut Racabov	Sep.15	Dushanbe, Tajikistan
73 Karamhudaev Serik	Sep.15	Dushanbe, Tajikistan	92 Seyidmuhiddin Rahimhudo	Sep.15	Dushanbe, Tajikistan

Although the exact number is not yet known, the arrests which began before September 2015 saw a dramatic increase after 16 September 2015. Over 100 political party members, journalists, writers, lawyers, men and women are still in prison.

Lawyers who wanted to provide legal aid to those in prison were also detained. These

people deprived of freedom, have had their fundamental human rights stripped away from them. According to the law in Tajikistan, these people who have had allegations pressed against them may stay in custody or prison for up to 6 months in various intervals.

Below are some information about the individuals detained in this manner:



SEYİD OMER HUSEYİNİ

He is a politician and the vice president of TIRP. Former parliamentarian and philosopher. He was born in 1961 into a religious family in the Muminabad Kulab providence. On 16 September 2015, he was arrested by security officials. In 1988 he graduated from the Tajikistan National University from the Department of Economics. Seyid Omer Huseyni began working towards politics at a very young age. He knows Arabic, Russian and Farsi. His married and has 6 children.



MEHMET ALİ HAYİT

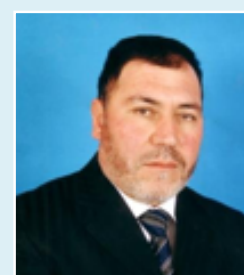
Politician and TIRP's vice president.

Has been awarded the 'Rastohez' and 'red star'. Born on October 20, 1957 in Rudaki to a working family. He was arrested by police officers at his own house on 16 September 2015. He started his education at the Tajikistan State Sarkino University and completed his education at St. Petersburg in Leningrad, Russia. He was sent to Afghanistan during the intense times of the conflict as a Chief Lieutenant in 1983. His duty was to ensure harmony between Afghan authorities and Soviet authorities. He was specifically the officer of Ahmad Sah Mesud and had an important role in the peace talks between the two sides in 1984. He was the vice president of Tajikistan Radio and Television and also was the editor of Rastohez Gazette. Hayit served as a member for the Tajikistan National Peace Committee and took the first step to end the Tajikistan civil war. He strived to achieve peace between the Regime and opposition. In April, 2013 he was beaten severely by a group of people he did not know. He also knows three languages; English, Russian and Persian. He is married and has 3 children.



MEVLANA MUHAMMAD ALİ FEYİZMUHAMMAD

Ali Feyizmuhammad is TIRP's investigation committee chairman and was a member of the National Commission. He was born in Pancu in 1959. He was arrested by police on 16 September 2015. Mevlana Muhammad Ali strived during the peace talks to ensure stability in Tajikistan. He knows three languages; Russian, Persian and Arabic. He is married and has seven children.



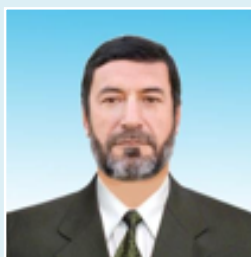
VAHİDHAN KOSİDDİNOV

Kosoddinov is a politician and was the chairman of TIRP's polling branch. He was in 1956 in Isfara to an artisan family. He was arrested on 16 September by police officers at home. He graduated from the Education Faculty . T.G Sefcenko and has a degree from the English faculty. He knows three languages; Russian, English and Persian. He is married and has five children.



KİYOMİDDİN AVAZ

Avaz is a young politician. He is TIRP's Dushanbe president. He was born in 1973 in Vasta to a working family. On 16 September he was arrested by police at his home located in Dushanbe. He graduated from the Libya Institute of Arabic Language and Literature. He also has a master's degree from Tajikistan State University of Economics and Administrative Sciences. He knows three languages; Arabic, Persian and English. He is married and has five children.



RAHMATULLAHI RACAB COBIR **RAHMATULLAH RACAB**

Racab is a politician and is TIRP's branch president board member. He was born in 1958 in Fayzabad. On 16 September 2015 he was arrested by police officers at home. He has graduate from Tajikistan National University Faculty of Economics. He knows Persian and Russian. He is married and has three children.



MUHAMMED ŞERİFİ NABİYEV

Politician and TIRP's branch president board member. He was born in 1962 to a farmer's family. On 16 September 2015 he was arrested by police officers at his house located at Kulab. He knows Russian and Persian. He is married.



MAHSUM SATTOR KARIMOV

Politician and TIRP's presidential branches board member. He was born in 1959 to a farmers family. On September 2015 he was arrested by police at home. He knows Russian and Persian. He is married.



ABDUSSAMAD GAYRATOV

Politician and TIRP's presidential branch's board member. He was born in 1962 to a working family. He was arrested on 16 September by police at home. He knows Russian and Persian.



ZARAFO RAMONI RAHMANOVA / LAWYER

Female politician, lawyer and journalist. The founder of 'NISHAT' (Advice) and is one of the most socially active Tajik females. She is one of the senior members of the political council and TIRP board member. She was born on 23 February, 1972 in Hatlan. She was arrested on 16 September, 2015, at home. She has graduated from Tajikistan Education University and has a degree in Philology. She later started to take law classes at Tajikistan National University and graduated. She is TIRP president's legal adviser. She is a prominent lawyer that is member of several international law associations. She is also a member of Tajikistan Journalists Union. She knows Russian and Persian. She is married and a mother of four children.



BUZURGMEHR **YOROV** **LAWYER**

Lawyer. He was born in 1971. He was arrested and sent to prison due to revealing that TIRP's Manager Said Omer Huseyni was tortured in prison. He was detained on 27 September. He is held at Dushanbe's Number 1 Custody centre and his probation was extended for another two months. He was in detention for 6 months without appearing in court under Tajikistan laws. This period can be extended up to one and half years in serious cases. He is accused of fraud, extremism and separatism. People came from western countries such as France, Canada, Russia etc. and reported about YOROV. His former clients were called to the organized crime department and were forced by threats to petition against him accusing him of fraud.



FAHRİDDİN **ZAKİROV** **ZEYD** **SEYİDOV'UN** **AVUKATI**

Zeyd Seyidov was jailed on rape slander; he was imprisoned because 2 years later as a lawyer he proved with DNA tests that the child he alleged raped was not him.

HİKMETULLAH SAYFULLAHZADE

Politician, editor of 'Nacat' magazine, journalist and analyst. Senior board member of TIRP. He was born on 1 March, 1950 in Tavildara. He was arrest on 16 September, 2015 by police officers at home. He graduated from the State University of Fine Arts. He was the principal of a music school. He was the one who prepared the peace agreements for the Tajiks in Afghanistan. He knows Russian and Persian. He is married and has three children.

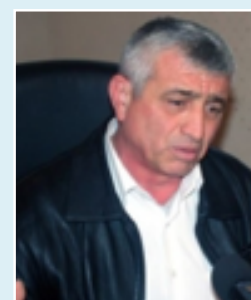


SUHRAT **KUDRATOV** **LAWYER**

Lawyer. He was arrested without any justification.

ABDUKAHHAR DEVLET

A young politician and journalist. TIRP's external relations manager. Member of the political council and senior board member. He was born in 1975 in Kolhozabad into a farmer's family. He was arrested on 16 September, 2015 by police officers at home. He has graduated from Imam EBU HANIFE Arabic language and School of Journalism. He has also graduated from Trade State University and has a degree from the World Economics Department. He knows Arabic, Persian, Russian and English. He is married and has a child.



NURİDDİN **MAHKAMOV** **LAWYER**

He was arrested unjustly without any evidence.



DODOCONOVA DILBAR / LAWYER

Member of SIPAR Lawyers Association and she was sentenced due to defamation.



DOMULLO ZUBAYDULLOHİ ROZİK

Politician and TIRP's president of knowledge department. He was also the former editor of the 'NACAT' magazine. Member of the political council and senior board member. He was born in 1946 into a farmer's family. He was arrested on 16 September, 2015 by police officers at home. He served as a language and Tajik literature teacher during the Soviet times. He used to read sermons during Friday prayers. He knows Russian, Persian and Arabic. He is married and has five children.



MAKSUD
IBRAHIMOV



ABDURAKHİM
VOSİEV



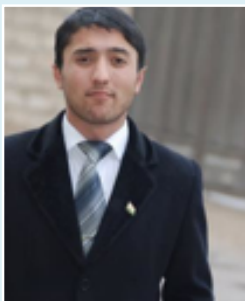
ROZIYA
ABDURAK-
HMONOVA



NEMATULLO
KURBONOV



UMEDJON
SOLIKHOV



SHERZOD
KOMILOV

Fair Trial

At least 100 Tajiks are known to be taken into custody in Tajikistan. Among the many that has is in custody are many journalists, businessmen, political leaders, university professors, scholars and other party members. Lawyers hired by families in order to defend those held in custody were not allowed to see their clients to fulfill their duties. Those held in custody were not allowed to see their lawyers or families.

It has been identified that those in custody still can't see their lawyers and families and that they have been stripped from their right to defend. Also it has been seen that legal aid who are providing those in custody legal aid have been detained while on duty. It is reported that these lawyers are accused of different crimes with forged documents. As it is evident in this report many lawyers are detained or held in custody.

Tajikistan administration affirms that the Tajikistan state has appointed a lawyer to those detained or in custody. Although it is true that there are lawyers appointed the number of how many is unknown. In addition, there are complaints that the appointed lawyers are failing to inform their clients, families, the right to defend is limited and is in favor of the state, agreements and documents are signed against the accused and that this is done due to the fear and pressure of the state.

It has also recorded that in Tajikistan law there is a very long period of detention, giving convictions

without going to court, even if the accused appears in court lawyers are not allowed to attend. It is revealed that there are many violations of rights such as the fact that those in custody are excluded from health care, they are not fully aware of what they are accused of and that there is a failure in managing the whole process in a transparent manner.

Freedom of Speech

'NEJAT'; was TIRP's newspaper and was one of the most read newspaper in Tajikistan. After the closure of TIRP, the gazette that was operating officially was closed based on the decision of the Tajik Supreme Court on 29 September following the request of state prosecutors.

'SAFINAI UMID'; A weekly magazine and was based on knowledge. It was closed by the state in 2015.

'NAYSON'; A weekly magazine. The magazine was based on issues related to females. The magazine was focused on covering issues such as women's rights, family and home. It was closed by the state in 2012.

'IKBAL'; A weekly magazine that focused on issues related to youth. It was closed by the state in 2012.

'www.nahzat.tj'; was the official website of TIRP. The website used to publish programs organized by the party and answer made by Muslim Scholars to the questions asked by Muslims in Tajikistan. It was closed by the state in 2015.

Party Closure and Freedom of Association

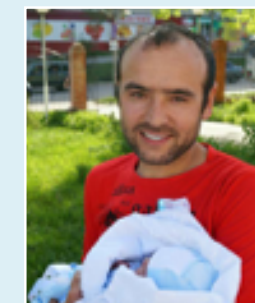
Bans and pressures towards associations, meetings and opposition political activities in general are severe in Tajikistan. Besides the closing of TIRP, places being raided, destruction of offices and confiscation of goods there are still pressure on some people who move towards different political establishments. For example, Zayd SAIDOV was an active businessman and was trying to establish a new political party.



ODİNAEV
EKHSON



LOIKOV
FIRUZ



MİRZORAKHİM
AKHMEDOV



SHABNAM
KHUDOİDODOVA



Party Closures: TIRP's office in Tajikistan's Sughd province was destroyed by security forces on 17 May 2014.





He was taken into custody, all of his assets (including his family's) were seized and he was stripped from the right to defend. It is seen that besides political parties, associations, foundations and non-governmental organizations are prevented, under pressure and are discouraged from establishing some sort of organization due to fear.

Tajikistan police have raided 3220 offices belonging to TIRP, members were mistreated and have prevented people from joining the party by inflicting fear upon them.

In the topic mentioned above, according to a "secret protocol" that took place between the prime minister, the head of religious affairs, security intelligence and the intelligence any form of Islamic establishment will be closed and blocked.

The government who is trying to provoke TIRP and its members with the bans it has imposed is not content and gone further by arresting the party leaders and members by slandering them with assassination and murder accusations. In 2012 TIRP's Badakhstan province president had lost his life on the way to Mermuz.

The president that was elected after him was martyred. The one after was thrown in jail by

defamation. The fourth president was threatened with assassination and left the party. The party headquarters in the Sodg province was destroyed while other party centers were closed by the government.

There were assassination attempts made on the party vice president, chairman of the editorial board and many other leaders.

The party members who had realized Prime Minister Imam Ali Rahman was going to put a stop to the political life of TIRP and was going to break away the peace agreement had applied to the Ministry of Internal Affairs, Ministry of Justice, the National Security Council and the Chief Prosecution and written letter stating their fear of what was going to happen.

Then an open letter was written to the President stating "the government's adherence to the terms of the agreement, also if TIRP members abandon the proceedings the party will continue to bound the entire agreements".

As there was no response to the letter, letters were sent to the UN Secretary-General, AGIT, Organization of Islamic Cooperation, European Union and to the leaders of governments who are at the status of being an observed and guaranteeing the agreement was administering.



Reminding them their agreement and articles it was reported that "the Tajikistan government broke the deal." It was reported "in the letter the government started to sway away from the "peace and national unity" agreement articles, but the party did not say anything in order to maintain the stability of the county, the party did not raise the issue within or externally. However, the letter further continued to outline that the government took advantage of the patience the party was portraying and continued to pressure and persecute. The public was afraid of war and conflict. The government's policies based on pressure and persecution continued increasingly and the pressure was more on TIRP. All this immoral and types of unlawful pressure was applied to party leaders as well as members while being the target of the judiciary".

Also in the letter it further informed that the "government's actions was threatening the country's constitution and "peace and national unity" as well as the entire Central Asian region's security". The letter was an invitation for the "Tajikistan government to push for respect of the "peace and national unity" agreement which forces Tajikistan to stay loyal to the country's constitution and imposed laws.

Human Rights Organizations are stating that the Tajikistan Government is arresting Muslims on a regular basis by accusing them of "religious terrorism".

The UN Human Rights Committee had requested that "for the government to fulfill its commitment to human rights as the activities of TIRP were banned and that human rights had been violated more." However, the government used "to fight terrorism and extremism" as an excuse of blocking freedom.

The European Union issued a declaration expressing that "blocking the activities of TIRP in the country would lead to preventing freedom and dissent."

The Freedom House also issued a similar statement in regards to the actions of the government towards TIRP that has over 40,000 members.

Violations against Freedom on Religion

The most important problems Muslims in Tajikistan face;

1. Closing and destruction of mosques and Islamic centers.
2. Students accused of terrorism and extremism.



3. Prevention of Muslim girls wearing headscarves.
4. Hundreds of students being taken out of religious schools and schools being closed.
5. Prohibition of children and teenagers entering mosques.
6. The idea of Religion and belief to be wiped out of mind with cruelty and persecution.
7. Requiring a violent campaign against the trimming of beards and against headscarves. Banning the importing of Islamic clothing for women.
8. Limiting the amount of people going to Mecca for Hajj and Umrah.
9. Incognito attempts.
10. To bring Bahaism, Christianity, Zorostranism and Krishna teachings to the forefront and force Muslims to go the institutions of these teachings
11. The prohibition of names that feature Arabic or Islamic context.

The government that issued the “freedom of religi-

on and religious institutions of law” has given itself the right to determine the activities that religious parties, communities and institutions organize.

Due to this law the government was given the right to severely examine religious books.

Based on this law, the government has the right and can determine where people can worship and religious ceremonies are held. At the same religious activities, mosques and madrassas must be register with government.

Many mosques, schools and religious centres were forced to close due to this law. Mosques near the party centre were closed in 2010 due to the same law.

Following that law another called “parents responsibility law” was issued, this law banned boys and girls from receiving education from religious schools that are not registered in Tajikistan.

The government that forbid to pray between working hours also went further and banned praying outside of mosques. A banned was imposed on beards and headscarves at schools, universities, markets and government buildings. Children were also banned from memorizing surahs and verses from the Qur’an.

V. LEGAL BASIS and INTERNATIONAL LAW

1. RIGHT TO LIVE, TORTURE AND ILL TREATMENT IN TERMS OF PREVENTION

The Universal Declaration of Human Rights

Article 1 All human beings are free and are born equal in dignity as well as rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 3 Everyone has the right to live, freedom and personal security.

Article 5 No one should be subjected to torture, cruelty, punishment, inhuman and degrading treatment.

The International Covenant on Civil and Political Rights

Article 2 Any government who is obliged to this Convention must respect the rights of individuals without discriminating between race, gender, language, religion, political or other ideologies, national or social origin, property, birth or other status and must ensure all rights in the convention.

Article 6

1. Every human being has the inherent right to live. This right shall be protected by law. No one has the right to arbitrarily take this right from an individual.

Article 7 No one should be subjected to torture, cruelty, punishment, inhuman and degrading behaviour. In particular, no one should be subjected to medical or scientific experiments without their consent.

Convention Against Torture or Cruelty, Punishment, Inhuman or Degrading Treatment (Tajikistan has approved this convention on 11.01.1995)

Article 2 Obligation to prevent torture and justify the ban on torture

1. Each State Party effectively takes measures to prevent the perpetration of acts of torture in any territory under its sovereignty in legislative, administrative, judicial or other measures.
2. Whatever happens whether it be the state of war, threat of war, internal political instability or any other exceptional extraordinary circumstances cannot be invoked as a justification of torture.
3. An order given by a superior officer or a public authority cannot be invoked as a justification of torture.

Madde 12 Investigation of acts of torture





Each Party State that encounters torture and justification of the offense committed in any territory under its sovereignty should immediately have an impartial investigation started by the competent authority.

Article 13 Right to complain to authorities

Each state party provides every individual the right to be examined in an unbiased manner when claiming to have been tortured in any territory under the country's sovereignty and immediately is investigated by the competent authorities. The complainant and the witnesses, as a result of testimony or made complaints of ill-treatment or to provide any necessary measures are taken to be protected against any threats.

2. RIGHTS OF PEOPLE ARRESTED, IN CUSTODY

The Universal Declaration of Human Rights

Article 9 No one can be subjected to arbitrary arrest, detention or exile.

Article 11

1. According to law anyone who is accused of an

offense is presumed innocent unless proven guilty, and must be given a public trial without assurance of all rights.

2. Under national or international law no one in the offense is considered guilty of any act or omission that does not constitute a crime. Nobody can be given a heavier penalty than the penalties applied given in the commission of the crime.

Article 12 No one has the right to arbitrarily interfere to an individuals private life, family, home or even communication methods and attack one's honor and name. Everyone has the right to be protected by law against such interference or attacks.

International Convention on Civil and Political Rights (Tajikistan has approved this agreement on 04.01.1999)

Article 9

1. Everyone has the right of liberty and security. No one should be arbitrarily detained or arrested. No one can be stripped from their freedom as long as they have not committed a crime.



2. Anyone that is detained shall be notified immediately about claims asserted and reason for arrest.
3. Anyone detained or arrested for an alleged crime committed, should have the right to be immediately brought forward a judge or another official authority to be trailed or be released. It will not be the general rule for the person held in custody pending trial; however, if to be released the defendant may be asked to provide guarantee to be present at other stages of the judicial proceedings and where necessary be present while giving the final verdict.
4. Anyone who is derived from their liberty due to detention or being arrested has the right to apply to the court to decide on the release if the detention is not legal as the court is to decide without delay on the lawfulness of the detention.
5. Anyone that is a victim of an illegal arrest or detention will have the right for compensation.

Article 10

1. Anyone who is derived of their liberty should be treated in a humanely way and their dignity should be respected.

Basic Principles of Treatment Applicable to Prisoners.

1. All prisoners should be treated with appropriate respect for their inherent dignity and value as human beings.

Health Rights of Prisoners According to International Law

Provisions related to “the right to live”, “health rights” and “prohibition of torture and ill-treatment” are evident in many international documents such as the Universal Declaration of Human Rights, United Nations Covenant on Civil and Political Rights, Torture and Inhumane as well as Degrading Punishment and the European Convention for the Prevention of Treatment.

On the other hand, developments were made on various regulations on the rights of prisoners through standards for the treatments of persons deprived of their liberty by Europe's Torture Prevention and Inhuman or Degrading Treatment or Punishment Committee (CPT). These regulations included some that were the United Nations such as “Implementation of Prisoners Required Minimum Standard Rules”, “Istanbul Protocol” dated 4 November 1999, the “Tokyo Declaration” that was adopted by the World Medical Union in 1975 and revised in 2006, the “European Prison Rules” (2006) No. 2 Recommendation that was issued for the European Council member states by the Council of Europe Committee of Ministers.

Europe's Torture Prevention and Inhuman or Degrading Treatment of Punishment Committee (CPT) was established under the 1987 Council of Europe Convention.

CTP's work has been organised as an integral part of the system created by the European Council to protect human rights, the European Court of Human Rights to the existing reactive judicial mechanism and adding a proactive non-judicial mechanism.

Health care services offered to persons deprived of their liberty is directly related to the CPT's mandate. Inadequate health services, “inhuman and degrading treatment” within the scope of the term may cause conditions to emerge quickly.

Anyone derived from their liberty should be treated with respect under human rights.

- Anyone who is derived from their liberty continues to have all rights that have not been taken from them legally even if they are punished or arrested.



- Restrictions on persons derived from their liberty, the rights of the sanctions imposed must be proportionate to the legal order and the minimum level required.
 - Prisoners should have access to clean and sanitary facilities arranged in accordance with privacy whenever they want.
 - Prison authorities are obliged to protect the health of prisoners which is already their responsibility.
- b. Prohibiting any discrimination against women and also containing sanctions where necessary to adopt appropriate legislative and other measures,
 - c. To equally establish the legal auspices of the rights of women with men and the competent national tribunals to ensure the active patronage of all kinds of discrimination against women through other government agencies,
 - d. Refrain from engaging in any discriminatory act or practice against women and provide the organisation with the public authorities to act in accordance to this obligation,
 - e. Any person, organisation or enterprise to take all appropriate measures to prevent discrimination against women,
 - f. To amend or terminate and take all appropriate measures against constitutions, existing laws, regulations, customs, practices and legislation discriminating women,
 - g. To repeal all national penal provisions which constitute discrimination against women.

For this reason prisoners, should have access to public health with all the necessary medical systems, surgery and to psychiatric treatment.

3. TERMS OF WOMEN'S RIGHTS

The Convention on the Elimination of All Forms of Discrimination against Women (Approved by Tajikistan on 26.10.1993)

Article 2 States Parties condemn discrimination against women, accepts a policy making use of all appropriate means and without delay eliminates discrimination against women and for this reason undertakes the following:

- a. The equality of men and women in their national constitutions or other appropriate legislation, if not yet incorporated into laws and other appropriate means to ensure the implementation of this principle,

Article 3 States Parties should take all appropriate measures, including legislation to ensure progress in political, social, economic and cultural fields to guarantee women with human rights equally with men to enjoy the fundamental freedoms.

Article 7 State Parties to eliminate discrimination

against women shall ensure the rights of women on equal terms with men in the country's political and public life:

- a. To vote in all elections and public referenda and to be elected to the bodies elected by the people,
- b. To participate in the preparation and implementation of government policy, to public office and to perform all public functions at all levels of government,
- c. The country's public and non-governmental organizations concerned with political life and to participate in society.

4. RELIGION, and FREEDOM OF EXPRESSION IN TERMS OF CONSCIENCE

The Universal Declaration of Human Rights

Article 18 Everyone has the right to freedom of conscience, religion and opinion. These rights, religion or collectively, in public or private, to manifest in teaching, practice, worship and includes the freedom to manifest religious ceremony.

Article 19 Everyone has the right of freedom of opinion and expression. These rights should not be disturbed due to ones thoughts, regardless of frontiers, information as well as ideas and it should be necessary to obtain the right to spread.

Declaration on the Elimination Based on Intolerance and of Discrimination Rights of Faith of All Forms

Article 1 Thought, conscience and religion

- 1. Everyone has the right of freedom of conscience, religion and thought. This right is, of a belief that religion or language can be spread in community with others or on their own as well as to be able to worship openly or latently and has the freedom to manifest through practice and teaching.
- 2. No one shall be subject to coercion which would impair his freedom to have the belief that one religion or language.

Article 2 The prohibition of discrimination

- 1. No one shall be discriminated due to their group, belief and religion by a State, person and institution.

Article 6 Content of thought, conscience and religious freedom





International Convention on Civil and Political Rights (Approved this agreement on 04.01.1999)

Article 18

1. Everyone will have the freedom of conscience, religion and thought. This right is, of a belief that religion or language can be spread in community with others or on their own as well as to be able to worship openly or latently and has the freedom to manifest through practice and teaching.
2. Nobody can be subjected to pressure due to their religion and nobody can harm the right of religion freedom.
3. A person is determined by law, but the freedom to establish their religion or belief and public safety, order, health, morals or restrictions may be necessary to protect the fundamental rights and freedoms of others.
4. State parties who are in favour of this Convention are obliged to respect the freedom of parents or guardians of having the right to teach their children their beliefs and provide them moral education.

Article 19

1. Everyone has the right to have thought without anyone's interference.
2. Everyone has the right to express their opinions; this right includes the freedom to acquire and transmit all kinds of information and ideas orally, written, printed and through art regardless of frontiers and has the right research.
3. The exercise of the rights provided in 2nd clause of this article carries with it some special duties and responsibilities. Therefore, there may be some limitations; however, it must be provided by law and these limitations are; (a) Başkalarının haklarına ve şöhretine saygı bakımından ve;
 - a. Respect for others and respect of the rights or reputation;
 - b. National security should be of public order and public morals or the protection of public health care is not necessarily required.

Thought, conscience, freedom of religion or belief in accordance with the first article of this Declaration, and in the framework of the provisions of the third paragraph of the first article, among other freedoms, includes the following freedoms.

- a. In connection with a religion or belief, to worship or assembly, and set up the necessary facilities for this purpose and use;
- b. To set up the necessary foundation for humanitarian organizations and their businesses;
- c. A religion or belief of making the necessary tools and materials adequately for their ceremony or tradition, receive and use;
- d. Writing about this area as well as broadcasting, publishing, and distributing;
- e. To teach a religion or belief at appropriate places based on these purposes
- f. To receive or ask for voluntarily financial assistance from individuals and institutions;
- g. Religion and belief and the need to develop the leaders in terms of the appropriate standards, assignments, and determine who will replace the selection;
- h. Days off for a person in accordance with the rules of religion or belief and to act in accordance with the holidays, and ceremonies;
- i. National and international levels, to communicate with individuals and communities in matters of religion and belief and maintain;



5. THE RIGHT TO A FAIR TRIAL AND TERMS OF DEFENCE

The United Nations Universal Declaration of Human Rights on Lawyers, Use and Duties of Rights Defence Attorney Related Aspects of Evaluation

Article 7 Everyone is equal before the law and is entitled without any discrimination to equal protection by the law. Everyone is entitled to equal protection against any kind of provocation and all kinds of discrimination.

Article 9 No one shall be subjected to arbitrary detention, arrest and exile.

Article 10 Everyone has the right to demand full rights and a public hearing by an independent and impartial tribunal proceeding when determining the rights and obligations of any criminal charge one is accused of.

Article 30 Nothing in this declaration can be interpreted in such a way that would give the right to any State, community or person to make an attempt or act aimed at the destruction of any freedoms.

Basic Principles on the Role of Lawyers (Havana Rules)

12. Lawyers who are the key element in the delivery of justice, always protect the honour and dignity of the profession

Assurance of Advocacy Activities

16. Government lawyers;

- a. are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference;
- b. are able to travel and to consult with their clients freely both within their own country and abroad;
- c. Shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

18. Lawyers shall not be identified with their clients or their clients' causes as a result of discharging their functions.

19. No court or administrative authority before whom the right to counsel is recognized shall refuse to recognize the right of a lawyer to appear before it for his or her client unless that lawyer has been

disqualified in accordance with national law and practice and in conformity with these principles.

20. Lawyers shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in their professional appearances before a court, tribunal or other legal or administrative authority.

21. It is the duty of the competent authorities to ensure lawyers access to appropriate information, files and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

22. Governments shall recognize and respect that all communications and consultations between lawyers and their clients within their professional relationship are confidential.

23. Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and the recognized standards and ethics of the legal profession.

United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

Principle 2: Responsibilities of the State

Article 16 : The State should not interfere with the organization of the defence of the beneficiary of legal aid or with the independence of his or her legal aid provider.

Principle 12: Independence and protection of legal aid providers

States should ensure that legal aid providers are able to carry out their work effectively, freely and

independently. In particular, States should ensure that legal aid providers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; are able to travel, to consult and meet with their clients freely and in full confidentiality both within their own country and abroad, and to freely access prosecution and other relevant files; and do not suffer, and are not threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

International Bar Association Standards for the Independence of Lawyers

Article 6: Subject to the established rules, standards and ethics of the profession the lawyer in discharging his or her duties shall at all times act freely, diligently and fearlessly in accordance with the legitimate interest of the client and without



any inhibition or pressure from the authorities or the public.

Article 8: No lawyer shall suffer or be threatened with penal, civil, administrative, economic or other sanctions or harassment by reason of his or her having legitimately advised or represented any client or client's cause.

Article 11: Save as provided in these principles, a lawyer shall enjoy civil and penal immunity for relevant statements made in good faith in written or oral pleadings or in his or her professional appearances before a court, tribunal or other legal or administrative authority.

The Universal Declaration of Human Rights

Article 9 No one shall be subjected to arbitrary detention, arrest and exile.

Article 10 Everyone has the right to demand full rights and a public hearing by an independent and impartial tribunal proceeding when determining the rights and obligations of any criminal charge one is accused of.

Article 11

1. According to law anyone who is accused of an offense is presumed innocent unless proven guilty, and must be given a public trial without assurance of all rights.

2. Under national or international law no one in the offense is considered guilty of any act or omission that does not constitute a crime. Nobody can be given a heavier penalty than the penalties applied given in the commission of the crime.

Article 12 No one has the right to arbitrarily interfere to an individuals private life, family, home or even communication methods and attack one's honor and name. Everyone has the right to be protected by law against such interference or attacks.

International Covenant on Civil and Political Rights (Tajikistan has approved this agreement on 04.01.1999)

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special

circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.
3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:
 - a. To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
 - b. To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;
 - c. To be tried without undue delay;
 - d. To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;
 - e. To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - f. To have the free assistance of an interpreter if he cannot understand or speak the language used in court;
 - g. Not to be compelled to testify against himself or to confess guilt.
4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.
5. Everyone convicted of a crime shall have the right to his conviction and sentence being re-

viewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.
7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

6. THE RIGHT OF FREEDOM, POLITICS AND POLITICAL PARTICIPATION

The International Contract on Civil and Political Rights (was approved on 04/01/1991 in Tajikistan)

Article 21

The right of peaceful assembly shall be recognized. The exercise of this right has been made in relation to the law and no further limitations or restrictions could be brought on the public security in a democratic nation, in terms of public order, public health and will protect the public morals and rights of others.

Article 25

Every citizen, 2. the distinction referred to in Article 2 and not withstanding the unreasonable restrictions:

- a. The right to participate directly or through a freely elected representative in management positions
- b. in the government;
- c. In general, equal and secret ballots during specific periods, the voters freely vote in elections



and in real elections with can be guaranteed to vote and be elected;

- d. In general, they all have the equal right and opportunity to enter public services.

Article 27

Minorities who do not share the same ethnicity, religion or language as their state will not be deprived of the right to follow their own culture, beliefs or worship.

The Universal Declaration of Human Rights

Article 20

1. Everyone has the freedom to join and be a member of an unarmed and peaceful assembly, association and society.

Article 21

1. Everyone has the right directly or freely participate in the governance of the country via freely chosen representatives.
2. Everyone in the country has the right of equal access to public services.
3. The will of the people is the basis of go-

vernment authority. This method will be held by voting in secret or freely and will be repeated in voting held in specific intervals.

Women's Political Rights Contract

It was accepted, signed, approved and open for participation by the United Nations General Assembly on 20 December 1952 and 640 (VII) The agreement was up and running on 7 July 1954 as it was matching Article VI. Turkey joined the agreement on January 12, 1954 and approved it on 25 May 1959. The approval law no.7288 and no.10220 was published in the Official Gazette on 2 June 1959.

Article 1 Women, will have the right to vote on an equal basis with men.

Article 2 Women, will have the right to be elected on an equal basis with men into all public organizations.

Article 3 Women, will have equal rights as men to take part in public positions fulfill public duties made in accordance with national laws.



VI. CONCLUSIONS AND RECOMMENDATIONS

1. The Tajikistan government must immediately stop oppressing its people, TIRP administrators, members and those found guilty of expressing thoughts must be released immediately.
2. Those responsible for killings, torture and all crimes against humanity must be punished.
3. In order to prevent further violation of human rights in Tajikistan and eliminate the problems it causes, delegations must be formed with human rights organisations, non-governmental organisations, and law associations should go to Tajikistan and carry out efforts to stop the violations.
4. Regardless of which part of the world they are in, BARO's jurists and lawyers should carry out all efforts to have their colleagues, who have been held in custody or arrested over doing their job, released.
5. All media organisations forced to close in Tajikistan should be given the right to keep broadcasting.
6. All goods belonging to TIRP, its members and those who are not from the party but opponent's businessman and other people should be returned to their owners.
7. The Islamic world should immediately take the necessary initiatives to stop the violations taking place in Tajikistan.
8. All political parties in the east and west should oppose to the closure of a political party, the government should take necessary action over such a case.
9. All women should implement solidarity for the release of women held captive in Tajikistan.
10. 10. Journalists and media outlets should stand in solidarity for the journalists held captive in Tajikistan.
11. These demands are legitimate, legal and are accepted under international treaties and universal values. They must be accepted and applied immediately.
12. The UN, Russia, the OSCE, the Organization of the Islamic Conference and the other 7 countries who were witnesses and observers to the Peace Treaty signed on 27 June 1997, should fulfill their

