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*Plenary sitting*

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**B8-0755/2016**

7.6.2016

## **MOTION FOR A RESOLUTION**

with request for inclusion in the agenda for a debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 135 of the Rules of Procedure

on Tajikistan: situation of prisoners of conscience  
(2016/2754(RSP))

**Heidi Hautala, Barbara Lochbihler, Ernest Urtasun, Igor Šoltes, Bronis Ropè, Bodil Valero, Davor Škrlec**  
on behalf of the Verts/ALE Group

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

*The European Parliament,*

- having regard to its previous resolutions on Tajikistan and Central Asia republics with regard, in particular to the one on of 15 December 2011 on the state of implementation of the EU Strategy for Central Asia,
- 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 part,
- having regard to the fourth progress report of 13 January 2015 on the implementation of the EU Strategy for Central Asia adopted in 2007,
- having regard to the Council conclusions on the EU Strategy for Central Asia as adopted by the Foreign Affairs Council on 22 June 2015,
- having regard to the seventh round of the EU-Tajikistan Human Rights Dialogue held in Brussels on 11 June 2015,
- having regard to the statement by the Spokesperson on Tajikistan's Supreme Court's sentencing deputy leaders of the Islamic Renaissance party to life imprisonment of 3 June 2016,
- having regard to the International Covenant on Civil and Political Rights (ICCPR), guaranteeing the freedom of expression, freedom of assembly, the right to respect for the personal, private, and family lives of individuals, the right to equality, and the ban on discrimination in the enjoyment of those rights,
- having regard to the Partnership and Cooperation Agreement establishing a partnership between the European Communities and their Member States, of the one part, and the Republic of Tajikistan, of the other part, that entered into force on 01/01/2010,
- having regard to Rule 135 of its Rules of Procedure;

A. whereas the EU-Tajikistan Partnership and Cooperation Agreement that entered into force on 1st January 2010 provides the framework for a strengthened political dialogue and economic cooperation between the parties; whereas this agreement stipulates that political and economic freedoms constitute the very basis of the partnership; whereas, in particular, article 2 states that “Respect for democratic principles and fundamental and human rights, as defined in particular in the Universal Declaration of Human Rights, the United Nations Charter, the Helsinki Final Act and the Charter of Paris for a New Europe underpin the internal and external policies of the Parties and constitute an essential element of this Agreement”,

B. whereas over the last years the democratic space has been gradually diminishing in

Tajikistan; whereas the two opposition parties that had been represented in the parliament since 1997 – the Islamic Renaissance Party of Tajikistan (IRPT) and the Communist Party – did not manage to gather necessary amount of votes in 2015 parliamentary elections, according to the official results by the government in elections that were deemed not in line to the international standards and unfair by international observers,

C. whereas in early September 2015 the Islamic Renaissance Party of Tajikistan (IRPT) was shut down, banned by a court ruling and declared as “extremist” followed by the arrest of 13 members of the party on 16-18 September 2015,

D. whereas the authorities accused the opposition Islamic Renaissance Party of Tajikistan and its leadership of involvement in two armed attacks that took place in Dushanbe and a nearby city in September 2015; whereas a total of 199 individuals were charged in relation to these attacks, out of whom 27 are IRPT members; whereas in the case of another 40 individuals, international arrest warrants were issued and among those wanted is IRPT leader Mukhiddin Kabiri, who resides abroad; whereas the military prosecutor also confirmed that property to a total value of over 150 million somoni (about 17 million EUR) was seized from individuals suspected of involvement in the attacks,

F. whereas in February 2016, the Supreme Court began hearing the cases against the 13 members of the Political Council of the IRPT, as well as four other individuals associated with the party, who were charged with “extremism” offenses because of their alleged involvement in armed attacks of September 2015; whereas these trials took place behind closed doors and little information was available about the process since it has been “classified” and all parties involved were prohibited from disclosing information; whereas independent monitors have not been granted access to the trial or IRPT members in detention, and many of the defendants have been represented only by state-appointed lawyers,

G. whereas on 2 June 2016, two deputy heads of Islamic Renaissance Party of Tajikistan (IRPT) Mahmadali Hayit and Saidumar Khusaini, have received life sentence and the remaining leading party figures have been sentenced between two and 28 years in jail at the end of the closed-doors trial,

H. whereas in September and October 2015 prominent lawyer Buzurgmehr Yorov and lawyer Nuriddin Mahkamov, who started providing legal assistance to the IRPT leaders in jail, were arrested by the police on dubious charges; whereas the trial against both Yorov and Mahkamov began in Dushanbe on 3 May 2016, and since the case has been classified, is being held behind closed doors and trial monitors, journalists and representatives of the diplomatic community have not been allowed to attend it; whereas the relatives of Firuz Tabarov, a lawyer for opposition businessman Zayd Saidov, the leader of the unregistered New Tajikistan opposition party, have also been targeted by the Tajik justice for failure to report an unspecified crime,

I. whereas media in Tajikistan operate in a difficult and intimidating environment, in which self-censorship is widespread; whereas the arbitrary blocking of websites, such as news sites and social media sites is an ongoing problem in Tajikistan with internet providers repeatedly reporting receiving informal orders from the government’s Communications Service to block sites,

J. whereas the amendments to the Law on Public Associations adopted in August 2015 require NGOs to inform the government about foreign grants that they have received prior to using them,

K. whereas torture and ill-treatment in detention facilities remains problematic in the country; whereas in February 2015 the United Nations (UN) Special Rapporteur on torture raised concerns about ongoing torture/ill-treatment and impunity in the follow-up report to his February 2014 mission to Tajikistan; whereas in recent years several international human rights bodies and procedures such as the UN Special Rapporteur on torture, the Committee against Torture and the Human Rights Committee have recommended that Tajikistan establish an independent investigatory body;

L. whereas on 22 May 2016 Tajikistan held a referendum on constitutional changes that allows incumbent President Emomali Rahmon to run for re-election indefinitely,

M. whereas at the last round of the EU-Tajikistan human rights dialogue that was held in Brussels on 11 June 2015 the EU expressed concern regarding reports of pressure on independent journalists, urged the Tajikistan authorities to cease blocking news and social media websites, and encouraged the implementation of recommendations adopted at the EU-Tajikistan Civil Society Seminar in Dushanbe in 2014, which focused on freedom of expression; whereas the next round is scheduled for 8 June 2016 in Dushanbe,

1. Expresses its concern at the deteriorating human rights situation in Tajikistan and the increasing shrinking of the democratic space and restrictions on media; calls on Tajikistan to comply with its international human rights commitments and to protect freedom of expression and assembly and the independence of the media and legal profession;
2. Stresses that political and economic relations with the EU as the ones envisaged by the Partnership and Cooperation Agreement must be based on shared values and correspond to an active and concrete engagement by Tajikistan on political and democratic reforms and the respect for fundamental freedoms and human rights stemming from its international obligations;
3. Expresses its deep concern at the sentencing on 2 June by the Supreme Court of Tajikistan of the two deputy heads of Islamic Renaissance Party of Tajikistan (IRPT) Mahmatali Hayit and Saidumar Khusaini to life imprisonment and to the sentencing of other 11 leading party figures to long prison terms at the end of a closed-doors trial that did not respect the basic requirements of fairness and calls for the review of the case in appeal through open, fair and transparent legal proceedings;
4. Calls for the immediate and unconditional release of everyone imprisoned on politically motivated charges and in particular the lawyers providing assistance to the leaders of the main opposition party;
5. Urges the Tajik authorities to stop using religious extremism and the legitimate fight against terrorism as an excuse for clamping down on opposition and silence civil society and to allow the Renaissance Party, Group 24, and other peaceful opposition groups to operate freely and exercise the freedoms of assembly, association, expression, and religion, in accordance with international human rights norms and Tajikistan's constitution;

6. Calls on the authorities to ensure all detainees and prisoners their due process rights, including access to counsel of their choosing and visits with relatives and to immediately stop persecuting lawyers who seek to represent opposition members;
7. Welcomes that in recent years judges have more frequently ordered prosecutors to investigate allegations of torture/ill-treatment, but points out, at the same time, that the investigations have lacked effectiveness and the lawyers representing the alleged victim did not have access to documents relating to the investigation; calls, in this regard, for a meaningful investigation of all allegations of torture and enforced disappearances, including disclosing the whereabouts of those forcibly disappeared; welcomes, furthermore, the signing by president Rahmon of the legislation introducing amendments to the Criminal Procedural Code (CPC) and the Law “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;
8. Expresses its concern at the recent law on Public Associations that poses the risk of serious sanctions on NGOs, including closure because of alleged violations of technical and administrative requirements and calls on the Tajik parliament to review it;
9. Believes that the Law on the Bar and the Practice of Law adopted in March 2015, as well as amendments to it passed in November 2015 feature a number of provisions that threaten the independence of the legal profession in the country and urges the authorities to stop any interference that undermines the full exercise of the profession;
10. Takes note of the conclusions of the OSCE/ODIHR election observation mission to the parliamentary elections of 1 March 2015 in Tajikistan 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 put forward in these conclusions;
11. Calls on the Commission, the Council and the External Action Service to make clear to the Tajik authorities that the human rights violations taking place in the country could affect the relations with the EU in line with the agreements signed; further calls on the Council of the European Union and the External Action Service to raise these questions in all the relevant bilateral meetings with the Tajik authorities with regard, in particular, to the 8th round of the EU-Tajikistan Human Rights dialogue scheduled for this week;
12. Instructs its President to forward this resolution to the Council, the Commission, the EEAS, the High Representative/Vice-President for Foreign Affairs and Security Policy, the Parliament, the government and the President of Tajikistan and the OSCE.