

Effective (non-)implementation of human rights conventions by Tajikistan



Human rights violations in the context of the crackdown on civil society in Gorno Badakhshan Autonomous Region (GBAO) in 2021-2022

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This report is intended to facilitate the assessment of the effective (non-)implementation of three relevant human rights conventions (ICCPR, CAT and CERD) in the framework of the European Union (EU) decision-making process about application of tariff preferences provided under the special incentive arrangement for sustainable development and good governance (GSP+) to Tajikistan.

For a detailed chronology of the crackdown, context information and sources, please see the report [What is happening in Tajikistan? Up-to-date information on recent events in Gorno Badakhshan Autonomous Region \(GBAO\) and their historical background](#). It is updated on a regular basis.

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1 GSP+ and Tajikistan

The European Union (EU) is negotiating an Enhanced Partnership and Cooperation Agreement (EPCA) with Tajikistan¹ and considering applying tariff preferences provided under the special incentive arrangement for sustainable development and good governance (GSP+).

According to Art. 9 Par. 1(b) of EU Regulation No. 978/2012, a Generalised Scheme of Preferences (GSP) beneficiary country can be granted GSP+ status, implying additional tariff preferences, if “it has ratified all the conventions listed in Annex VIII (the ‘relevant conventions’) and the most recent available conclusions of the monitoring bodies under those conventions (the ‘relevant monitoring bodies’) do not identify a serious failure to effectively implement any of those conventions”.²

2 Recent human rights violations in Gorno Badakhshan Autonomous Region (GBAO) of Tajikistan

In 2021-2022, Tajikistan’s authorities cracked down on civil society in Gorno Badakhshan Autonomous Region (GBAO). GBAO is a high mountain region in the eastern part of the country with a population of around 230,000. It is populated by an ethnic and linguistic minority of indigenous peoples (Pamiris). Most residents of GBAO, adhering to the Ismaili current of Shia Islam, also form a religious minority.

The European Parliament took note of the crackdown in an urgency resolution adopted in July 2022.³ In this process and in its aftermath, Tajikistan’s authorities have been committing serious violations of human rights enshrined in several international conventions relevant for GSP+. For example, within 48 hours after the Human Rights Dialogue with the EU had ended on 7 December 2023,⁴ several high-profile civil society leaders from GBAO were convicted in unfair trials and sentenced to long prison terms.⁵

Considering that these human rights violations have been committed recently, the dramatic deterioration of the human rights situation in Tajikistan is not reflected yet in the most recent available conclusions of the monitoring bodies under most of the relevant conventions. This report is intended to fill this gap in order to facilitate the assessment of the effective (non-)implementation of three relevant human rights conventions (ICCPR, CAT and CERD) in the framework of the EU decision-making process about the granting of GSP+ to Tajikistan.

The report is based on publicly available information,⁶ input from various partner organizations and initiatives, and conversations with 26 asylum seekers from GBAO in the European Union whose accounts have been assessed as credible. Ten of these interlocutors shared detailed accounts of interrogation by security forces which often included torture and other inhuman and degrading treatment.

¹ <https://www.consilium.europa.eu/en/press/press-releases/2022/12/08/eu-to-launch-negotiations-on-a-new-agreement-with-tajikistan/>.

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2012.303.01.0001.01.ENG.

³ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0293_EN.html.

⁴ https://www.eeas.europa.eu/eeas/tajikistan-13th-human-rights-dialogue-eu-takes-place-dushanbe_en?s=228.

⁵ <https://minorityrights.org/2022/12/09/gbao-sentences/>, <https://cpj.org/2022/12/tajikistan-authorities-sentence-2-journalists-to-lengthy-prison-terms/>, <https://www.hrw.org/news/2022/12/12/tajikistan-long-sentences-autonomous-region-activists>, <https://www.fidh.org/en/issues/human-rights-defenders/tajikistan-heavy-prison-sentences-for-rights-defenders-from-gorno>.

⁶ Much of the publicly available information is compiled in the report published by Roof-top Info, which includes a chronology of events with references to sources, lists statements by international stakeholders and NGOs, as well as articles by international media, and provides synopses of available information about fatalities and detainees: <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

3 International Covenant on Civil and Political Rights (ICCPR)

The International Covenant on Civil and Political Rights (ICCPR)⁷ was accessed by Tajikistan in 1999. After reviewing Tajikistan's second and third periodic reports in 2011⁸ and 2017,⁹ the Human Rights Committee adopted its concluding observations in 2013¹⁰ and 2019.¹¹

3.1 Right to life (Art. 6)

The ICCPR grants the inherent right to life to every person (Art. 6). The recommendation by the Human Rights Committee that Tajikistan should “take expeditious measures to ensure that those responsible for the killing and wounding of civilians during the security operation in Khorugh city [in July 2012] are identified, prosecuted and convicted [...]”¹² has neither been implemented nor addressed by Tajikistan in its report on the follow-up to the concluding observations.¹³

The extrajudicial execution of Gulbiddin Ziyobekov on 25 November 2021 happened while he was in custody of the State Committee for National Security. Subsequently, residents gathered for a protest event in Khorugh city. Security forces killed two protesters when opening fire at the crowd. On 16 May 2022, Zamir Nazarshoev was shot in Khorugh city of GBAO by security forces which were cracking down on protesters. On 18 May 2022, security forces opened fire at protesters and other residents in Rushan district of GBAO, tortured and executed at least seven residents during arbitrary detention. At least 25 persons were killed in Rushan district on that day. On 22 May 2022, Mamadbokir Mamadbokirov was publicly assassinated by special forces in Khorugh city of GBAO. On 31 May 2022, five residents of Rushan district, and on 12 June 2022, two residents of Khorugh city were killed by security forces.¹⁴

Nobody has been held accountable for these killings. No “effective and independent investigation”, which was suggested by the European Parliament in its resolution adopted in July 2022,¹⁵ has taken place. President Rahmon has publicly admitted knowledge and assumed responsibility for the crackdown in Rushan district, alleging it had been a response to an “attack by terrorist groups on transport convoys of state security forces”.¹⁶

3.2 Prohibition of arbitrary arrest and detention (Art. 9)

The ICCPR bans arbitrary arrest and detention and stipulates that nobody shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law (Art. 9 Par.

⁷ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F2&Lang=en.

⁹ 3611th meeting on 2 July 2019: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FSR.3611&Lang=en. 3612th meeting on 3 July 2019: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FSR.3612&Lang=en.

¹⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F2&Lang=en

¹¹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en.

¹² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en, par. 26.

¹³ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en.

¹⁴ For synopses of the publicly available information about fatalities, see: <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

¹⁵ https://www.europarl.europa.eu/doceo/document/TA-9-2022-0293_EN.html, K.5.

¹⁶ <https://khovar.tj/rus/2022/06/prezident-poruchil-obespechit-realizatsiyu-proektov-po-razvitiyu-gbao-samoj-krupnoj-po-territorii-oblasti-tadzhikistana-predrekayut-burnoe-razvitie/>.

1). *The UN Human Rights Committee in its concluding observations in 2019 expressed its concern about “the broad and vague definitions of terrorism (Counter-Terrorism Act of 1999), extremism (Anti-Extremism Act of 2003) and public justification of terrorist and extremist activity”, as well as “the reported misuse of such legislation to limit and repress the freedom of expression of political dissidents and religious groups”.*¹⁷

During and after the crackdown on civil society in GBAO in May 2022, peaceful protesters, journalists, bloggers, human rights activists, religious leaders, entrepreneurs, community leaders, poets, and diaspora activists abroad were arrested in large numbers, factually for exercising the rights to freedom of association, freedom of peaceful assembly, freedom of thought and expression and for legitimate human rights work.¹⁸ Arrests were carried out on unsubstantiated charges mostly using counter terrorism legislation, in particular Art. 187 of the Criminal Code (Organisation and participation in a criminal organisation). This article, according to UN experts, by its broad nature, “may directly or indirectly criminalise the peaceful exercise of freedom of association and assembly and may create a chilling effect on civil society engaged in non-violent criticism of state policies.”¹⁹

The ICCPR also requires that anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him (Art. 9 Par. 2).

In the case of detainees in GBAO during and after May 2022, reasons for the detention were not duly communicated to them and their family members. In the early period of the detention, the family members mostly did not know which agency had performed the detention or arrest, and where the detainees were kept. Family members in GBAO and Dushanbe had to search for their relatives to eventually locate them in one of the pre-trial detention centres different security agencies. In most cases, arrest warrants had not been issued, or relatives were not aware of them. Residents received phone calls from the prosecutor’s office to come for “a talk” and were detained afterwards, or were apprehended from their homes, streets or place of work without any explanation or arrest warrant. The exact charges largely remained unknown to detainees from GBAO and their family members until the judicial hearings. In many cases, the relatives even did not know the exact charges after their relatives had been convicted.

3.3 Right to fair trial (Art. 14)

The ICCPR requires that everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law (Art. 14 Par. 1).

The UN Human Rights Committee in its concluding observations in 2019 expressed its concern about “allegations of unfair trials, including violations of equality of arms between the defence and the prosecution; a bias in favour of the prosecution, violation of the presumption of innocence and an extremely low acquittal rate (about 0.1 per cent in 2018), unfair trials, closed to the public, in the case of the leaders of the Islamic Renaissance Party, and closed trials in cases not involving national security charges (arts. 2 and 14).”²⁰ UN Special Rapporteurs in their communication to the Government of Tajikistan in January 2023 argued that the Tajikistani anti-terror legislation authorizes “closed judicial

¹⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2FTJK%2FCO%2F3&Lang=en, par. 23. This concern over the counter-terrorism legislation in Tajikistan, was shared by several UN Special Rapporteurs in their communication to the Government of Tajikistan in January 2023: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27787>.

¹⁸ <https://eurasianet.org/tajikistan-pamiri-activists-imprisoned-en-masse>.

¹⁹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27787>, p. 12.

²⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2F%2FTJK%2FCO%2F3&Lang=en, par. 37.

*hearings”, appears to punish “pre-criminal” thoughts and actions, and sets up “the inevitability of punishment of counter-terrorism activity”, which may have negative consequences for the right to a fair trial.*²¹

After her visit to Tajikistan in December 2022, the United Nations Special Rapporteur on the situation of human rights defenders stated that she had heard “a lot of concerns about the lack of independence of the judiciary both as a result of certain aspects of legislation, and due to interference from other branches of the government, especially the executive, and also of other private and partisan interests”.²² These concerns were confirmed by the unfair trials of detainees from GBAO during and after the crackdown.

The journalist and human rights defender Ulfatkhonim Mamadshoeva, as well as her former husband Kholbash Kholbashov were presumably coerced to read out public “confessions” few days after their arrests in May 2022. They were widely broadcasted as part of a larger “documentary” about an alleged conspiracy while investigation was still ongoing.²³ Such pre-trial public “confessions” were common practice.

Most of the defendants from GBAO did not have access to lawyers during the investigation and trial. In 2022, there were reportedly only four lawyers officially registered as members of the bar association in GBAO.²⁴ The families of the defendants were not able to secure lawyers in Dushanbe, where the majority of defendants had been transferred to, as lawyers feared reprisals for taking political cases.²⁵ Lawyers who were representing some high-profile defendants in court had to sign agreements on non-disclosure and were banned from sharing any information on the cases publicly or to the defendants’ relatives. Barriers were created for the lawyers to visit the defendants regularly and prepare for the trials. Defendants did not have access to the details of their cases to be able to defend themselves properly.

Closed trials prevented the larger public and family members of the defendants to participate during the trials, receive a copy of the court decisions and details of the charges to pursue appeals or use other international human rights mechanisms.²⁶ Some trials were held in the places of detention, excluding the public without any formal decision. In the high-profile cases of several lawyers, journalists and human rights defenders, the charges were made public by the general prosecutor several weeks after their conviction.²⁷ In none of the rare cases of appeals, the conviction or sentence was changed.

Human rights activists from the Pamiri diaspora community have documented more than 200 cases of convictions of residents of GBAO in 2022, including 11 sentences to life imprisonment.²⁸ Among them were the lawyers [Manuchehr Kholiknazarov](#), [Khursand Mamadshoev](#) and [Faromuz Irgashev](#), other members of the Commission 44 like [Muzaffar Muborakshoev](#), [Shaftolu Bekdavlatov](#) and [Khujamir Pirmamadov](#), journalists and bloggers [Ulfatkhonim Mamadshoeva](#), [Khushruz Jumaev](#), [Komyor Mirzoev](#), [Mamadsulton Mavlonazarov](#), poet [Muyassar Sadonshoev](#), cleric [Muzaffar Davlatmirov](#), civic activist [Sorbon Yunoev](#), and the diaspora leaders [Amriddin Alovatshoev](#), [Oraz Vazirbekov](#) and [Ramzi Vazirbekov](#) who were forcibly returned to Tajikistan from the Russian Federation.

²¹ <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27787>, p. 9.

²² <https://www.ohchr.org/sites/default/files/documents/issues/defenders/2022-12-08/EoM-Visit-Tajikistan-9Dec2022-EN.docx>, p. 4.

²³ <https://eurasianet.org/tajikistan-respected-activist-faces-prison-over-alleged-plotting-with-us-government>, <https://www.rferl.org/a/tajikistan-televised-confessions-gorno-badakhshan/31868321.html>.

²⁴ <https://www.icj.org/tajikistan-detained-protesters-should-be-given-immediate-access-to-lawyers/>.

²⁵ <https://www.amnesty.org/en/wp-content/uploads/2021/05/EUR6062662017ENGLISH.pdf>, p. 12.

²⁶ <https://www.hrw.org/news/2022/12/12/tajikistan-long-sentences-autonomous-region-activists>.

²⁷ <https://www.prokuratura.tj/news-tj/1822-alasai-ayati-mushovara-dar-prokuraturai-general-505.html>, <https://rus.ozodi.org/a/32242339.html>.

²⁸ <https://pamirdaily.com/pamiris-prisoner-list-2022/>. For synopses of publicly known information about detentions, see <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

The Government of Tajikistan has not replied to communications by UN special rapporteurs on the alleged arbitrary detentions of Ms Mamadshoeva, Mr Kholiknazarov, Mr. Irgashev and Mr Mamadshoev submitted in July and October 2022.²⁹

3.4 Freedom of religion (Art. 18)

The ICCPR grants the right to freedom of religion (Art. 18). The UN Human Rights Committee in its concluding observations in 2019 remained concerned that “interference by the State in religious affairs, worship and freedom of religion and the ensuing restrictions [...] are incompatible with the Covenant”³⁰.

The situation with freedom of religion for the Ismaili minority in GBAO deteriorated dramatically during and after the crackdown on civil society in GBAO. Ismaili symbols on the mountain slope in Khorugh were destroyed by security forces in June 2022. One official place of worship (Jamatkhana) Khorugh was brought under video surveillance and another one was closed. Collective prayer in private houses was banned. The display of portraits of the Aga Khan (the spiritual leader of Ismailis) in private houses was restricted. The Ethics and Knowledge courses on religious education were banned, and teachers were threatened with prosecution for previously teaching such courses at a time when they had been officially included in the curriculum. Books on religious education were seized.³¹ In July 2022, the security forces detained one renowned cleric (khalifa) in Khorugh who was sentenced to five years in prison shortly afterward.³²

The UN Special rapporteur on the freedom of religion or belief, after her visit to Tajikistan in April 2023, reported about the situation specifically in GBAO: “We reached out to a range of religion or belief communities and faith-based actors in GBAO. There was a widespread reluctance to speak and a fear of reprisals.”³³

3.5 Freedom of opinion (Art. 19)

The ICCPR grants the right to hold opinions without interference (Art. 19). In its concluding observations in 2019, the UN Human Rights Committee remained concerned about “restrictions on the freedom of expression in law and in practice that do not appear to comply with the Covenant”³⁴.

With the crackdown on civil society in GBAO, the situation regarding the freedom of opinion has further deteriorated.³⁵ This was recognized by the UN Special Rapporteur on the situation of human rights defenders who, after her visit to Tajikistan in December 2022, was “deeply troubled by apparent clampdown on dissenting voices, including those seen as not respectful, nor in accordance with the country values, traditions, and interests”.³⁶

On the eve of the crackdown, “Asia-Plus”, one of the last independent media outlets in Tajikistan, announced that it had “received an official warning from the Prosecutor-General’s Office and unofficial warning from other government agencies that our publication covers events in the GBAO ‘unilaterally’ and ‘destabilizes the situation in the country’”, that it was threatened with closure and therefore had to cease reporting about

²⁹ Communication AL TJK 2/2022 on 13 July 2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27423>. Communication AL TJK 3/2022 on 4 October 2022: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=27560>.

³⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en, par. 43.

³¹ https://www.forum18.org/archive.php?article_id=2811.

³² https://www.forum18.org/archive.php?article_id=2782.

³³ <https://www.ohchr.org/sites/default/files/documents/issues/religion/SR-FORB-CV-Tajikistan-EOM-Statement.docx>, p. 8.

³⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en, par. 47.

³⁵ <https://monitor.civicus.org/country-rating-changes/tajikistan/>.

³⁶ <https://www.ohchr.org/sites/default/files/documents/issues/defenders/2022-12-08/EoM-Visit-Tajikistan-9Dec2022-EN.docx>, p. 5.

events in GBAO.³⁷ The same day, four journalists and camera operators were attacked by unidentified individuals after an interview with Ulfatkhonim Mamadshoeva, a renowned Pamiri activist and journalist.³⁸ The Ministry of Internal Affairs promised an investigation but has not published any results to date.³⁹

Apart from Mamadshoeva, who was sentenced to 21 years in prison within hours after the human rights dialogue of the EU with Tajikistan,⁴⁰ the Pamiri bloggers Khushruz Jumaev, Mamadsulton Mavlonazarov and Komyor Mirzoyev were sentenced to long prison terms, as well as the Tajik journalists Daler Emomali, Abdulloh Gurbati, Zavkibek Saidamin and Abdusattor Pirmukhammadzoda.⁴¹ In many cases, charges of public calls for the violent change of the constitutional order of the Republic of Tajikistan under Art. 307 of the Criminal were used as a pretext for intimidating or imprisoning those who had expressed dissenting opinions.

The journalists Anora Sarkorova and Rustami Joni, who are living in the European Union, were targeted for transnational repression. They were intimidated through relatives and social media posts, and a criminal case against Joni was opened in Tajikistan.⁴² The internet portal Pamir Daily News (the predecessor of Pamir Inside), which had emerged as a key provider of independent information on events in GBAO during the crackdowns, was declared to be an extremist organization by the Supreme Court of Tajikistan in June 2023 and its work was banned inside Tajikistan.⁴³

3.6 Right to peaceful assembly (Art. 21)

*The ICCPR requires the recognition of the right of peaceful assembly (Art. 21). In its concluding observations in 2019, the UN Human Rights Committee expressed its concern about “undue restrictions on the exercise of freedom of peaceful assembly, including those set out in the Meetings, Rallies, Demonstrations and Processions Act (2014)”.*⁴⁴

As a result of such undue restrictions, peaceful assemblies without endorsement by the authorities are almost unheard of in Tajikistan. GBAO was the only region of the country which enjoyed a certain degree of de facto freedom of assembly till May 2022. When protesters gathered in Khorugh city on 25 November 2021 to demand accountability for the presumed extrajudicial killing of Gulbiddin Ziyobekov by security forces, security officers opened fire, killing two and injuring several protesters.⁴⁵ On 16 May 2022, security forces prevented protesters from gathering in the city centre of Khorugh city by blocking roads throughout the city and violently dispersing a peaceful protest march. On 18 May 2022 in the early morning, officers of different security agencies in a coordinated way opened fire at a group of protesters in Rushan district who were preventing a military convoy from passing the district and reaching Khorugh city.⁴⁶ The bloody crackdown on protesters and the subsequent extrajudicial killings left at least 25 residents dead. No security officer has

³⁷ <https://asiaplustj.info/en/news/tajikistan/society/20220517/asia-plus-statement-regarding-the-situation-in-the-gorno-badakhshan-autonomous-region>.

³⁸ <https://pressroom.rferl.org/a/rfe-rl-journalists-beaten-in-tajikistan/31855289.html>.

³⁹ <https://rus.ozodi.org/a/31950021.html>.

⁴⁰ <https://minorityrights.org/2022/12/09/gbao-sentences/>, <https://eurasianet.org/tajikistan-respected-journalist-sentenced-to-21-years-in-prison>, <https://cpj.org/2022/12/tajikistan-authorities-sentence-2-journalists-to-lengthy-prison-terms/>.

⁴¹ For synopses of the publicly available information about detentions, see: <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

⁴² <https://rus.ozodi.org/a/32333884.html>.

⁴³ <https://prokuratura.tj/news-tj/2230-fa-oliyati-tashkiloti-pamir-daily-news-dar-ududi-to-ikiston-man-kardashud.html>, <https://pamirdaily.com/верховный-суд-таджикистана-объявил-памир/>. Pamir Daily News was subsequently rebranded as Pamir Inside: <https://t.me/pamirinside/2214>.

⁴⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en, par. 49.

⁴⁵ <https://www.theguardian.com/global-development/2022/feb/04/we-want-the-truth-families-of-ethnic-pamiris-killed-in-tajikistan-call-for-justice-as-tensions-rise>.

⁴⁶ <https://thediplomat.com/2022/05/the-pamir-powderkeg/>.

been held accountable for violence against protesters. Nobody has dared to call for any peaceful assembly in GBAO after the events in Rushan district.

3.7 Right to freedom of association (Art. 22)

*The ICCPR stipulates the right to freedom of association with others (Art. 22). In its concluding observations in 2019, the UN Human Rights Committee expressed its concern at “reports of frequent inspections of non-governmental organizations (NGOs) resulting in fines or even closure of some of them”.*⁴⁷

Fully in line with these concerns, the UN Special Rapporteur on freedom of religion or belief, after her visit in GBAO in April 2023, reported that “more than 30 of those NGOs [in GBAO], even those working with children, suspended their activities, and more than 10 NGOs have self-liquidated under the pressure [by the State Committee for National Security]”.⁴⁸

The most prominent case is the Commission 44 which had been formed by leading representatives of civil society in GBAO during the protests in November 2021 to monitor the investigation into the presumed extrajudicial killing of Gulbiddin Ziyobekov and to intermediate between the authorities and the population. During the crackdown in May 2022, the most renowned human rights defenders within the Commission 44 were detained, among them the lawyers Faromuz Irgashev, Khursand Mamadshoev and Manuchekhr Kholiknazarov.⁴⁹ After the Commission 44 had been declared a criminal association by the Supreme Court,⁵⁰ they were convicted of membership in a criminal association and other alleged crimes and sentenced to long prison terms.⁵¹ This happened in spite of calls by the European Parliament in its resolution adopted in July 2022 to release these human rights defenders.⁵² Importantly, these sentences were pronounced within hours after the European Union in its human rights dialogue with Tajikistan had urged the authorities of Tajikistan to uphold the international fair trial standards,⁵³ and the UN Special Rapporteur on the situation of human rights defenders had concluded her visit to Tajikistan.⁵⁴

3.8 Minority rights (Art. 27)

The ICCPR establishes that persons belonging to ethnic or linguistic minorities shall not be denied the right to enjoy their culture or to use their own language (Art. 27).

Pamiris have long experienced violations of their minority and language rights and they have been denied recognition as a distinct ethnic group.⁵⁵ Since the crackdown on civil society in GBAO in 2022, the authorities of Tajikistan have exacerbated their efforts of cultural and linguistic assimilation of the Pamiri minorities, seriously failing to effectively implement Art. 27 of the ICCPR. The Law on Regulating Traditions, Celebrations,

⁴⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FTJK%2FCO%2F3&Lang=en, par. 51.

⁴⁸ <https://www.ohchr.org/sites/default/files/documents/issues/religion/SR-FORB-CV-Tajikistan-EOM-Statement.docx>, p. 8.

⁴⁹ <https://www.fidh.org/en/issues/human-rights-defenders/tajikistan-arbitrary-detention-of-lawyers-manuchekhr-kholiknazarov>, <https://lawyersforlawyers.org/en/statement-on-the-arrest-of-the-lawyers-manuchekhr-kholiknazarov-and-faromuz-irgashov/>.

⁵⁰ <https://rus.ozodi.org/a/32001378.html>.

⁵¹ <https://www.fidh.org/en/issues/human-rights-defenders/tajikistan-heavy-prison-sentences-for-rights-defenders-from-gorno>.

⁵² https://www.europarl.europa.eu/doceo/document/TA-9-2022-0293_EN.html, K.4.

⁵³ https://www.eeas.europa.eu/eeas/tajikistan-13th-human-rights-dialogue-eu-takes-place-dushanbe_en?s=228.

⁵⁴ <https://srdefenders.org/end-of-mission-statement-official-country-visit-to-tajikistan/>.

⁵⁵ This was reported by ADC Memorial in 2017: <https://adcmemorial.org/wp-content/uploads/TajCERDeng3.pdf>, and in 2023: <https://adcmemorial.org/wp-content/uploads/adc-memorial-cerd-109-session-tajikistan-april-2023-eng-final.pdf>. Also see the Minority Rights Group (MRG) article about the Pamiris: <https://minorityrights.org/minorities/pamiris/>.

and Rituals in the Republic of Tajikistan prescribes the protection of elements of the national culture, including the state language and the national dress (Art. 14 Par. 2).⁵⁶ Abusing this stipulation, the authorities have banned traditional Pamiri festivities and other expressions of Pamiri identity, while coercing Pamiris to perform Tajik musical and dancing traditions. [Pamiri languages](#), which had never played a role in education, have not only been ousted from the media sphere and state institutions, but Pamiris have reportedly even been threatened with prosecution for speaking their own languages in public places.⁵⁷

4 Convention Against Torture (CAT)

The Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)⁵⁸ was accessed by Tajikistan in 1995. It requires states to take effective legislative, administrative, judicial and other measures to prevent acts of torture (Art. 2) and undertake to prevent other acts of cruel, inhuman or degrading treatment or punishment (Art. 16). States are obliged to ensure a prompt and impartial investigation into reasonable allegations of torture (Art. 12).

After reviewing Tajikistan's third periodic report in its 63rd session in 2018,⁵⁹ the Committee against Torture in its concluding observations expressed its concern at "allegations that torture and ill-treatment continue to be routinely practised by law enforcement officials in the State party" and recommended urgent action "to combat a culture of impunity for torture and ill-treatment".⁶⁰

Accounts of interlocutors from GBAO provided evidence of the continuing existence of this culture of impunity. Torture is common during interrogations, especially by the State Committee for National Security (GKNB) and the Department of the Ministry of Interior for Combating Organised Crime (UBOP). Beatings with fists, cudgels and everyday objects, as well as kicks with feet, were unanimously reported by all interlocutors who had been affected by physical torture. The head is often spared so as not to leave any visible traces. Individual interviewees also mentioned torture with electric shocks, deprivation of sleep and the insertion of needles into the nailbed beneath the fingernails.

The State Committee for National Security (GKNB) personnel deployed in GBAO, as well as the senior personnel of other security agencies consists almost exclusively of ethnic Tajiks of Sunni faith from other parts of the country. Interrogations of Ismaili Pamiris by security officers go along with inhuman treatment even when there is no physical violence. This has been reported without any exception by all interlocutors who experienced interrogation. Systematic insults and humiliation were not only directed against the interrogated persons and their relatives (especially wives, mothers and sisters), but also against the Ismaili religious affiliation and Pamiri ethnicity. Ismailis were called infidels ("kafir") and religiously impure ("haram"). The Aga Khan, the religious leader of the Ismailis, was mocked and belittled. Pamiris were not only called names, but some interlocutors also reported about threats of subjugation of all Pamiris to the will of the Tajiks, rape of all Pamiri women, and erasure of the Pamiri cultural identity.

The institutional and legal framework is clearly failing to prevent and eradicate torture in practice. Security forces act with impunity in GBAO. The overall perception of interlocutors who had experienced inhuman treatment and torture during interrogation was that there was no effective mechanism to complain and seek

⁵⁶ <https://www.mfa.tj/ru/main/view/3960/zakon-respubliki-tadzhikistan-ob-uporyadochenii-traditsii-torzhestv-t-obryadov-v-respublike-tadzhikistan>.

⁵⁷ <https://t.me/anorasarkorova/859>.

⁵⁸ <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>.

⁵⁹ 1633rd meeting on 4 May 2018: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSR.1633&Lang=en. 1636th meeting on 7 May 2018: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FSR.1636&Lang=en.

⁶⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FTJK%2FCO%2F3&Lang=en, par. 7-8.

redress. Nobody was held accountable for the torture and extrajudicial killing of Gulbiddin Ziyobekov in custody of the State Committee for National Security on 25 November 2021, for which photographic evidence is publicly available.⁶¹ Similarly, nobody was held accountable for the torture and extrajudicial killing of residents of Rushan district in custody of security agencies on 18 May 2022.⁶²

5 International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

The International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁶³ was accessed by Tajikistan in 1995. Signatory states are required to adopt measures to eradicate incitement to discrimination (Art. 4) and to undertake to prohibit and to eliminate racial discrimination in all its forms (Art. 5). The most recent conclusions available are the concluding observations⁶⁴ approved by the Committee on the Elimination of All Forms of Racial Discrimination after reviewing Tajikistan's third periodic report in its 109th session in 2023.⁶⁵ Importantly, in contrast to most other relevant conventions, the most recent available conclusions of the CERD monitoring body were made after the crack-down on civil society in GBAO in 2022.

5.1 Statistics

Pamiris, though self-identifying as ethnic minorities due to their distinct cultures and languages, as well as their adherence to Ismaili faith, are not recognized as minorities by Tajikistan. Instead, they are regarded as Tajiks and counted as such in the census.⁶⁶ Without official recognition as minorities, any anti-discrimination legislation does not apply to them. With the census not counting Pamiris separately, there is no empirical basis for reliably assessing the ethnic dimensions of discrimination, demographic changes and incarceration.

*Accordingly, in its concluding observations, the Committee regretted the “lack of updated statistics on the ethnic composition of the population, particularly on the Pamiri and Yaghnobi peoples”, and that Tajikistan “does not recognize, in accordance with the principle of self-identification set out in general recommendation No. 8 (1990) concerning the interpretation and application of article 1 (1) and 4 of the Convention, the Pamiri as a distinct group of people living on the territory of the State party and that they are subject to marginalization and discrimination”.*⁶⁷

⁶¹ Pictures of his body clearly show traces of torture and the bullet wound in the right eye: <https://t.me/pamirinside/356>, <https://t.me/anorasarkorova/651>.

⁶² For synopses of the publicly available information about fatalities and traces of torture, see: <https://wechange.de/project/roof-top-info/file/background-information-on-the-situation-in-kh/download/Background-information-on-the-situation-in-Khorugh.pdf>.

⁶³ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>.

⁶⁴ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en.

⁶⁵ 2971st meeting on 20 April 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.2971&Lang=en. 2972nd meeting on 21 April 2023: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FSR.2972&Lang=en.

⁶⁶ This was stated by the Minister of Justice at the Committee on the Elimination of Racial Discrimination in April 2023: <https://www.ohchr.org/en/news/2023/04/experts-committee-elimination-racial-discrimination-commend-tajikistan-improved>.

⁶⁷ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en, par. 5.

*The Committee recommended to Tajikistan that it, in its next periodic report, “provide updated disaggregated data on the ethnic composition of the population, based on the principle of self-identification, including on the Pamiri and the Yaghnoobi peoples, and on non-citizens, including migrants, refugees, asylum-seekers and stateless persons”.*⁶⁸

5.2 Pamiri minorities

*Confirming some of what has been noted above about the effective implementation of the ICCPR and CAT, the Committee was “seriously concerned about the tensions in the [GBAO], with reports of the use of lethal and excessive force against protesters in the region followed by prolonged Internet shutdowns and subsequent violent attacks and threats against and arbitrary detention and harassment of the members of the Pamiri minority (art. 5).”*⁶⁹

The Committee made the following recommendations to Tajikistan:

- a) *“Carry out, as soon as possible, an impartial and transparent investigation into the events that have reportedly taken place in the [GBAO] since November 2021, in accordance with applicable international standards;*
- b) *Take all the measures necessary to prevent further escalation of violence in the region, including by responding to the grievances of the Pamiri minority;*
- c) *Engage in a constructive and open dialogue with the Pamiri minority;*
- d) *Implement conflict-prevention measures that meet international human rights standards, including measures to protect the Pamiri minority.”*⁷⁰

5.3 Pamiri languages

*In the context of minority languages, the Committee was, among others, “concerned about reports that, despite legislative protection, the Yaghnoobi and Pamiri languages are under threat of extinction and the State party has not taken adequate measures to address the situation. In particular, the Committee is concerned about reports alleging the absence of State support for the study and wider use of the Pamiri languages (art. 5)”*⁷¹.

It made the following recommendations to Tajikistan:

- a) *“Adopt special measures and allocate additional resources to ensure sufficient opportunities for children and young people from ethnic minorities to learn and be educated in their mother tongue, particularly during pre-primary and basic education, through the adequate provision of trained teachers and textbooks in minority languages;*
- b) *Empower and develop appropriate competencies among regional and local authorities concerning minority education and support the participation of minorities in the process of policy formulation at the regional and local levels;*

⁶⁸ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en, par. 6.

⁶⁹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en, par. 13.

⁷⁰ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en, par. 14.

⁷¹ https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en, par. 19.

- c) *Take effective measures to ensure the preservation of minority languages, particularly the Pamiri and Yaghnobi languages;*
- d) *Support the inclusion of the Pamiri languages in the education system and in television and radio broadcasts.*⁷²

⁷² https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2FTJK%2FCO%2F12-13&Lang=en, par. 20.