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## Politics and Human Rights in Tajikistan: Squandered Opportunities, Uncertain Future

### *Background*

A black hole in Eurasia. That's how Tajikistan, a post-Soviet Central Asian state, could be described, given the almost total lack of attention it receives from the outside world. The deficiency in global awareness of Tajikistan has at least three causes: One is its lack of easily exploitable resources. Though extremely rich in minerals and water scattered throughout its harsh terrain, Tajikistan as yet lacks commercially available petroleum and natural gas that can be piped out of the country as a cash-cow export (something that Tajikistan's neighbours Kazakhstan, Turkmenistan, and Uzbekistan possess). Aside from cotton, aluminium, and modest amounts of gold and silver, Tajikistan's resources are generally not easy to access and exploit.

The second cause is Tajikistan's distance from global centres of power: As the poorest of the ex-Soviet and post-communist states and one of the most easterly of the newly independent republics, Tajikistan is far (both physically and psychologically) from Washington and Brussels and generally does not register on their radar – though Beijing's ties with its Western neighbours (economic ties for the most part so far), including Tajikistan, are rapidly strengthening.

Cause number three is Tajikistan's dangerous neighbourhood: Hamrokhon Zarifi, Tajikistan's foreign minister and the country's former ambassador to the Organization for Security and Co-operation in Europe (OSCE) notes, with only slight exaggeration, that Tajikistan is “on the front line and at the most dangerous point where international terrorism, extremism and drug related crime converge”.<sup>1</sup> Proximity to Afghanistan and a shared 1,400 km porous border has made Tajikistan strategically significant for Western powers in the post-9/11 world. However, in this regard it is not important in itself but merely as an entity or territory offering “unfettered over flight and transit”<sup>2</sup> to North Atlantic Treaty Organization (NATO) forces bound for Afghanistan and a perceived “strategic buffer state”<sup>3</sup> against extremism, terrorism, and drug trafficking. The West on the whole, therefore,

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1 Government of Tajikistan, *Statement by Mr. Hamrokhon Zarifi, Minister for Foreign Affairs of the Republic of Tajikistan, at the 856th Meeting of the OSCE Permanent Council*, 5 April 2011.

2 US embassy cables: “Cronyism and corruption” hinder reform in Tajikistan, in: *The Guardian*, 12 December 2010, at: <http://www.guardian.co.uk/world/us-embassy-cables-documents/248969>.

3 Struan Stevenson, *Address to Majilis*, 30 May 2011, at: [http://www.struanstevenson.com/media/speech/struan\\_stevenson\\_-\\_tajikistan\\_visit\\_-\\_address\\_to\\_majilis\\_30\\_may\\_2011/](http://www.struanstevenson.com/media/speech/struan_stevenson_-_tajikistan_visit_-_address_to_majilis_30_may_2011/).

takes a stance on Tajikistan based on realpolitik. Concern for human rights and democracy tend to remain at the level of rhetoric and – most significantly – take a back seat to hard security concerns.

Without discounting contemporary political and economic factors, the problems of today's Tajikistan are historical in nature, going back to both the pre-Soviet and Soviet eras. Prior to the formation of the Soviet Union, Tajikistan existed neither in name nor in its current boundaries. Up to 1920, what is now Tajikistan was mostly part of the archaic Emirate of Bukhara. Tajikistan is a Soviet invention and, given its heavy financial and technical reliance on Moscow over the span of seventy years, it was the republic least equipped for independence. This was demonstrated in the catastrophic civil war (1992-97) that took the lives of approximately 50,000 people, caused large-scale destruction to homes and infrastructure, and led to political and economic stagnation.

Soviet rigidity can also be blamed for Tajikistan's present-day problems. The reforms initiated by Mikhail Gorbachev at the end of the Soviet era were too little, too late. If the *perestroika* and *glasnost* that led to "the rejection of the totalitarian system; freedom of speech, assembly, religion and movement; and [eventually some] political and economic pluralism"<sup>4</sup> had been introduced a decade earlier – i.e. in the mid-1970s, rather than the 1980s – and if allowance had been given for a federated USSR, in which the member republics could "exist as sovereign states within a decentralised democratic union"<sup>5</sup> (which is what some 70 per cent of the Soviet population voted for in 1991), independence might either have been unnecessary for member republics, or if desired, its aftermath not as destructive for Tajikistan. As it turned out, Soviet collapse created a massive power vacuum along with economic and political destitution. When combined with the resulting bloody civil war, latent ethno-regional rivalries, poverty, and the lack of a historical experience of nationhood, this has made Tajikistan's post-communist transition highly arduous.

#### *Recent Political Developments (January 2009 to June 2011)*

Despite a tumultuous transition, Tajikistan has managed to arrive at a state of relative peace and – tenuous – stability. The Tajik peace, brought about by the signing of the 1997 Moscow accord between the government and the United Tajik Opposition (UTO), has not, however, led to either a more politically pluralistic society or to a democratic form of governance. This is due to the government's renegeing on its obligations, the unfair prosecution and persecution of opposition groups, and the general suppression of legitimate dissent. Power in Tajikistan has become more centralized than before, and the

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4 Mikhail Gorbachev, *Perestroika Lost*, in: *New York Times*, 14 March 2010.

5 *Ibid.*

separation of powers is just as non-existent. President Emomali Rahmon, at the helm for nearly two decades, controls – in law and, more importantly, in practice – all three branches of government. He appoints all judges, the military prosecutor, the prosecutor general, and all governors of the four provinces and their 56 districts, while also exerting near-full control on the 63-member lower house of parliament, a virtual rubber-stamp entity seemingly unable or unwilling to exert its legislative independence.<sup>6</sup> President Rahmon's authoritarian style of governance also features a cult of personality and widespread clientelism. That said, the majority of the Tajikistani public, given its pragmatism and lack of political sophistication (partially a result of two decades of deteriorating educational opportunities), its traumatic experience of civil war, and a lack of exposure to viable political alternatives, still approves of Rahmon's regime. In a pre-parliamentary election poll conducted in December 2009 by the International Foundation for Electoral Systems (IFES), 83 per cent of respondents agreed that "Tajikistan is a democracy" – a figure that, if reliable, has risen significantly since similar surveys were held in 2004 (74 per cent) and 1996 (39 per cent).

Although economic growth during 2006-2010 averaged an impressive 6.3 per cent per year, Tajikistan remains the poorest state in the former Soviet and communist bloc in terms of per capita income. Nonetheless, the poverty rate has reportedly fallen in recent years, with only 50 per cent of the population living below the World Bank-designated poverty threshold at the end of 2009, compared with 73 per cent in 2003. However, while the government would like to take credit for this trend, the real key reason is the massive injection of remittances from a million or more Tajik citizens, who work mostly in low-paid jobs in Russia (and to a lesser extent Kazakhstan), and whose cash transfers to their families in Tajikistan amounted to an estimated 35 and 40 per cent of Tajikistan's gross domestic product (GDP) in 2009 and 2010, respectively. According to the World Bank, this is as "a higher share than in any other country in the world".<sup>7</sup> Furthermore, against the background of Tajikistan's ubiquitous corruption, the government has not succeeded in setting the stage for domestic growth by enabling small and medium-sized businesses to flourish and attracting significant Tajik and foreign capital from abroad. Though it has spent funds on large and small construction projects throughout the country – from schools to hydroelectric plants – it has also continued to devote resources to symbolic national projects. In 2011, for example, the government paid for the erection of the world's tallest flagpole in Dushanbe, the capital city, at 165 meters and a rumoured cost of five million

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6 Cf. Payam Foroughi, Tajikistan, in: Christopher Walker (ed.), *Nations in Transit 2010: Democracy and Dissent*, Freedom House, New York 2010, pp. 501-518.

7 Cf. Remittances, in: *The Economist*, 11 November 2010, at: <http://www.economist.com/node/17467174>; see also Payam Foroughi, Tajikistan, in: Christopher Walker (ed.), *Nations in Transit 2011: The Authoritarian Dead End in the Former Soviet Union*, Freedom House, New York 2011, pp. 533-551.

US dollars (surpassing the world's then tallest, in Azerbaijan, by three meters).

Tajikistan experienced democratic stagnation and breakdowns in security during 2009-2010. In January 2009, as part of a reshuffle of his cabinet, President Rahmon fired his minister of internal affairs, Mahmadvazar Solehov, who died, allegedly at his own hand, when government agents attempted to serve an arrest warrant on him. A few months later, Mirzo Ziyoev, a former UTO commander and ex-emergency situations minister under President Rahmon, was killed under mysterious circumstances along with eleven of his comrades, including five Russian Muslims, in Tajikistan's eastern Tavildara region. In the aftermath, the government accused Ziyoev and his associates of drug smuggling, membership of the Islamic Movement of Uzbekistan (IMU), and plotting a coup. This incident, however, may in fact have been a settling of scores by the government and the elimination of a perceived threat to Rahmon's regime.<sup>8</sup> The then IMU leader, Tahir Yuldashev, denied that Ziyoev and his men were involved in the IMU. Nonetheless, violent events in eastern Tajikistan are thought to have been linked to the intensification of the war in Afghanistan, which may have caused seepage back into Tajikistan of Tajik insurgents and religious extremists who had previously fled to Afghanistan.<sup>9</sup>

There is evidence that the overthrow of the government of Kyrgyzstan in April 2010 shocked Tajikistan's ruling elite, with the president instructing government officials, in the immediate aftermath, to pay more attention to the concerns of ordinary citizens. Nonetheless, the chances of a so-called "colour revolution" taking place in Tajikistan remain slim to none at present, given that: (a) the country has been drained of hundreds of thousands of potential agents of change, both members of the professional elite and ordinary able-bodied citizens, who have migrated to mainly Russia to work and live, some permanently; (b) Tajikistan's civil society remains extremely weak, uncoordinated, somewhat incompetent, and largely apolitical; and (c) the memory of civil war has created a timid population that prefers perceived stability over political change. That said, given the ongoing political and economic stagnation in the country, the chances of sporadic unrest remain high. In June 2011, for example, a football match in the southern town of Kulob turned violent, apparently when local fans felt that the referee favoured the visiting team, which was captained by President Rahmon's son, Rustam Emomali. Given the rising food prices, unemployment, ubiquitous cronyism and corruption, and widespread distrust of the security forces and judiciary, similar "football riots"<sup>10</sup> and even sporadic, more politically focused violence cannot be ruled out in the short to medium term.

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8 Cf. Foroughi, cited above (Note 6), p. 507.

9 Cf. Economist Intelligence Unit (EIU), *Country Report Tajikistan September 2009*, London, 15 September 2009.

10 Cf. Economist Intelligence Unit (EIU), *Country Report Tajikistan June 2011*, London, 15 June 2011.

In May 2010, Abdujalil Homidov, a 65-year-old opponent of President Rahmon and a former governor of Sughd province, died in a Dushanbe prison while serving a 16-year term on a number of anti-state charges. Homidov was once an ally of Rahmon's, and assisted him in his rise to power. He was arrested in 2001 while visiting Tajikistan to attend his sister's funeral (he had reportedly spent two years in the Uzbek capital of Tashkent hiding from Tajik law enforcement agencies),<sup>11</sup> and later tried by the supreme court. He is the third prominent opposition figure to die in prison in recent years, following the deaths of a deputy leader of the Islamic Renaissance Party (IRP), Shamsiddin Shamsiddinov, in 2008, and the deputy leader of the unregistered *Taraqqiyot* ("Progress") Party, Rustam Faiziyev, in 2009.<sup>12</sup>

In August 2010, 25 convicts who were serving long prison sentences for a number of anti-state offenses killed five guards, gained access to firearms, and escaped from a prison managed by Tajikistan's notorious National Security Committee (NSC, aka "KGB"), which was supposed to be the most secure in the country. The prison break led to a rare criticism by the ministry of justice of the apparent mismanagement and lax administration of the NSC prison, and soon afterwards, the head of the NSC, Khairiddin Abdurahimov, (together with three of his deputies) was fired by President Rahmon, who, in turn, installed Saimumin Yatimov, a former ambassador of Tajikistan to the EU and the OSCE as the new head of the NSC.<sup>13</sup> In September 2010, Tajikistan suffered its first ever suicide bombing, when a car laden with explosives detonated at the headquarters of the organized crime police ("division six") of the northern province of Sughd. Three people were killed and two dozen injured in the incident, which the authorities initially blamed on the IMU. Only days later, deadly clashes commenced in the east of the country, resulting in the deaths of a number of alleged rebels, many government troops, including 28 mostly young and poor conscripts, whose truck was ambushed, and 30 special police personnel in an embarrassing incident in which their helicopter was downed.<sup>14</sup> The government blamed former UTO commanders Aluvuddin Davlatov (aka "Ali Bedaki") and Abdullo Rahimov (aka "Mullo Abdullo") for the truck ambush killings. And, in early January 2011, the authorities announced that Tajik special forces had managed to kill Davlatov and seven of his men in an operation in a village in the Gharm province, while Rahimov is said to have met a similar fate in April. According to Abdurahim Qahhorov, the minister of internal affairs, the intention of the Gharm insurgents was "to establish an international terrorist group" in Tajikistan.<sup>15</sup> The government's

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11 For details, see: <http://news.tj/en/news/former-head-sughd-district-abdujalil-homidov-buried-today-his-home-village-ispisor>.

12 Cf. Foroughi, cited above (Note 7), p. 540.

13 Cf. Economist Intelligence Unit (EIU), *Country Report Tajikistan September 2010*, London, 13 September 2010.

14 Cf. Foroughi, cited above (Note 7), p. 538.

15 BBC, *Vazorati kishvari Tozhikiston: "Ali Bedaki kushta shud"* [Ministry of Internal Affairs of Tajikistan: "Ali Bedaki killed"], 11 January 2011, cf.: [http://www.bbc.co.uk/tajik/news/2011/01/110104\\_if\\_rasht.shtml](http://www.bbc.co.uk/tajik/news/2011/01/110104_if_rasht.shtml) (author's translation).

version of how Davlatov died, however, would soon be cast into serious doubt.

In February 2010, President Rahmon's regime held parliamentary elections, which were, unsurprisingly, flawed. Nearly all analysts had predicted its results in advance, some even arguing that millions of euros in mostly Western citizens' taxes were wasted on a 279-member joint OSCE-European Parliament election mission "tasked with observing a mockery of democracy".<sup>16</sup> Aside from some amendments to the 1999 Parliamentary Election Law in 2004, no efforts were taken to implement any number of available blueprints for electoral reform. The final report of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) on its observation mission to Tajikistan's 2010 parliamentary elections revealed nothing out of the ordinary and under-reported Tajikistan's electoral flaws. Nonetheless, alongside the technical details and even praise contained in ODIHR's report, there are clear criticisms: Monitors determined that the elections "failed to meet many key OSCE commitments [...] and other international standards for democratic elections".<sup>17</sup> Reference was also made to widespread use of proxy voting (which is illegal in Tajikistan) and suspected ballot stuffing. Comparatively little attention, however, was paid to the sporadic intimidation of candidates and harassment of opposition parties. According to data from Tajikistan's Central Commission for Elections and Referenda (CCER), the truth of which is highly doubtful, over 85 per cent of eligible voters participated in the elections, and the following parties received a national share of the vote above the five per cent threshold: the ruling People's Democratic Party (PDP, 70.6 per cent), the IRP (8.2 per cent), the Communist Party (7.0 per cent), the Agrarian Party (AP, 5.1 per cent), and the Party for Economic Reform (PER, 5.0 per cent).<sup>18</sup> As a result, 55 seats in the lower house of parliament went to the PDP and two each to the opposition IRP and Communists, while two more went to the AP and the PER, both of which are known to be phony entities engineered by the authorities to demonstrate a semblance of political pluralism to naïve Western critics.

Opposition parties were rightly unhappy with the results of the elections. The IRP leader, Muhiaddin Kabiri, claimed that his party had likely won 30 per cent of the votes nationwide, while the leader of the Communists, Shodi Shabdalov, labelled the elections "a parody", and the Social Democratic Party (SDP) leader, Rahmatillo Zoirov, whose party reportedly received less than one per cent of the tally and was consequently excluded from parliament, called the elections "unfair and undemocratic". Zoirov claimed that the SDP had garnered twelve per cent of votes and accused the PDP of "expropriation of governance". Unfazed by the criticism, in a speech to the

16 Foroughi, cited above (Note 7), p. 538.

17 OSCE Office for Democratic Institutions and Human Rights, *Republic of Tajikistan, Parliamentary Elections, 28 February 2010, OSCE/ODIHR Election Observation Mission Final Report*, Warsaw, 6 July 2010, p. 3, at: <http://www.osce.org/odihr/elections/69061>.

18 Cf. *ibid.*, Annex: Final Distribution of Seats, p. 33.

newly elected parliament, President Rahmon called the February 2010 elections “transparent and democratic”. Ironically, there was no need for the regime to orchestrate electoral fraud to ensure its victory, as, despite massive economic, social, and political problems, the government’s propaganda and the politically uninformed population would have very likely ensured victory for Rahmon’s PDP under a fair ballot in any case.

In 2010, President Rahmon emphasized his government’s goals of “energy security, breaking the [interstate transportation] deadlock and ensuring food security”.<sup>19</sup> To fund the Roghun hydroelectric power plant, which the authorities hope will eventually alleviate the country’s energy deficit and earn the state huge revenues from electricity exports, the government urged – and then coerced – the population to purchase shares in the project. By the end of 2010, share sales had totalled the equivalent of 185 million US dollars, around five per cent of the estimated capital required to finish Roghun. If eventually completed with the help of international investors, Roghun would be the highest dam in the world with a potential annual electricity output of 3.6 gigawatts, making Tajikistan the world’s largest per capita electricity producer. However, the project is facing both political and economic obstacles. Neighbouring Uzbekistan claims Roghun will be an environmental threat and will deprive it of irrigation water for its cotton industry,<sup>20</sup> while no foreign investor has yet to be found to bankroll the project. Still, the World Bank has commenced a social and environmental assessment of the Roghun project and promised financial assistance if this has a positive outcome.

According to the 2009 IFES survey, 64 per cent of Tajikistanis favour a secular state, 25 per cent approve of adopting some Islamic laws, and seven per cent desire an Islamic government. In 2010, President Rahmon warned of the dangers of Islamic extremism and said there were fundamentalist clerics who could threaten the country’s peace. He also asked for the return of thousands of young Tajik men studying in Islamic schools in Pakistan and the Middle East, arguing that otherwise many will become terrorists. The government has also declared illegal and detained hundreds of alleged Islamists on grounds of extremism. In February 2009, the supreme court outlawed the *Salafiyya*, a non-violent, mostly non-political, yet fundamentalist group. *Hizb ut-Tahrir* (“Party of Liberation”), an ideologically radical and bigoted – though non-violent – group, had already been banned. The court also reinstated a previous ban on another Muslim group, *Jamoati Tabligh* (“Proselytizing Community”), subsequently trying and imprisoning dozens of its members.<sup>21</sup> Olivier Roy, a prominent expert on Islam (and the first head of the OSCE’s presence in Tajikistan), has previously referred to the transnational *Jamoati Tabligh* movement as “completely apolitical and law abid-

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19 Address by the President of the Republic of Tajikistan His Excellency Emomali Rahmon to the People of Tajikistan, 5 January 2010, at: [http://www.president.tj/eng/news\\_050110.html](http://www.president.tj/eng/news_050110.html).

20 Cf. Foroughi, cited above (Note 7), p. 539.

21 Cf. *ibid.*, pp. 535 and 542-543.

ing”.<sup>22</sup> And a 2011 law on parental responsibilities forbids mosque (and church) attendance by children under the age of 18. Many are of the opinion that the Tajik government’s repressive methods of fighting alleged Islamic extremism – methods such as bans on Islamic groups, arbitrary arrests, abuse, and imprisonment – could be self-defeating and lead to the spread rather than the stifling of extremism.<sup>23</sup> In his speeches, President Rahmon has repeatedly emphasized both the “Tajik nation” and the Hanafi school of Sunni jurisprudence. In September 2009, the government passed a new Language Law making Tajik the state language, and no longer listing Russian as the “language of inter-ethnic communication” (a phrase that remains in the constitution). Together, the new religion and language laws have the potential to alienate non-ethnic Tajiks, non-Hanafi Muslims, non-Muslims, and opposition Hanafi Islamists.<sup>24</sup> As for the imprisoning of supposed Islamic extremists, it is not clear, for example, how an “underfunded, demoralized, and corrupt” prison system can prevent radicalism or rehabilitate individuals.<sup>25</sup>

### *The OSCE Mission, Tajikistan, and Human Rights*

The OSCE originally commenced its operations in Tajikistan in February 1994. This was the OSCE’s first mission in Central Asia, with a mandate to promote institution-building, assist in establishing a constitution, organize democratic elections, and survey the human-rights conditions in the country. Within its focus on human rights, its work involved a threefold concentration on political prisoners, protection of Tajik refugees returning from Afghanistan (where they had sought refuge due to the Tajik civil war), and countering abuses by the security forces.<sup>26</sup> The OSCE’s use of projects was initially aimed at relieving the emergency situation in the country, where the basic security and wellbeing of the population were uncertain. Soon, however, the OSCE began to adopt a “quasi-developmental approach”,<sup>27</sup> privileging projects over engagement in political dialogue in Tajikistan and throughout Central Asia and kowtowing to the region’s post-Soviet leadership, which some felt desired to limit the activities of the OSCE or even to close down existing missions in the region. The emphasis on projects by OSCE field missions in countries such as Tajikistan has become a form of institutional path-

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22 Olivier Roy, Search for a Perfect World of Islam, in: *Le Monde Diplomatique*, May 2002.

23 Cf. Foroughi, cited above (Note 7), p. 537.

24 Cf. Foroughi, cited above (Note 6), p. 503.

25 International Crisis Group, *Central Asia: Islamists in Prison, Asia Briefing No. 97*, December 15, 2009.

26 Cf. Olivier Roy, The Role of the OSCE in the Peace Process of Tajikistan, in: Roald Z. Sagdeev/Susan Eisenhower (eds), *Central Asia: Conflict, Resolution and Change*, Washington 1995.

27 Vladimir D. Shkolnikov, Missing the Big Picture? Retrospective on OSCE Strategic Thinking on Central Asia, in: *Security and Human Rights* 4/2009, pp. 294-306, here: pp. 294-295.



ology, which I would like to label “projectosis”. For the OSCE Office in Tajikistan,<sup>28</sup> the modus operandi has become engagement in often redundant, even counter-productive projects, rather than proper monitoring, reporting, and political activities.

Despite its lofty objectives in three dimensions, the OSCE Office in Tajikistan has had the de facto objective of maintaining a presence in the country and tagging along with the European and American agenda of countering terrorism, extremism, and drug trafficking emanating from Afghanistan, thus upholding Tajikistan as a buffer zone for the West’s hard-security concerns. The Office has thus taken an extremely conservative and overly cautious stance and has not utilized its political leverage to effect real reform of the country’s deteriorating and lawless security sectors (NSC and ministry of internal affairs, MIA) and the corrupt judiciary. During the period covered here, the Office is not known to have led any serious human rights investigations or to have used its cosy relations with the security sector organs to prevent the torture and ill-treatment of suspects.

In a commentary published in a local paper in the spring of 2011, Zafar Abdullayev, owner of the *Avesta* news agency in Tajikistan, referred to a large part of the national police as “crooked, corrupt and even explicitly criminal [...] or simply uneducated and uncivilized”. He wrote of the MIA’s lack of desire to tackle the issue of corruption among the police force due to a probable “financial pyramid of bribe-taking and extortion [which] leads to the supreme top”, and the “commonplace and systematic” abuse of ordinary citizens by the police, including the use of violence and torture.<sup>29</sup> In the last decade, especially given the expansion of the so-called “war on terror” into Central Asia, beatings and torture by Tajikistan’s security services appear to have increased at worst, or remained the same at best. As a result, the government’s policy has become one of arrest, abuse, torture, and show trials of those alleged to be guilty of extremism and acts of terrorism – many of whom in reality may well be innocent. Abuse and torture mostly take place in the early and pre-trial stages of detention as the police and security-service investigators attempt to force confessions from detainees. Methods of abuse used by the authorities include the application of electric shocks, while the rape of detainees has also been reported. Cases of judges investigating allegations of torture are rare to non-existent.<sup>30</sup>

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28 For simplicity’s sake, this contribution refers consistently to the “OSCE Office in Tajikistan”. Between June 1994 and October 2002, per its mandate as approved by the Tajik government, the presence was known as the OSCE Mission in Tajikistan. From October 2002 to June 2008, it was known as the OSCE Centre in Dushanbe. On 1 July 2008, the presence became the OSCE Office in Tajikistan.

29 BBC Monitoring Central Asia Unit, *Tajik Commentary Calls for Restoring Tarnished Police Reputation*, 9 June 2011.

30 Cf. Amnesty International, *Tajikistan: A Coalition of Non-governmental Organizations is Calling on the Government to End Torture and Fulfil its International Obligations*, Public Statement, 26 June 2011.

An unsuspecting mid-level security official participating in a round-table event on torture prevention in autumn 2010, organized by the UN Office of the High Commissioner for Human Rights (OHCHR), said: “If you don’t slap them a few times, they won’t confess!” This is not atypical of the mindset of Tajik government officials. Deaths of suspects as a result of abuse have been periodically reported by the media. In June 2009, Khurshed Bobokalonov, a specialist at the Tajik Oncology Centre, died due to suspected beatings by the police in Dushanbe.<sup>31</sup> Another case is that of Safarali Sangov, who died while in police custody four days after being taken into detention in March 2011. According to eyewitnesses, the police beat him and other family members, including children and a pregnant woman. Though the government charged three policemen with “negligence”, it has refused to accept more serious allegations. The prosecutor has claimed that Sangov’s death was accidental, even alleging that his injuries were self-inflicted: It is claimed that he threw himself against a safe and the wall in the police station.<sup>32</sup>

On the topic of police assistance programmes to Central Asia, David Lewis, a fellow in the Department of Peace Studies at the University of Bradford, writes that the OSCE lacks an “overall strategy”, let alone any “clear criteria” about the “political environment” required for such assistance to be effective. What one sees is indeed a series of “*ad hoc* projects of dubious value which undermine the OSCE’s core commitments to human rights and democratic principles”.<sup>33</sup> Not only is there no evidence that OSCE assistance has reduced police brutality in Tajikistan – and most other Central Asian states – but such assistance may well even be counterproductive. The OSCE’s programme of combating the “transnational security threats” of terrorism, drug trafficking, and organized crime, for example, is used by the same regimes, including Tajikistan, to “justify their own repressive internal security measures”. Lewis suggests that the OSCE should overhaul its police assistance and security sector reform (SSR) programmes and link them directly to human rights and political development.

In Tajikistan, police reform has been a ruse – as have the supposedly ongoing judicial and penitentiary reforms. The only reform for which evidence exists is superficial, such as the switching of nominal control of the prisons from the ministry of internal affairs to the ministry of justice or the proposed change of name from “*militsiya*” to “*politsiya*”, and various training and technical assistance projects to attract unsuspecting donors. One OSCE police assistance project in Tajikistan has reportedly spent over 100,000 euros since 2007 on a dog-training centre for the MIA, much of it in

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31 Cf. Economist Intelligence Unit (EIU), *Country Report Tajikistan June 2010*, London, 14 June 2010.

32 Cf. Amnesty International, cited above (Note 30).

33 David Lewis, *Reassessing the Role of OSCE Police Assistance Programming in Central Asia*, Open Society Foundations, Central Eurasia Project, Occasional Paper Series No. 4, April 2011, pp. 6-7.

building, refurbishment, and procurement under a no-bid contract. At one point, the very dogs who were to be trained and taken care of died due to neglect. It is unknown what benefits, if any, an expensive and badly managed dog-training project has had on Tajikistan vis-à-vis its OSCE commitments. A recent news item tells of a similar project, in which trained dogs provided by the US were abused or sold by NSC employees.<sup>34</sup>

The government's penitentiary reform programme (Legislation No. 533, 2003), which was to have been completed in 2008 and to have transformed the penitentiary system, is also generally considered a farce that has not led to any significant changes in the conditions and well-being of those detained. Among other things, Tajikistan has continued to prevent routine visits to prisons by the globally respected International Committee of the Red Cross (ICRC), an issue raised by the 2008 OSCE Chairman-in-Office, Finnish Foreign Minister Alexander Stubb, when meeting President Rahmon in Dushanbe. The government has also refused to ratify the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), which would allow for a joint UN- and government-approved inspection mechanism to prevent torture. The main reason for stopping access to prisons appears to be corruption. The state penitentiary system is nominally under the control of the justice ministry and is headed by a relative of President Rahmon, Lieutenant General Izzatullo Sharipov, described by the US Embassy as "a notorious former warlord rumored to be both corrupt and cruel"<sup>35</sup> and "involved in narcotics trafficking".<sup>36</sup> There is suspicion that the 19 prisons in Tajikistan are collectively managed as a lucrative pyramidal fiefdom. There have been 13 large-scale prison amnesties since Tajikistan's independence, and, according to Fattoh Saidov, head of the State Financial Control and Anticorruption Agency (formed in 2007), all of the prisoners released in the September 2009 amnesty had to pay bribes.

Although Tajikistan's prisons are closed to systematic inspections by third-party observers, the possibility of visits by international organizations, diplomatic missions, and the OSCE – which could be both highly symbolic and effective – does exist. In the past six years, however, the OSCE Office is known to have visited Tajikistan's penitentiaries only twice: In 2005, French Head of Mission, Ambassador Alain Couanon, visited the imprisoned journalist Djumaboi Tolibov in Ura Teppa (now Istaravshan). Ambassador Couanon's visit was critical as it resulted in the local authorities finally abiding by the country's supreme court decision and setting Tolibov free on

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34 Cf. Farangis Najibullah, *Tajik Border Guards Dogged by Animal Neglect Allegations*, Radio Free Europe, 5 September 2011, at: [http://www.rferl.org/content/tajik\\_border\\_guards\\_dogged\\_by\\_animal\\_neglect\\_allegations/24318854.html](http://www.rferl.org/content/tajik_border_guards_dogged_by_animal_neglect_allegations/24318854.html).

35 US Embassy Cable, *Human Rights Defender Reports on Prison Conditions*, 3 April 2007, at: <http://www.cablegatesearch.net/cable.php?id=07DUSHANBE500>.

36 US Embassy Cable, *Red Cross Reduces Mission; Tajik Government Prohibits Full Access*, 20 July 2007, at: <http://www.cablegatesearch.net/cable.php?id=07DUSHANBE1086>.

the same day. The other instance was an informal visit to a prison in Yovon by the Office's Human Rights Officer in 2007 to meet with illegally detained asylum seekers. As a result of this visit, key information on the background of the detainees was obtained. This, together with the support of the then Head of Mission, Ambassador Vladimir F. Pryakhin, a Russian national, and the intervention of the office of the UN High Commissioner for Refugees (UNHCR), secured the eventual release of the two detainees. Likewise, in 2008, the Office intervened in the case of an ex-Guantanamo detainee who, in violation of the UN Convention against Torture, was delivered by the US into the custody of Tajikistan's NSC upon his return to Tajikistan, denied access to his family and legal counsel, and placed in danger of abuse. According to the ex-detainee and his Washington-based lawyer, the Office's involvement in this case also appears to have been decisive, leading to his humane treatment by the Tajik NSC and his eventual release from custody.

The efforts of the OSCE Office to assist Tajikistan in reforming its penitentiary and judicial system have generally been ad hoc and have lacked any overarching and long-term strategy. Despite good initiatives (such as highly engaging seminars in 2008 and 2009 on the benefits of prison access and OPCAT ratification, co-sponsored by the Association for the Prevention of Torture, the government of Tajikistan, and key NGOs), the overall stance of the Office (especially in the past couple of years) has been to privilege engagement with the authorities on issues of politico-military significance rather than human rights. Existing human rights projects in 2010 and 2011, such as anti-torture training and the holding of round-table meetings for regional authorities, the provision of expensive consultants for the Human Rights Ombudsman's office, the sending of lethargic government bureaucrats on costly exposure and conference tours to Vienna and the Balkans, though attractive in theory, are generally merely cosmetic – a way for the Office to spend its budget while securing good relations with the Tajik authorities. More importantly, the Office does not seem to have made any serious efforts to prevent abuse and torture by government organs who receive assistance through OSCE projects in Tajikistan – most of it funded by Western taxpayers.

Two alleged cases of abuse concern Nematillo Botoqoziev and Ilhom Ismonov, both of whom were in the custody of the Tajik police (under the direction of the MIA) and NSC agents in 2010. Highly credible reports, including from a number of UN rapporteurs (on the case of Botoqoziev) and from Amnesty International (on Ismonov), have revealed gross violations of rights and due process, including a lack of timely, private, or any (in the case of Botoqoziev) access to an attorney, and physical and psychological abuse and torture (involving, among other things, intimidations, beatings and dousing with boiling water in the case of Ismonov). Having been fully briefed on both cases, the only action the OSCE Office in Tajikistan is known to have taken was to write a *note verbale* on the Botoqoziev case, and that

only after a Paris-based NGO's concerns about the case had been made public.<sup>37</sup> As these cases illustrated, the Office's engagement in human rights issues has generally not been proactive or interventionist. For instance, although personal relationships may be critical in solving problems in Central Asia, the Office has failed on a number of occasions to make use of its crucial contacts within the government, particularly with the NSC, whose agents were suspected of using torture in the two cases above, and with its head, Saymumin Yatimov, a former Tajik ambassador to the OSCE in Vienna. Nor has the Office used its financial leverage through its ongoing multi-hundred thousand euro projects with both the MIA and the NSC to prevent abuse and torture by the same organs. This is despite the fact that one of the Office's largest projects for nearly a decade – with millions of euros spent – has been with the NSC (demining and border management).

The government has been arresting and trying alleged extremists en masse and with little regard to due process. Nearly all extremist suspects are abused and/or tortured, while no legal council is provided to them prior to the extraction of confessions. At times, the government seeks its real or imaginary opponents abroad. In the period from October to November 2009, for example, a northern Sughd provincial court passed sentence on eight suspected IMU members, one of whom, Anvar Qayumov (accused of having been a local IMU leader), was extradited from an Afghan prison in early 2009 and sentenced to life imprisonment in Tajikistan. Given Tajikistan's infamous record of violating detainee rights, there are those that have criticized Qayumov's extradition for being a violation of the Convention against Torture on the part of the extraditing state, Afghanistan (over which the US has extensive leverage).<sup>38</sup> Also in January 2010, Kazakhstan repatriated another IMU suspect, Idris Sattorov, to Tajikistan. In contrast to Tajikistan, both Afghanistan and Kazakhstan have prison systems where there is a great deal more openness and access to detainees by lawyers and the ICRC is better. The US lawyer of the remaining Tajik citizen held at Guantanamo Bay detention camp, Omar Abdulayev, also warned in 2009 that his client could face torture and unwarranted imprisonment if returned to Tajikistan.<sup>39</sup>

The killing of Aluvuddin Davlatov, a suspected extremist, as mentioned above, provides a good example of the government's total unwillingness to make human rights central to the approach of its security organs. It also shows the lack of will on the part of the OSCE Office to remedy the situation. In November 2010, after the army-truck shooting and the alleged downing of the special forces helicopter in eastern Tajikistan, the head of the NSC told the Tajik media that the operation of government forces in Tajikistan's east-

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37 Cf. FIDH, *Tajikistan: Arbitrary Detention of a Kyrgyz Human Rights Defender*, 17 March 2010, at: <http://www.fidh.org/Tajikistan-Arbitrary-detention-of>.

38 Cf. Economist Intelligence Unit (EIU), *Country Report Tajikistan December 2009*, London, 7 December 2009.

39 Cf. Economist Intelligence Unit (EIU), *Country Report Tajikistan March 2010*, London, 12 March 2010.

ern Gharm region had “nearly ended and the small group of insurgents will soon be destroyed”.<sup>40</sup> And in January 2011, the authorities announced that Davlatov and a number of his comrades had been killed in a four-hour battle with government forces. Footage of the semi-naked corpse of Davlatov and a number of other men said to have been his compatriots was broadcast on state TV, with the government narrative stating that they had died as a result of a gunfight. By the first week of February, however, a video was being widely circulated among many of Tajikistan’s nearly six million mobile-phone owners depicting a frightened, bearded, shirtless man with a striking resemblance to the man whose corpse state TV had shown weeks earlier. The man being interrogated in an abusive manner was sitting in the back seat of a parked car with his arms tied behind his back. A man dressed in military fatigues was sitting on each side of him. One of the men, a moustachioed individual wearing what appeared to be the beret of a member of the Tajik MIA special police unit known as OMON (*Otryad Militsii Osobogo Naznacheniya*), was armed with a pistol, which he held at times to Davlatov’s temple. A third man in civilian clothing (possibly a NSC interrogator) was in the front seat, barking questions at the detainee: “Why did you shoot the soldiers?”, “Who ordered you to do it?”, “Who fixed your injured hand?”

After the release and widespread dissemination of the video, and in response to questions posed by the media, an MIA spokesperson called the clip an “ordinary fake”. However, the evidence pointing to the genuineness of the video was indisputable: As well as the fact that the man called “Ali Bedaki” (Davlatov) in the video is clearly the same person as the corpse shown on state TV in early January, the same moustachioed, beret-wearing OMON officer in the video is also seen in several shots of the government-broadcast footage, where he squats and poses with the dead bodies of Davlatov and the other alleged rebels. A former opposition commander, Olim Odilov, who knew Davlatov, also expressed certainty that the man being interrogated in the video is indeed him. Major news media covering Tajikistan, such as the BBC,<sup>41</sup> in addition to international and local professionals (including key individuals within the security services and the ministry of foreign affairs), also agree that the man shown being abusively interrogated in the video was indeed Davlatov. What can be concluded, therefore, is that Davlatov (possibly alongside all seven of his comrades) was very likely a victim of an extrajudicial execution by a state organ of Tajikistan. Despite evidence pointing to an extrajudicial execution, however, the OSCE Office, which has been consistently uncritical of the increasing human rights violations of Tajikistan’s security forces, appears to have attempted to ride out yet another rights violation without taking any action of which we are aware that would attempt

40 BBC, *Vazorati kishvari Tozhikiston: Alii Bedaki kusha shud*, cited above (Note 15).

41 Cf. BBC, *Nashri vidiyue dar borai “bozdoshti Alii Bedaki”* [Release of video on “arrest of Ali Bedaki”], 1 February 2011, at: [www.bbc.co.uk/tajik/news/2011/02/110201\\_sq\\_islam\\_ali\\_bedak.shtml](http://www.bbc.co.uk/tajik/news/2011/02/110201_sq_islam_ali_bedak.shtml).

to address a serious breach of OSCE principles by government organs that also happen to be the Office's key implementation partners in its expensive border, demining, and police projects.

The case of Davlatov's extrajudicial execution demonstrates a seeming lack of concern for human rights violations in Tajikistan on the part of the OSCE. The uncritical acceptance of the official government narrative on this case by the leadership of the OSCE Office supports this point: The annual address to the OSCE Permanent Council (PC) in May 2011 by the Norwegian Head of Mission, Ambassador Ivar Vikki, made no mention of the extrajudicial killing or even the mysterious circumstances surrounding the killings. Instead, Ambassador Vikki simply reported that Davlatov and his men had been killed during "military operations" in January 2011<sup>42</sup> – in essence regurgitating the government of Tajikistan's lie back to the 56 participating States. The Office sided with the government despite the fact that credible allegations had existed for three months prior to Ambassador Vikki's PC speech, which made clear that Davlatov's death was not a result of a "military operation", a government raid, or combat, but that he was very likely "captured, tortured and executed".<sup>43</sup> Despite maintaining an expensive field office in the Gharm region, where the fighting between the government forces and guerrillas took place, the Office is not known to have carried out any kind of investigation to seek out the truth of this and other similar incidents and rights violations by government security forces in that region or to have shared the results of any investigation with ODIHR (aside from compiling news reports readily available online in a "spot report"). According to Qayyum Yusuf, a prominent Tajik attorney, the video of Davlatov being abused by government agents perhaps only minutes or hours before his extrajudicial execution is "solid proof of violation of human rights in Tajikistan", which adds to the "lowering of [Tajikistan's] reputation in the international arena".<sup>44</sup>

### Conclusions

Politics and human rights have been largely stagnant in Tajikistan in the past few years, or have even deteriorated. Progress in these realms requires political will along with openness and equitable economic growth. The presence of the OSCE as an external actor can be both helpful and harmful. If the OSCE wrongly decides that its top priority is hard security and kowtows to

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42 OSCE Office in Tajikistan, *Report of the Head of the OSCE Office in Tajikistan Ambassador Ivar Vikki to the OSCE Permanent Council*, 12 May 2011, PC.FR/12/11, 6 May 2011.

43 Economist Intelligence Unit (EIU), *Country Report Tajikistan June 2011*, cited above (Note 10).

44 Qayyum Yusuf, *Kafolati Huquqhoi ashkhosi baroi sodir kardani jinoyathoi terrorizm va ekstremizm mahkumshuda* [Legal Guarantees for those Convicted of Crimes of Terrorism and Extremism], Presentation at the Preparatory Human Dimension Implementation Meeting, Dushanbe, 22 July 2011.

the Tajik authorities while closing its eyes to flagrant violations of human rights, including extrajudicial executions committed by government organs that happen to be the beneficiaries of costly OSCE projects, and if the OSCE does not utilize its political leverage to lobby for reform in favour of the upholding of human rights, due process, political pluralism, and fulfilment of the many international commitments that Tajikistan has entered into, it will not only have failed the original intentions of this regional security organization, but will have set the stage for further abuses of rights, insecurity, and the degrading of OSCE's reputation in the eyes of both local and international observers. Though hard security has its place in the comprehensive security paradigm, what is grossly lacking in Tajikistan's case is respect for the "third dimension", without which there can be no future democratic, prosperous, and stable Tajikistan.