P8_TA(2016)0275

Tajikistan: situation of prisoners of conscience

European Parliament resolution of 9 June 2016 on Tajikistan: situation of prisoners of conscience (2016/2754(RSP))

The European Parliament,

– having regard to Articles 7, 8 and 9 of the Universal Declaration of Human Rights,

– having regard to its resolution of 17 September 2009 on the conclusion of a Partnership and Cooperation Agreement between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part¹,

– having regard to its resolution of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia²,

– having regard to the Council conclusions of 22 June 2015 on the EU Strategy for Central Asia,

– having regard to its resolution of 13 April 2016 on implementation and review of the EU-Central Asia Strategy³,

– having regard to the EU statement of 18 February 2016 to the Organisation for Security and Cooperation in Europe on Islamic Renaissance Party of Tajikistan (IRPT) criminal proceedings in Tajikistan,

– having regard to the conclusions of the visit to Tajikistan by the EU Special Representative for Central Asia of 18 September 2015,

– having regard to the statement of 3 June 2016 by the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy on the Tajikistan Supreme Court’s sentencing of deputy leaders of the Islamic Renaissance Party to life imprisonment,

having regard to the preliminary observations issued by the UN Special Rapporteur on the right to freedom of opinion and expression on 9 March 2016 at the end of his visit to Tajikistan,

having regard to the Universal Periodic Review recommendations made to Tajikistan at the 25th session of the UN Human Rights Council of 6 May 2016,

having regard to the EU-Tajikistan annual Human Rights Dialogues,

having regard to the International Covenant on Civil and Political Rights of 1966, guaranteeing freedom of expression, freedom of assembly, the right of individuals to respect for their personal, private and family life and the right of equality, and banning discrimination in the enjoyment of those rights,

having regard to the Regional Conference on Torture Prevention of 27 to 29 May 2014 and to the Regional Conference on the Role of Society in the Prevention of Torture of 31 May to 2 June 2016,

having regard to Tajikistan’s Action Plan of August 2013 for the implementation of the recommendations issued by the Committee against Torture,

having regard to Rules 135(5) and 123(4) of its Rules of Procedure,

A. whereas on 17 September 2009 the European Parliament gave its assent to a Partnership and Cooperation Agreement (PCA) between the European Community and the Republic of Tajikistan; whereas the PCA was signed in 2004 and came into force on 1 January 2010; whereas, in particular, Article 2 thereof states that ‘[r]espect for democratic principles and fundamental and human rights [...] underpin the internal and external policies of the Parties and constitute an essential element of this Agreement’;

B. whereas since 1992 EU-Tajikistan cooperation has expanded to a wide range of areas, including human rights and democracy, which are the very basis of any partnership;

C. whereas the EU has a vital interest in stepping up political, economic and security cooperation as well as sustainable development and peace cooperation with the Central Asian region via a strong and open EU-Tajikistan relationship based on the rule of law, democracy and human rights;

D. whereas well-known businessman and government critic Abubakr Azizkhodzhaev has been detained since February 2016 after raising critical concerns about corrupt business practices; whereas he has been charged under Article 189 of Tajikistan’s Criminal Code with inciting national, racial, regional or religious hatred;

E. whereas members of Tajikistan’s political opposition have been systematically targeted; whereas in September 2015 the Islamic Renaissance Party of Tajikistan (IRPT) was banned after being linked to a failed coup earlier that month led by a general, Abdukhalim Nazarzoda, who was killed along with 37 of his supporters; whereas the authorities have already arrested approximately 200 IRPT members;

F. whereas in February 2016 the Supreme Court began hearing cases against 13 members of the Political Council of the IRPT, as well as four other individuals associated with the party, who had been charged with ‘extremism’ offences because of their alleged
involvement in attacks of September 2015; whereas many IRPT members have been arrested and face criminal proceedings without the guarantee of a fair trial; whereas Zaid Saidov, a businessman and well-known opposition figure, was sentenced to 29 years in prison in prosecutions linked to his having run for office in the November 2013 presidential elections; whereas Umarali Kuvatov was killed in Istanbul in March 2015 and another activist, Maksud Ibragimov, was stabbed and kidnapped in Russia before being returned to Tajikistan and sentenced in July 2015 to 17 years’ imprisonment;

G. whereas on 2 June 2016 the Supreme Court in Dushanbe sentenced Mahmadali Hayit and Saidumar Hussaini, deputy leaders of the banned IRPT, to life imprisonment on charges of having been behind an attempted coup in 2015; whereas 11 other IRPT members were sentenced to imprisonment; whereas three relatives of the leader of the IRPT, Muhiddin Kabiri, have been jailed for failure to report an unspecified crime; whereas the court proceedings were not transparent and violated the rights of the accused to a fair trial;

H. whereas several lawyers who applied to act as defence attorneys for IRPT defendants have received death threats and have been arrested, detained and imprisoned; whereas the arrests of Buzurgmehr Yorov, Nodira Dodajanova, Nuriddin Mahkamov, Shukhrat Kudratov and Firuz and Daler Tabarov raise major concerns about compliance with international standards relating to the independence of lawyers, closed trials and limited access to legal representation; whereas several journalists have also been detained, harassed and intimidated; whereas freedom of speech, access to the media, and political and ideological pluralism, including in the area of religion, must be recognised in accordance with the constitution of Tajikistan;

I. whereas the 2015 Law on the Advokatura has required a complete re-certification of the defence bar and has introduced a number of restrictions on who can practise law, and is thus conducive to possible interference in the independence of lawyers’ work;

J. whereas recent amendments to the Law on Public Associations, which came into force in 2015, hinder the operation of civil society by imposing financial disclosure of NGOs’ funding sources;

K. whereas in its statement the European Parliament election observation delegation for the parliamentary elections in Tajikistan of 2 March 2015 highlighted significant shortcomings;

L. whereas the press, websites, social media and internet providers in Tajikistan operate in a restrictive environment where self-censorship is widespread; whereas the government uses restrictive media legislation and regulations to curb independent reporting and frequently blocks online media outlets and social media networks;

M. whereas in February 2015 the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment raised concerns about ongoing torture, ill-treatment and impunity in the follow-up report to his February 2014 mission to Tajikistan;

N. whereas Tajikistan’s corruption index ranking remains worryingly high;

O. whereas the European Instrument for Democracy and Human Rights (EIDHR) is an important financing tool aimed at supporting the rule of law, good governance and human rights in the country and the region;
P. whereas on 22 May 2016 Tajikistan held a referendum on constitutional changes that allow incumbent president Emomali Rahmon to run for re-election indefinitely;

1. Calls for the release of all those imprisoned on politically motivated charges, including Abubakr Azizkhodzhaev, Zaid Saidov, Maksud Ibragimov, IRPT deputy leaders Mahmadali Hayit and Saidumar Hussaini, and 11 other IRPT members;

2. Urges the Tajik authorities to quash the convictions of, and to release, attorneys and lawyers, including Buzurgmehr Yorov, Nodira Dodajanova, Nuriddin Mahkamov, Shukhrat Kudratov and Firuz and Daler Tabarov;

3. Stresses the importance of relations between the EU and Tajikistan and of strengthening cooperation in all areas; highlights the EU’s interest in a sustainable relationship with Tajikistan in terms of political and economic cooperation; stresses that political and economic relations with the EU are deeply linked to the sharing of values relating to respect for human rights and fundamental freedoms, as envisaged in the Partnership and Cooperation Agreement;

4. Is highly concerned about the increasing detention and arrest of human rights lawyers, political opposition members and their relatives, restrictions on media freedom and internet and mobile communications, and the limitation of religious expression;

5. Urges the authorities of Tajikistan to give defence attorneys and political figures fair, open and transparent trials, to provide substantive protections and procedural guarantees in accordance with Tajikistan’s international obligations and to authorise the reinvestigation by international organisations of all reported violations of human rights and dignity; calls for all those imprisoned or detained to be granted access to independent legal services, together with the right to meet their family members regularly; recalls that, for every sentence issued, clear evidence must be presented to justify the criminal charges brought against the defendant;

6. Calls on the Tajik Government to allow opposition groups to operate freely and to exercise the freedoms of assembly, association, expression and religion, in accordance with international human rights norms and the constitution of Tajikistan;

7. Emphasises that the legitimate fight against terrorism and violent extremism should not be used as a pretext to suppress opposition activity, hinder freedom of expression or hamper the independence of the judiciary; recalls that the fundamental freedoms of all Tajik citizens must be guaranteed, and the rule of law upheld;

8. Calls on the Tajik parliament to take into account the views of independent media and of civil society in its consideration of the proposed amendments to the Law on the Media regarding media licences; calls on the Tajik authorities to cease blocking news websites;

9. Calls on the Tajik authorities to comply with international law, in particular with regard to the Law on Public Associations and the Law on the Bar and the Practice of Law; calls on the Tajik Government to ensure that all lawyers, including those defending human rights activists, IRPT members, victims of torture and clients accused of extremism, are able to conduct their work freely, without fear of threats or harassment;

10. Welcomes a number of positive steps taken by the Tajik Government, such as the decriminalisation of defamation and insult in 2012, and calls for proper implementation of
the country’s Criminal Code; welcomes the signing of the legislation introducing amendments to the Criminal Procedural Code (CPC) and the Law on Detention Procedures and Conditions for Suspects, Accused Persons and Defendants, and calls on the Tajik authorities to ensure that these legislative provisions are implemented without delay;

11. Welcomes the annual EU-Tajikistan Human Rights Dialogues, which should also address the content of this resolution; underlines the importance of effective and result-oriented human rights dialogues between the EU and the Tajik authorities as a tool to facilitate the relaxation of the political situation in the country and the launch of comprehensive reforms;

12. Calls for the EU, and in particular the European External Action Service, to monitor closely the implementation of the rule of law in Tajikistan, especially the right to association and the right to form political parties, in the context of the upcoming parliamentary elections in 2020, to raise concerns with the Tajik authorities where necessary, to offer assistance and to report regularly to Parliament; calls on the EU Delegation in Dushanbe to continue to play an active role;

13. Encourages the authorities of Tajikistan to ensure proper follow-up to, and implementation of, the Universal Periodic Review recommendations;

14. Expresses deep concern about the widespread use of torture, and urges the Tajik Government to implement its Action Plan of August 2013 for the implementation of the recommendations issued by the Committee against Torture;

15. Takes note of the conclusions of the observation mission sent by the Office for Democratic Institutions and Human Rights of the Organisation for Security and Cooperation in Europe for the parliamentary elections of 1 March 2015 in Tajikistan, which state that those elections ‘took place in a restricted political space and failed to provide a level playing field for candidates’, and calls on the Tajik authorities to address in due time all the recommendations set out in those conclusions;

16. Instructs its President to forward this resolution to the Vice-President of the Commission/High Representative of the Union for Foreign Affairs and Security Policy, the European External Action Service, the Council, the Commission, the EU Special Representative for Human Rights, the EU Special Representative for Central Asia, the governments and parliaments of the Member States, the Organisation for Security and Cooperation in Europe, the UN Human Rights Council, the Government of Tajikistan and the President of Tajikistan, Emomali Rahmon.