**REVIEW OF MASS MEDIA, INTERNET SOURCES FOR AUGUST, SEPTEMBER, OCTOBER 2018.**

**Human rights situation in Tajikistan**

During the 39th session of the UN Human Rights Council session, which took place on September 10-28 in Geneva, Tajikistan was criticized for failure to implement human rights and persecution of dissidents.

The UN High Commissioner for Human Rights, Michelle Bachelet, who took office on September 1, said: “We receive reports from Central Asian countries, in particular from Tajikistan, that people exercising their right to freedom of expression are threatened with violence, arbitrary detention, ill-treatment ”.

Michelle Bachelet also noted during the session that the situation with freedom of speech and media, rights of national and religious minorities is noticeably deteriorating. In addition, there is concern about reports of torture and ill-treatment during detention, as well as impunity for the perpetrators.

Human rights activists indicate that human rights violations in Tajikistan “reached” the UN Human Rights Council and this is not a good sign.

Victoria Nadezhdina, head of the human rights organization Human Rights Vision, which monitors human rights situation in Tajikistan, during the interview to Radio Ozodi on September 13, said that the very fact that the High Commissioner on Human Rights had raised the issue with Tajikistan during the session indicates that the situation is serious.

“This also shows that human rights situation in Tajikistan is deteriorating. This was also pointed out during the OSCE annual meeting on human dimension, ”she noted.

“We see that the government is improving legislation, including normative acts, but in fact it practically did not change the situation. These amendments are aimed at strengthening the control and restriction of freedom, “ she said.[[1]](#footnote-2)

**Criminal persecution of journalists**

On August 22, by the decision of the Sogd Province Court, Khayrullo Mirsaidov was released from imprisonment.

Bakhtiyor Nasrulloev, the lawyer of Khairullo Mirsaidov, told Radio Ozodi that Sogd Province Court, having considered the cassation complaint of Khairullo Mirsaidov, decided to change the punishment for his client under all three articles of the Criminal Code of the RT and ordered payment of a fine in the amount of 80 thousand Somoni and correctional labor, but “since Khairullo spent 9 months in prison, he has only to pay the fine”.

The decision on the Khairullo Mirsaidov’s appeal should have been made on August 15, but the Province court postponed it by one week.

Mirsaidov said that he and his lawyers intend to file a complaint to higher judicial authority so that all charges would be lifted.

Also, Khairullo Mirsaidov stated that during the investigation and during his stay in the SIZO he was not subjected to pressure.[[2]](#footnote-3)

Mirsaidov stressed that he had access to radio in prison, heard the words spoken in his defense, and was very grateful to the public for their support. When asked whether he will return to the KVN team, Mirsaidov gave a negative answer. “I cannot be the head of public organizations for two years. First of all, I want to relax, throw off the burden that psychologically prevailed over me. Then I will work as journalist,” Mirsaidov added.

Khairullo's father, Habibullo Mirsaidov, told Sputnik Tajikistan that "his son was released due to the support of his colleagues and international organizations that repeatedly appealed to the Tajik authorities to release the journalist."

“The embassies of many foreign countries, human rights and journalistic organizations closely followed the trials until my son was released, I express sincere gratitude to all of them,” said Mirsaidov’s father.[[3]](#footnote-4)

Khairullo Mirsaidov is currently not working, he lives in his parents' house and is undergoing rehabilitation, he is not able to pay the fine quickly, so he appealed Khujand city court to postpone the payment of the fine. On October 15, during a court session, which was held behind closed doors, Khujand City Court postponed the payment of a fine by two months - until December 15, 2018, although Mirsaidov requested a deferment until April 2019.[[4]](#footnote-5)

**Blocking of web pages**

In early August, the population of Tajikistan experienced problems with access to the Internet, many Internet users in Tajikistan complained low speed or limited access to certain sites, including Radio Ozodi website. Many users complain that they cannot access many sites without VPN, including Radio Ozodi and Asia Plus, as well as social networks and instant messengers.

According to the Communications Agency, the problems are explained by maintenance works.

Providers have confirmed problems with access to Internet, but emphasize that the situation has nothing to do with them. Some companies warned their users about temporary problems via SMS. For example, Tcell sent a message to its subscribers that access to some messengers and social networks will be temporarily difficult due to technical problems.

On August 6, several Internet providers told Radio Ozodi that this situation was causing great damage to their budgets.

Experts in the field of telecommunications note that the creation of restrictions of any kind and the restriction of Internet access in the era of market relations have not very good consequences.

Gafurjon Irkaev, head of the Association of Mobile Operators in Tajikistan, believes that the problem is due to lack of dialogue between relevant authorities and the agencies. According to him, any restriction affects their reputation first.

This is not the first time that users are facing the problem of Internet access in Tajikistan. In past years, the restriction of Internet access and telephone communication was observed during the antiterrorist operation in eastern Tajikistan in 2010, during a special operation in the GBAO in 2012, during the urge issued by Group 24 banned in the country to enter an anti-government rally in 2014, during the special operation to suppress the armed rebellion in 2015.

Meanwhile, with the introduction of amendments and additions to the law “On Combating Terrorism”, the law enforcement agencies of Tajikistan received the right to restrict telephone communications and access to the Internet during special operations not only in limited territories, but throughout the country. These changes provide the right to relevant government agencies to block news sites and restrict freedom of speech in the country.[[5]](#footnote-6)

For several months, one of the most popular news portals of the country, Asia Plus, remained blocked along with YouTube and Facebook.

Many Tajiks have learned to bypass such blocks and use VPN servers, anonymizers and various applications.

Recently, not only websites, but also VPN servers have become blocked in the country. According to Tajik bloggers, this will only have a short-term effect. All workarounds are not closed, and Internet users have long learned to find available loopholes.

Although sites are blocked regularly, no one takes responsibility for this. A few months ago, the Communications Agency stated that blocking of web pages was an initiative of operators and Internet providers. Providers have denied this.

According to anonymous sources in the cellular companies the blockage is coming from the USC, "says Zulfiya Golubeva, journalist from “Vecherka” newspaper.

The Unified Switching Center is subordinate to the Communications Agency of Tajikistan. Bloggers and journalists believe that the authorities thus violate the rights of citizens and restrict their access to information.

Most Tajiks use free applications and VPN servers. People do not want to pay extra money for using the Internet. Internet in Tajikistan is currently the most expensive in the region - one gigabyte costs on average about two dollars. And the connection speed is one of the lowest in the world.[[6]](#footnote-7)

**Access to information**

Tajik lawyers believe that the increase in number of cases regarded as secret and closed trials in most cases relates to lack of evidence against defendants and accused. Thus, judges try to hide these shortcomings from journalists.

Lawyers say that the investigation and the trial should be open if there is no state or military secret, or information relating to personal and intimate life.

According to the laws of the country, cases involving persons under the age of 16 and cases involving rape and prostitution are also closed. In cases where it is necessary to ensure the safety of trial participant, witnesses or their relatives, the process may also be conducted in the closed modality. In other cases, in line with the Article 19 of the Criminal Procedure Code, the court must be open.

Lawyers say that judges and investigators do not have the right to decide on the classification of the case. According to the lawyer Abubakr Kulmatov, some judges do not want to consider criminal cases publicly, especially the cases where the accused was subjected to torture or ill-treatment and confer secrecy to the case, he also noted that in such cases journalists have the right to appeal the judge’s actions in higher instances and get permission to participate in the trial.

The Supreme Court does not disclose data on criminal cases which were conferred a secrecy modality independently judges. But lawyers say that compared to previous years, the number of criminal cases with a secrecy stamp and lawsuits that are being reviewed in a closed mode has increased consderably.

Another common practice in Tajik courts over the recent years is for a judge to oblige the lawyer to sign non-disclosure act in order to “silence” the lawyer. The investigator or judge take the note stating that the lawyer does not have the right to disclose information that he had come to know during the trial.

Due to the lack of a clear mechanism for conferring secrecy, lawyers are asking for amendments to article 273 of the Criminal Procedure Code of the Republic of Tajikistan, which provides for open and impartial legal proceedings. In this regard, according to lawyers, there should be a clear list of criminal cases in which the security classification can be established.[[7]](#footnote-8)[[8]](#footnote-9)

**Coverage of the information by Mass Media**

The President of the Republic of Tajikistan, Emomali Rakhmon, during the meeting with journalists at the opening ceremony of a new television and radio studio in Sogd oblast, called on the media and journalists not to praise the authorities, but to highlight the shortcomings of society and individual politicians. “Unfortunately, everyone, starting with the first TV channel, is praising the authorities. It seems that everything is perfect and we have no flaws at all, ”said the head of Tajik state.

According to Rakhmon, praise and flattery can have a detrimental effect on society and government officials. “Do not lavish praises. This will lead to serious mistakes in our work. Praise through television and radio do not benefit the state and the country. Do not turn a blind eye on the shortcomings. On the contrary, it is necessary to expose the shortcomings of the authorities and identify means to correct mistakes,” underlined Emomali Rakhmon.[[9]](#footnote-10)

**Legislation**

Lower Chamber of the Parliament of RT had initiated the elaboration of the Information Code of the country, called upon to regulated the activities of mass media.

The Code shall unite all the laws related to information, communication and protection of information.

Members of the Parliament had informed that similar documents are not available in post soviet countries, and the opinion of journalists and mass media shall be taken into consideration during the elaboration of the Code.

Media organizations in Tajikistan along with journalists hope that the Code will not set forth new legislative norms limiting the activities of mass media.[[10]](#footnote-11)

**Mobile communication**

A source in the Supreme Economic Court informed on August 6 during the interview to Radio Ozodi that during the audit of Tacom company operating under the Beeline-Tajikistan brand, Tax Committee revealed tax regime violations and imposed a fine of 51 million 144 thousand somoni. However, Beeline lodged a lawsuit with the Economic Court of Dushanbe with a request to annul the decision. The court rejected the claim, and the company was forced to appeal to the Supreme Economic Court.

The Supreme Economic Court (SEC) of Tajikistan supported the decision of the court of first instance and ruled in favor of the Tax Committee.

In the end of January last year, Nusratullo Davlatzoda, Chairman of the Tax Committee under the Government of Tajikistan, stated that the tax authorities identified tax concealment. In particular, branch of “Megaphone” MLT, according to him, owed Tajikistan about $ 19.5 million, and “Takom” - $ 18.9 million.

In April this year, ZET Mobile Limited became the owner of Tacom: Veon announced an agreement with ZET Mobile Limited on the sale of Vimpelcom AG, registered in the British Virgin Islands, which owns 98% of Tacom. Prior to this transaction, ZET Mobile Limited owned 2% of the operator. It is reported that the owners of the company "Takom" were Vimpelcom AG and Hassan Asadullozoda, brother-in-law of the President of Tajikistan.

And earlier, Beeline tried to challenge the demands of the Tax Committee to pay millions of dollars as "unpaid taxes” in the court. For example, in 2016, as a result of a tax audit, Beeline was fined 154.3 million somoni and Megaphone - 155 million somoni. Both companies also tried to challenge the claims of the tax authorities in the court, but failed.

And, as a result, in 2016 the Beeline company declared that it paid taxes in the amount of about 73 million dollars, while receiving total income of 68 million dollars.

Experts note that in the past years the telecommunications sector annually replenished the country's state treasury by 1 billion somoni. But after many changes and constraints, their income has dropped significantly.[[11]](#footnote-12)

In the second half of August, mobile operators sent SMS to their subscribers about the increase in the price for SIM cards to 250 somoni. The same amount shall be paid to re-register the subscriber number.

“There are more than two SIM cards issued in your name. Until September 1, 2018, you need to go to the nearest service office to reissue additional SIM cards for individuals who use them directly. Re-registration requires passports of the owner and user of the SIM card. From September 1, the fee for re-registration of the subscriber number will be 250 somoni, ”- such SMS was received by Megafon subscribers, who have more than two SIM cards.

Each citizen of Tajikistan can have up to 2 SIM cards registered in his name. Previously, there were no such restrictions, and citizens could often change the subscriber numbers or have several SIM cards at once, and the renewal of the subscriber number was free.

Many subscribers expressed dissatisfaction of the decision to increase the price of SIM cards. State agencies claim that this measure is aimed at combating terrorism, as people used to change SIM cards often and criminal elements can take advantage of such accessibility.

Currently, mobile communication services in Tajikistan are provided by 4 operators: Babilon, Tcell, Megafon and Beeline. The country has 4.1 million active subscribers.[[12]](#footnote-13)

As it became known later, Antimonopoly Agency of Tajikistan approved fee for a SIM card in the amount of 250 somoni, of which 215 somoni constitutes payment for the registration and 35 somoni are used to top up subscriber’s account. The corresponding order No. 89 as of August 23 was signed by the head of the Antimonopoly Agency of RT, Sadi Kodirzoda. According to the order, as of September 1, all mobile operators shall sell SIM cards at the approved tariff.

First deputy head of the Antimonopoly Agency Nazar Odinazoda could not explain why the cost of connection costs exactly 215 somoni, what are the expenses related to the registration, in general, why the amount of 250 somoni was selected. He only noted that initially it was about 1000 somoni for one SIM card...[[13]](#footnote-14)

The order, in particular, states that the tariff has been established in order to fulfill the protocol of the joint meeting of the Ministry of Internal Affairs, State Committee for National Security, Communications Agency and four mobile operators - Tcell, TT-Mobile, Babilon-Mobile and Tacom on 8 of August 2018 and decrees of the Government of Tajikistan as of 30 April, 2018 “On the process and requirements for connection to telecommunication networks”. Antimonopoly Agency reported on August 27 that the increase in the cost of a SIM card is related to security issues.

Furthermore, one customer can not have two SIM cards of two different companies indicated the source under the condition of anonymity. Antimonopoly Agency had announced that the decision to increase the price per SIM-card to 250 somoni was the initiative of the mobile operators themselves.[[14]](#footnote-15)

Most experts consider that these limitations are mainly based on the economic reasons.

People were outraged by such an increase, specifically taken into account that SIM cards in many countries are being provided to users free of charge. 250 somoni or $26 is too high for most of the Tajik citizens.

Huge queues were observed next to several SIM-card trading points on 27 of August, since people were in a hurry to buy SIM cards for the old price of 10 somoni.[[15]](#footnote-16)

In the end of August, the President of the Republic of Tajikistan Emomali Rakhmon had ordered that corresponding ministries and agencies suspend the decision to increase the prices for SIM cards as of 1 of September 2018. The head of the state assigned the head of the Executive Office of the President Ozoda Rakhmon to set up a working group to review the issues related to procedures and costs related to the issuance of SIM cards and provide corresponding recommendations. The President’s Administration will have to particularly identify where the idea to increase the cost of SIM cards originates.

According to experts the decision to suspend the increase in prices and to ensure that proper review of the process is conducted by the responsible people is based on the potential escalation of the situation in the country.[[16]](#footnote-17)

The first session of the working group that includes the representatives of the Executive Office of the President, Agency on Communication, Antimonopoly Agency, MoI and mobile operators “Babilon”, “T-Cell”, “Megafon” and “Beeline” did not lead to tangible results. The session lasted for thee hours, however its participants did not come to the consensus. Antimonopoly agency of Tajikistan was unable to set the new price due to different suggestions and had decided to postpone the discussion till later.[[17]](#footnote-18)

**Events**

The OSCE annual meeting on human dimension was held from September 10 to 21 in the the capital of Poland. About 1,800 representatives of the government and civil society from 57 OSCE Member States took part in the meeting.

Doubts of the Tajik authorities related to participation in this annual OSCE meeting, which brings together representatives of governments and civil society, were observed for two years.

Deterioration of the relations between Dushanbe and OSCE began after the incident when the supporters of the prohibited in Tajikistan IRPT and "Group 24" were allowed to the OSCE Review Meeting in Warsaw in September 2016. Then opposition supporters staged a "silent protest" - they entered the OSCE meeting hall in T-shirts with portraits of "prisoners of conscience" in Tajikistan.

In 2017 National News Agency "Khovar", reissued the article related to the possible closure of the OSCE office in Tajikistan if OSCE provides an opportunity during the meeting in Warsaw for persons convicted of terrorism, that are on the international wanted list.

Last year, despite warnings received from Tajik authorities, opposition representatives took part in the meeting. It did not result in the closure of the OSCE office, but by the request of Tajik authorities, five OSCE field offices in the country were closed, and the status of the OSCE Office in Tajikistan was reduced to the Program Office in Dushanbe. Since then, each office activity must be coordinated with the Government of the Republic of Tajikistan.[[18]](#footnote-19)

A protest was carried out near to OSCE office premises in Dushanbe on 7 September. The rally gathered mainly young people who protested against participation of the leader of the prohibited Islamic Reneissance Party (IRP) Muhiddin Kabiri and other opposition members in the OSCE conference. They were holding posters with statements of protest.[[19]](#footnote-20)

On the second day of the annual OSCE meeting in Warsaw, a fight broke out between some members of the government delegation and opposition supporters. One of the members of the government delegation punched supporter of the opposition Sulaymoni Orzu in the face. According to the victim himself, he just wanted to take a picture of Ayomiddin Sattorov, former member of the Islamic Renaissance Party of Tajikistan (IRPT) with the hashtag “Freedom to political prisoners!” Ayomidin Sattorov, who is called one of the founders of IRPT, recently denied the Islamic party because, according to him, current leadership had "trampled on the charter", and came under the influence of Iran. The former opposition member was included in the official delegation of Tajikistan and sent to the annual OSCE meeting in Warsaw.[[20]](#footnote-21)

Inhiborg Solroun Gisladottir, Director of the OSCE Office for Democracy and Human Rights, condemned the fight between representatives of the Tajik government delegation and Tajik opposition activists at the entrance to the conference building and called the incident unacceptable, adding that aggressive actions have no place either in the conference, or outside.[[21]](#footnote-22)

1. <https://rus.ozodi.org/a/29492619.html> [↑](#footnote-ref-2)
2. Source: <https://rus.ozodi.org/a/29447345.html> [↑](#footnote-ref-3)
3. <https://ru.sputnik-tj.com/main/20180823/1026539590/mirsaidov-prigovor-sudba-komanda-kvn.html> [↑](#footnote-ref-4)
4. Source: <https://rus.ozodi.org/a/29544658.html> [↑](#footnote-ref-5)
5. <https://rus.ozodi.org/a/29416509.html> [↑](#footnote-ref-6)
6. Source: <https://rus.ozodi.org/a/29493725.html> [↑](#footnote-ref-7)
7. Source: <https://nm.tj/society/52092-pochemu-v-tadzhikistane-uvelichilos-kolichestvo-del-s-grifom-sekretnosti.html> [↑](#footnote-ref-8)
8. Source: <https://nm.tj/society/52092-pochemu-v-tadzhikistane-uvelichilos-kolichestvo-del-s-grifom-sekretnosti.html> [↑](#footnote-ref-9)
9. <https://rus.ozodi.org/a/29565273.html> [↑](#footnote-ref-10)
10. <https://rus.ozodi.org/a/29510415.html> [↑](#footnote-ref-11)
11. Source: <https://rus.ozodi.org/a/29414676.html> [↑](#footnote-ref-12)
12. Source: <https://rus.ozodi.org/a/29442067.html> [↑](#footnote-ref-13)
13. Source: <https://nm.tj/society/51831-sim-karty-v-tadzhikistane-hoteli-prodavat-po-1000-somoni-no-storgovalis-na-250-ti.html> [↑](#footnote-ref-14)
14. Source: <https://rus.ozodi.org/a/29459013.html> [↑](#footnote-ref-15)
15. Source: <https://rus.ozodi.org/a/29456118.html> [↑](#footnote-ref-16)
16. Source: <https://rus.ozodi.org/a/29461507.html> [↑](#footnote-ref-17)
17. <https://rus.ozodi.org/a/29575539.html> [↑](#footnote-ref-18)
18. <https://rus.ozodi.org/a/29469691.html>, <http://khovar.tj/rus/2018/08/tadzhikistan-mezhdunarodnoe-soobshhestvo-priznalo-teo-piv-terroristicheskoj-organizatsiej-odnako/> [↑](#footnote-ref-19)
19. <https://nm.tj/incident/51920-u-ofisa-obse-v-dushanbe-proshla-akciya-protesta-predstavitelstvo-kommentariev-ne-daet.html> [↑](#footnote-ref-20)
20. Source: <https://rus.ozodi.org/a/29484170.html> [↑](#footnote-ref-21)
21. Source: <https://ru.sputnik-tj.com/country/20180912/1026744695/tajikistan-draka-obse-delegaciya-oppoziciay.html> [↑](#footnote-ref-22)