



11 September 2018

Working Session 2 (specifically selected topic): Freedom of the media  
 Working Session 3 (specifically selected topic): Freedom of the media

For the period 2017-2018 since the last ODIHR / OSCE Human Dimension Implementation Meeting, the situation with media freedom and freedom of speech in Tajikistan has continued to deteriorate.

The authorities continued to totally restrict freedom of expression and media and controlled virtually all types of access to information. The country retained constant pressure from the government on the activities of journalists, the State Committee for National Security (SCNS) increased control over the activities of the media, and control over Internet activity of citizens of the country was established. Under the pretext of fighting terrorism, the authorities continue to restrict media freedom and block access to independent sources of information.

According to the annual "Press Freedom Index" of Reporters without Borders (RBG), Tajikistan continues to be in low positions and takes 149th place out of 180 countries.

Tajikistan is one of the States parties that acceded to the International Covenant on Civil and Political Rights in 1999. The Covenant is an international treaty and is binding for all participating States and, in Article 19, provides for the right to freedom of expression, which can be realized through "seeking, receiving and disseminating all kinds of information and ideas, regardless of state borders, orally, in writing or through the press, or artistic forms of expression, or by other means of their choice."<sup>1</sup> The Constitution of Tajikistan, as well as the laws on the periodical press and other mass media, on the right to access to information, on television and radio broadcasting,<sup>2</sup> also provide for the right to freedom of expression, prohibition of censorship and state interference in the media. However, for the Tajik authorities, the mentioned legal and legislative norms remain only a formality, which the authorities do not observe.

In 2015, a resolution was adopted according to which the only official source in the country is the data of the National Information Agency of Tajikistan (NIAT) "Khovar", whose activities are completely controlled by the state. In this regard, all mass media are obliged to coordinate their publications on the domestic and foreign policy of the state, political, economic, social and cultural life of the country with NIAT.<sup>3</sup>

The Criminal Code of Tajikistan, despite repeated recommendations to abolish criminal responsibility for defamation and insult given by human rights activists earlier, still retains

<sup>1</sup> International Covenant on Civil and Political Rights  
[http://www.un.org/ru/documents/decl\\_conv/conventions/pactpol.shtml](http://www.un.org/ru/documents/decl_conv/conventions/pactpol.shtml)

<sup>2</sup> The base of Legislation of Tajikistan  
[http://base.mmk.tj/view\\_sanadholist.php](http://base.mmk.tj/view_sanadholist.php)

<sup>3</sup> <http://khovar.tj/rus/agentstvo/>

articles punishing public insult and slander against the president and the "Leader of the Nation" other media or the Internet,<sup>4</sup> which provide for up to five years of imprisonment.

In addition, the Criminal Code also provides for punishment of up to two years of imprisonment for insulting a representative of power, a judge, a serviceman.<sup>5</sup>

At the same time, as the existing practice of bringing charges and applying punishments on the specified articles of the Criminal Code of Tajikistan shows, any criticism of the President of Tajikistan, the "Leader of the Nation", criticism of the policy pursued by the president, the demand for his resignation or the expression of any discontent about the state of affairs in the country, is treated as an insult to the president. The same thing happens with respect to representatives of the authorities and the court.

The Criminal Code does not give a direct, clear definition of the concept of "insult", and therefore the punishment for "insult" is applied on a very wide scale with respect to any expression of opinion that is not beneficial to the authorities, in order to intimidate citizens, shut their mouths and keep people in constant fear. Such actions of the Tajik authorities, in fact, legitimized the ban on any criticism of the authorities.

Such accusations, among others, were applied to the well-known human rights lawyer Buzurgmekhr Yorov in 2017, adding to his first sentence of 23 years imprisonment for another 5 years in prison.<sup>6</sup> In his speech in the court on the first trial, Buzurgmekhr Yorov quoted Avicenna's poems.

In December 2017, with respect to Farhod Khudoyorov, who works as the head of the cell of the Social Democratic Party of Tajikistan (SDPT) of the Rasht district, an administrative arrest was imposed for 15 days. The reason for his arrest was the text message sent to the head of the Khukumat (*local authorities*), in which Farhod demanded the resolution of the current problems of the district. However, the judicial authorities considered this civil position as an insult to a representative of the authorities.<sup>7</sup>

In July 2017, the Tajik parliament approved amendments to the law "On Operative-Search Activity," authorizing security agencies to track which websites citizens visit and what information they are looking for.<sup>8</sup> After the introduction of these amendments in the country, exorbitant, severe punishment of citizens for their activity in social networks began.

So, in January 2018, activist, resident of the Rasht district, Junaydullo Khudoyorov was arrested. He was charged with involvement in the religious movement "Salafia". On his Facebook page, Junaydullo Khudoyorov often raised such urgent issues as corruption, violations of migrants' rights, the seizure of coal, extortion in schools, and other social problems.<sup>9</sup>

In May 2018, Aljon Sharipov, a resident of the Khatlon region of Tajikistan, received 9.5 years in prison for a "like" and "repost" interview with the leader of the Islamic Renaissance Party of Tajikistan (IRPT). The court of Khatlon region found him guilty on the criminal article

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<sup>4</sup> The Criminal Code of the Republic of Tajikistan, art. 137 and 137(1)  
[http://base.mmk.tj/view\\_sanadhoview.php?showdetail=&sanadID=23](http://base.mmk.tj/view_sanadhoview.php?showdetail=&sanadID=23)

<sup>5</sup> The Criminal Code of the Republic of Tajikistan, art.330, art.355, art.372  
[http://base.mmk.tj/view\\_sanadhoview.php?showdetail=&sanadID=23](http://base.mmk.tj/view_sanadhoview.php?showdetail=&sanadID=23)

<sup>6</sup> The hero of our time ... in the dungeons of a Tajik prison  
<http://hrvf.org/ru/prisoners.php?page=3>

<sup>7</sup> "Salafia": fighting extremism or a convenient cover?  
<http://hrvf.org/ru/news.php?page=9>

<sup>8</sup> Tajikistanis on the Internet are taken under control. Be carefull  
<https://news.tj/ru/news/tajikistan/power/20170713/tadzhikistantsev-v-internete-berut-pod-kontrol-budte-bditelni>  
[http://base.mmk.tj/view\\_sanadhoview.php?showdetail=&sanadID=239](http://base.mmk.tj/view_sanadhoview.php?showdetail=&sanadID=239)

<sup>9</sup> "Salafia": fighting extremism or a convenient cover?  
<http://hrvf.org/ru/news.php?page=9>

"Public calls for violent change of the constitutional system with the use of mass media or the Internet".<sup>10</sup>

In August 2018, Umar Murodov, a 30-year-old resident of the Muminabad district in southern Tajikistan, was sentenced to 5.5 years of imprisonment for insulting the head of state and calling for the overthrow of the state system via the Internet.<sup>11</sup> On his page in social networks "Classmates" Umar Murodov shared a video, and in the comments criticized the president.

In August 2018, Tajik President Emomali Rahmon signed a draft amendment to the country's Criminal Code, toughening the punishment for a public call to terrorism on the Internet and publicly justifying terrorist activities in social networks. After the publication of the Criminal Code in a new version of the punishment for such charges will be from 10 to 15 years in the form of imprisonment.<sup>12</sup> Judicial practice in Tajikistan shows that the accusations of supporting terrorist activities are used by law enforcement agencies against dissenting or unwanted authorities to citizens. Under the cover of the fight against terrorism and extremism, the court sentenced users of social networks for "like" and "repost" posts of oppositionists and opposition movements.

The State Communication Service of Tajikistan, under the pretext of protecting national security, continues the practice of extrajudicial blocking of access to websites of independent media and social networks. Access to such popular social sites as Facebook, YouTube, and news sites Asia-Plus Media Group, Payom, BBC, CNN, Ferghana.Ru and others, continue to be blocked without a court decision in order to suppress political and social activity, although officially blocking these sites the authorities do not recognize.

Journalists continue to be harassed and intimidated by government officials and security officials. In the case of the publication of critical materials, journalists are subjected to excessively severe penalties, in order to silence them.

Dozens of journalists had to flee the country because of pressure and repression by the authorities. Many news publications and websites criticizing the authorities are forced to create and carry out their activities from abroad.

In November 2017, the head of the KVN team in Tajikistan, also known as independent journalist Khairullo Mirsaidov, in his open message to Tajik President Emomali Rahmon, Tajik Prosecutor General Yusuf Rahmon and head of Soghd district Abdurahmon Kodiri, complained about the unlawful actions of the head of the Department on affairs of youth and sports of the Sughd region, which demanded a bribe from Khairullo of 1,000 US dollars, pushing it to "misuse of state funds".<sup>13</sup> However, instead of investigating this case, the Sogd region prosecutor's office opened a criminal case against Khairullo Mirsaidov himself.

As a result, in July 2018 Khujand city court sentenced the journalist Khairullo Mirsaidov to 12 years in a strict regime colony. He was found guilty of embezzlement of budgetary funds, the production of forged documents and false denunciation.

Excessively severe sentence caused a wide response in the global community, Facebook social network launched a campaign #FreeKhayrullo<sup>14</sup> with the demand to release the unjustly convicted journalist. Dozens of people, journalists and representatives of the diplomatic corps from around the world joined this campaign. The decision of the city court

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<sup>10</sup> A resident of Tajikistan was given 9.5 years in prison for his likes and repost of an interview with an oppositionist  
<https://www.currenttime.tv/a/29219323.html>

<sup>11</sup> Easily escaped ... Migrant for insulting the president was sentenced to 5.5 years in prison  
<https://rus.ozodi.org/a/29437024.html>

<sup>12</sup> In Tajikistan, the punishment for the propagation of terrorism has been tightened  
<https://rus.ozodi.org/a/29412447.html>

<sup>13</sup> Victim of exposure of corruption mechanisms  
<http://hrvf.org/ru/news.php?page=7>

<sup>14</sup> <https://www.facebook.com/groups/627652674276503/>

was examined in the appeal court and, under the pressure of the civil society and the diplomatic corps, the prison term was changed to fine and correctional works, and on August 22, 2018 Mirsaidov was released in the courtroom.

The Human Rights Vision Foundation calls on the Tajik government not to restrict the activities of independent media and stop harassment and intimidation of independent journalists for their professional activities.

To put an end to the practice of arbitrary blocking access to news sites, social networks and mobile communication services, and to provide residents of the country with unhindered access to information.

Abolish the provisions on libel and insult that remain in the Criminal Code, and not to hold accountable for the expression of opinions on socially important issues.

Abolish the rule adopted in 2015, according to which the media should report on the actions of the government and its policies with a mandatory reference to the messages of the National Information Agency of Tajikistan "Khovar".

Observe the freedom of information and tolerance for all kinds of legitimate statements and guarantee the fulfilment of the obligations of the Government of Tajikistan entrusted to it by an international legal treaty regarding freedom of speech.

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