

Tajikistan: Civil society groups calling for release of convicted journalist Daler Sharipov

On 16 April Shohmansur District Court in Dushanbe sentenced independent journalist Daler Sharipov to one year's imprisonment for inciting religious hatred under Article 189, part 1 of the Criminal Code. The NGOs jointly issuing this statement are concerned that the 32-year old journalist, who frequently wrote about controversial issues such as human rights and religion and has criticized government policies in these areas, was targeted in retaliation for his legitimate journalistic work. The organizations are calling for Daler Sharipov's prompt and unconditional release.

On 28 January 2020, officials from the State Committee for National Security (SCNS) detained Daler Sharipov and charged him with "inciting national, racial, local or religious hatred". The broadly worded formulation of Article 189 does not align with Article 20(2) of the International Covenant on Civil and Political Rights and is a prime example of the type of law that can be used to illegitimately punish expression of opinion that is not intended to incite and has no risk of causing hostility, violence or discrimination.

In its concluding observations issued in August 2019 the United Nations Human Rights Committee urged Tajikistan to "Ensure the effective protection of independent journalists and media workers against any form of intimidation and refrain from using civil and criminal provisions, including the provisions on extremism, as well as other regulations, as a tool to suppress critical reporting on matters of public interest."

And yet, developments in the case of Daler Sharipov indicate that the authorities do not intend to comply with this recommendation. After the remand hearing on 30 January 2020 Daler Sharipov was placed in the SCNS investigation-isolation facility in Dushanbe. In early February, the Prosecutor General's Office issued a *statement* claiming that, in the past seven years, Sharipov had posted more than 200 articles and comments of "extremist nature aimed at inciting religious intolerance" on social media and that he illegally published 100 copies of a dissertation allegedly "developed in the context of the Muslim Brotherhood movement", which has been banned in Tajikistan as an extremist organization.

The prosecutor's closing statement mentioned Daler Sharipov's dissertation entitled "Mohammed and terrorism", but not the 200 articles and comments of "extremist nature" that the journalist had allegedly disseminated.

In court the prosecutor asked for two years and four months' imprisonment; Article 189, part 1 carries a maximum term of five years' imprisonment. *According to Daler Sharipov's father*, Sharipov wrote his dissertation "Mohammed and terrorism" to serve as a disincentive to young people who might be attracted to getting involved with terrorist and extremist groups. *According to his lawyer*, in his final statement in court Daler Sharipov denied inciting hatred but admitted to having made mistakes in his dissertation.



The trial was due to begin on 13 April in the Shohmansur District Court of Dushanbe, but was postponed to 15 April because the prosecutor did not come to court, Daler Sharipov's lawyer Abdurakhmon Sharipov (no relation) *reported*. When the trial started on 15 April the lawyer, witnesses and Sharipov's parents were able to enter the courtroom, but dozens of journalists and civil society activists were denied entry. According to Abdurakhmon Sharipov the court justified this decision by referring to recommendations of the World Health Organization about preventing the spread of the corona virus. When the trial resumed on 16 April the only civil society observer admitted to the courtroom was Nuriddin Karshiboev, the head of the National Association of Independent Media in Tajikistan (NANSMIT). Activist *Oynikhol Bobonazarova* was admitted for a brief time while many others were again turned away.

There are no international guidelines justifying closures of court hearings to the public as a precaution for the spread of the corona virus. Many countries affected by the virus have temporarily postponed all non-urgent court hearings or hearings take place in large rooms that allow for social distancing. Some are seeking ways to keep the courts running by means of *remote access* such as videolinks.

In the meantime the authorities of Tajikistan continue to insist that the corona virus, which has infected over *two million people* in over 200 countries around the world, has thus far not reached the territory of the country and have not imposed nationwide restrictions on gatherings.

The statement is issued by International Partnership for Human Rights together with the following members of the Coalition against Torture and Impunity in Tajikistan and other local civil society groups and activists:

1. Public Organisation Lawyers Association of Pamir
2. Public Organisation Bureau of Human Rights and Rule of Law
3. Public Organisation Khoma
4. Public Organisation National Association of Independent Mass-Media in Tajikistan
5. Public Organisation The League of Women with Disabilities "Ishtirok"
6. Public Organisation The World of Law
7. Public Organisation Office of Civil Freedoms
8. Public Foundation Notabene
9. Public Foundation Tashabbusi hukuki
10. Public Organisation Human Rights Center
11. Public Organization Najoti kudakon
12. Association Public Assessors of the Republic of Tajikistan
13. Oynihol Bobonazarova, Public Organization Perspektiva Plus
14. Shuhrat Saidov, lawyer
15. Public organisation Otifa .