
Warsaw, 18 September, 2017

Tajik dissenters and asylum seekers stopped at the Polish border

Tajikistan - chronic stagnation and human rights abuses

Tajikistan greeted its independence, gained in 1991, with a five-year long civil war between the Kremlin-backed government and the United Tajik Opposition (UTO), in which up to 50,000 people were killed and over 10% of the population fled the country. Ever since, Tajikistan has struggled with poverty, instability and poor human rights record. In this former Soviet republic, the poorest country in Central Asia, money earned by migrants working abroad accounts for almost half of the GDP.

The country is ruled by a former cotton farm boss, Emomali Rahmon, who has served as the president for almost quarter of a century, winning each presidential election, all of which have been considered to be a staged farce. After a national referendum held in May 2016, the long-serving president was relieved of any term limit. In addition, other constitutional amendments were passed, including banning all nationality- and religion-based political parties, and making any insult of “the father of the nation” a criminal offense.

There is no space for peaceful dissent in Tajikistan. The government uses the slogans of fighting against ‘extremism’ and ‘terrorism’ in order to restrict freedom of expression, association and religion. In September 2015 the authorities banned the activity and jailed more than 150 members of the opposition Islamic Renaissance Party of Tajikistan (IRPT) on allegations of ‘terrorism’. The measures taken against the party represent a wider practice of imposing restriction on voices of dissent. All broadcast media, the main source of information for Tajik people, is regulated and controlled by the State Broadcasting Committee, and independent journalists face harassment, threats and arbitrary detentions by police and security services.

Refugees from Tajikistan. Seeking a safe harbor

Many of those who oppose the regime of Rahmon were forced to leave Tajikistan, often continuing to be pursued by the Tajik authorities outside the country. Such is the case of these former members of the IRPT and independent journalists. On 1 February, 2017, four Tajiks, Mr Fatkhudin Mazhitov, Mr Ziyoviddin Salimov, Mr Mahmadsobir Saygoziev and Mr Jama Sherov, were denied entry to Poland at the Polish-Ukrainian border in Medyka. The denial — as their lawyer from the Helsinki Foundation for Human Rights (HFHR), Mr Daniel Witko, observed — was accompanied by numerous breaks in procedure. The misconduct included:

- The border guards denied the Tajiks entry to Poland regardless of the fact that there were many premises proving that they sought international protection status (e.g. a letter from the HFHR that was delivered to the border officers on 31 January and confirmed that the Tajiks are asylum seekers, the refugees' own testimony of their activities);
- the legal representative, Mr Witko, was not allowed to be present during the whole procedure, including the questioning of the non-Polish speaking Tajiks;
- no legally required documentation of the hearing has been drawn up, instead the border guards prepared a short memo.

The two of the enumerated activists - Mr Ziyoviddin Salimov and Mr Jama Sherov are, respectively, a video operator and an audio & video editor for Istanbul-based Payom.net. Established in 2015, Payom.net is an independent news agency run by Tajik citizens that covers current affairs in Tajikistan. Most of its journalists are political activists that had to flee their home country. Since its establishment in Turkey, the agency has frequently been targeted by the Tajik authorities. First, they determined the address of the agency, and, following their request, the Turkish authorities sealed Payom.net's office in Istanbul. Their website was also hacked by the Tajik government. Moreover, a fake site with a strikingly similar name, "Payomi.net", was created in order to mislead readers. This fake website published puff pieces, praising the Tajik establishment. It is also noteworthy that the original website was blocked in Tajikistan shortly after its launch and its activities were labeled as extremist and terrorist. In December 2016, under pressure of the Tajik Consulate in Istanbul, the Turkish police closed down the offices of Payom.net. Six of the agency's journalists along with their families in Turkey received

threats from the security services of Tajikistan. At the same time, back in Tajikistan, members of their families faced arbitrary detentions and were questioned by the national police and security services.

Neither Tajikistan, nor Turkey is a safe harbor for Tajik opposition activists. Last year, a Tajik politician and the leader of the opposition Group 24, Mr Umarali Quvvatov was shot dead in Istanbul in an operation allegedly orchestrated by the authorities of Tajikistan.

Two other citizens of Tajikistan who were denied entry to Poland, Mr Fatkhudin Mazhitov and Mr Mahmadsobir Saygoziev, are members of political opposition movements. The former joined the Islamic Renaissance Party of Tajikistan (IRPT) in 2001, and from 2013 to its criminalization in March 2015 headed its Department for Youth Affairs. Shortly after the parliamentary elections in Tajikistan at the end of March 2015, he left the country because of personal matters. During his time abroad, persecution of the IRPT members started, which made him depart to Turkey instead of going back to his home country, as he had planned previously. There, he continued to work for the IRPT. After six months of tensions, his spouse and children decided to leave Istanbul and seek asylum in Poland. On 21 November, 2016, Mr Mazhitov fled Turkey to join his family, but was stopped at the Polish-Ukrainian border.

Mr Saygoziev was the Chairman of the "Youth for the Rebirth of Tajikistan", which was also outlawed. His organisation focuses its activities on Tajik refugees in Russia, simultaneously monitoring and pointing out abuses by the Tajik government. For its activity Mr Saygoziev's predecessor was kidnaped in Russia by the Tajik secret services and then arrested.

Additionally, nearly 70-year old Tajik citizen, Mr Kalandar Sadurdinov, one of the five founding members of the IRPT was denied to enter Poland from Belarus. As the person with different functions in the party over the past years and due to his advanced age, his position seems to be particularly difficult.

Conclusion

It has been more than half a year that the Tajiks have been unable to cross the Polish border. The visa-free regime between Ukraine and Tajikistan, and membership of Belarus in the Collective Security Treaty Organization jointly with Tajikistan, put them in a particular risk. There have been cases

of persecution of members of the opposition by the Tajik special services on the territory of Ukraine in the past. At the same time, if they are sent back to their home country, they are at serious risk of unfair trial, torture or even death. Only relocation to a EU member state, such as Poland, can guarantee them safety. Poland already hosts members of the Tajik opposition, whose safety was also endangered, but statistics show that more than 90% of Tajik refugees cases are denied, which forces refugees to flee to other countries. There is also no channel of communication between the Polish authorities and Tajik opposition already granted international protection and asylum in Poland, in order to avoid misuse of Tajik opposition status and potential provocations from the Tajik special services.

According to the *Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection*, a refugee that articulates a desire to seek international protection status is entitled to a fair proceeding that would check the basis of his or her claim. In its appeals, the HFHR also drew attention to the provisions of the *Geneva Convention*, which prohibits the return and expulsion of persons who report fears of persecution prior to examination of their case. In other words, the provisions of international law, EU law and Polish law impose on Poland an obligation to conduct a fair procedure for applicants for international protection.

Therefore, **Global Advocates** call the Polish authorities and international community, particularly the EU and OSCE member and participating states to:

- reverse the decision to ban their entry to the country and let the Tajik dissenters cross the border and apply for international protection status;
- put continuous pressure on the government of Tajikistan by political and economic means to uphold basic human rights and the rule of law in the country, and towards its citizens abroad.

[For more information, please contact:](#)

Katarzyna Szczypka (katarzyna.szczypka@globaladvocates.eu)