

21 September 2017

Business meeting 17. Rule of law II, including:  
– freedom of movement.

According to the article 12 of International act about civil and political rights

*"2. Each person has the right to leave any country, including his own."*

There is complete arbitrariness in the sphere of the right to free movement in Tajikistan. All people who are disliked by the Tajik authorities, as well as members of their families, are detained at the border and are not allowed to leave for unreasonable illegal reasons.

The persecution of individuals with a view to restricting free movement began long before the parliamentary elections in 2015. And these actions of the authorities were directed against the members of the opposition parties, so that before the elections, those who fled from the country did not have the opportunity to criticize the electoral system and actually a one-party system of government. Before the election on the border with Kyrgyzstan, Gafurova Uguloy, a member of Islamic Revival Party of Tajikistan (IRPT), was detained; she is a disabled person and her parents are also disabled, and she had to fly from Bishkek to Istanbul for treatment at the invitation of a Turkish organization for disabled persons. Due to a "defect" in the passport, she was banned from leaving the country, detained for two days in the offices of the State Committee of National Security (SCNS) officers, and was demanded to have sexual contact with a security officer for the further use of this record and create a photoshop with Mukhitdin Kabiri, the head of IRPT. That is, they needed defamatory materials that Mukhitdin Kabiri had sexual contact with his party members. There were dozens of such examples. The ultimate goal was to disgrace the party before the society and not to admit to the parliament, what was actually done.

All these illegal actions by law enforcement agencies were first directed against members and leaders of opposition parties, then, the following years, began to be used against dissentients, human rights defenders, lawyers, journalists who criticized the activities of the authorities. Each time the authorities received satisfaction from their activities because of impunity, they changed the strategy aimed against human rights. In recent years such actions have been carried out by the authorities under the pretext of combating terrorism and extremism. Abusing this put dozens of human rights defenders, lawyers, journalists and accused them of extremism. Prisons in Tajikistan are filled with false terrorists and pseudo-extremists. For many years now human rights activists have been sounding the alarm, but there are not any responses.

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On March 8, 2017, the sister of the opposition activist Sharofiddin Gadoev, Hafizamo Gadoeva, who intended to leave the country for Moscow with her children, was removed from the flight because of her brother's political activities. Moreover, after that, the Tajik authorities opened a criminal case against her and requested a large sum of money to suspend the case.

On May 14, 2017, Faiziniso Vokhidova, known for her advocacy and advocacy activities, was detained at the Tajik border by officers of the State Committee for National Security of Tajikistan, when she was traveling to Kyrgyzstan. She was detained for eight hours, first claiming that she had a "defect" in her passport and that she "did not have the right" to leave the country, but then informed her that she was not on the list of exit persons. For some time before the incident on the border, she was interviewed several times by state security officers. Previously, Faiziniso Vokhidova was critical of the imprisonment of her colleague Buzurgmekher Yorov, who was sentenced on the latest news to 28 years of imprisonment at a trial that appears politically motivated.

On July 10, 2017, immediately after the Dortmund conference, Tajik national security officers came to home of the family of Djamshed Yorov, and threatened his wife Dilbar Zukhurova that neither she nor her children had the right to leave the territory of Tajikistan, but for attempting to leave the country they face prison. Moreover, in the case of disobedience, they threatened to rape the 15-year-old daughter of Djamshed. National security officers demanded from Dilbar Zukhurova to divorce with him, promising her, in case of consent, food aid and money. Earlier in February 2017, Dilbar Zukhurova tried to leave Tajikistan, but she was not allowed to even leave the entrance, stopping her on the porch of the house.

However, according to the official version of the Tajik authorities, there are no bans to leave the country against citizens of Tajikistan. Accordingly, all the above examples, according to the words of state agencies, are considered an invented slander. However, there are testimonies of lawyer Djamshed Yorov, who during the period of his detention, the investigator for especially important cases of the General Prosecutor's Office of Tajikistan Ibrohimzoda Ibrohim frankly announced that any attempts by Djamshed Yorov to leave the country would be stopped under the guise of a legitimate reason - damage to the passport.

As can be seen from the ongoing events related to arrests at the borders, it is precisely this reason that is used by the border services and security forces.

Family members of Mukhitdin Kabiri are under severe pressure from Tajik state bodies with a complete ban on leaving the country. Ruhullo Tillozoda's wife, Mizhgona Zainutdinova, and their children are not allowed to leave Tajikistan. At the same time, despite the small child's infringement, Mizhgona Zainutdinova is constantly summoned for interrogation to police stations, where she is subjected to extreme psychological pressure through intimidation and threats. As a result of such actions by law enforcement bodies, Mizhgona suffers from psychological distress and wants to commit suicide if the authorities do not stop the pressure. Another daughter-in-law of Mukhitdin Kabiri, Umeda Nematova, wife of Muhammad Tillazoda, also has no right to leave Tajikistan, and is under close surveillance of the SCNS.

Brother Mukhitdin Kabiri, Safar Kabirov, suffers from liver disease and rheumatism and cannot go on treatment. The Tajik authorities, not taking into account his state of health, they took his passport from him and did not allowed to leave the country.

In the same situation is the wife of Muhammadsoli Kabirov, another brother of Mukhitdin Kabiri, Dilorom Kurbonov, who suffers from a cancer and cannot leave the country for treatment.

Ubaidullo Imamov, the son of Rustam Imamov, a member of the IRPT convicted for political reasons, is also not allowed to leave the country.

Masnavihon Fayzrakhmonova, born in 1956, the mother of Mahmudjon Fayzrakhmon, the IRPP Press Secretary, an elderly woman, was repeatedly subjected to hard questioning by law enforcement agencies, which greatly affected her physical and psychological health, including the fact that she said she was ready to lay hands on themselves if the authorities do not stop constant pressure, insults and threats and will not allow them to leave the country.

On April 25, 2017, Tajik oppositionist Sobir Valiev arrived in Istanbul from Vilnius, but he was refused entry to the country by the Turkish border service. The reason for the refusal was that the name of Sobir Valiyev was included in the so-called list of "unreliable" persons. Such lists, consisting of political activists and relatives of avtivists, are distributed by the Tajik authorities along the lines of special services of the CIS countries and the Middle East.

August 6, 2017, the sister of Abdusator Boboyev, a member of the IRPT, Mohisham Boboyev, Tajik authorities withdrew her from the flight 105 of Dushanbe-Tehran because of her brother's political activities.

Shabnam Khudoydodova has not been able to take her 10-year-old child from Tajikistan for the second year already. Government forces are taking away the visa and all the documents of the child and grandmother, who was supposed to accompany the child to Poland, they do not let out of the country. Also, at the beginning of the school year, Shabnam Khudoydodova sent a money transfer for her daughter, so that she could buy school supplies. However, the authority confiscated money directly from the bank explaining this by the fact that a criminal case has been instituted against a mother of a child in Tajikistan, the sanctions of an article of which provides for the confiscation of property and she is on the international wanted list. Although in 2012, in the light of the adoption of the law on amendments to the Criminal Code of the Republic of Tajikistan, confiscation of property as an aggravating circumstance and double punishment is excluded from the Code.

Every such detention and restriction in movement is accompanied by a lack of legitimate explanations or reasons. Violation of the human right to free movement occurs in the frankest way and is connected with the political or human rights activities of people.

In this regard, we call on the Tajik authorities to stop the permanent violation of the human right to free movement and to provide free access to entry and exit to oppositionists, human rights defenders and their relatives.

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