



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS  
PALAIS DES NATIONS • 1211 GENEVA 10, SWITZERLAND

**Mandates of the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.**

REFERENCE: UA  
TJK 4/2014:

23 June 2014

Dear Mr. Khamidov,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention; Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the situation of human rights defenders; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolution 24/7, decision 25/116, 25/2, and resolutions 24/5, 25/18, 17/2, and 25/13.

In this connection, we would like to draw the attention of your Government to information we have received regarding the alleged arbitrary arrest, incommunicado detention and enforced disappearance of **Mr. Alexander Sodiqov**. Mr. Sodiqov is a Tajik native who is currently a candidate in a doctorate programme at a Canadian University where he is researching topics related to comparative politics and Central Asia. Mr. Sodiqov has formerly worked for local non-governmental organizations, the Organization for Security and Co-operation in Europe, and the UN in Tajikistan.

According to the information received:

On 16 June 2014, Mr. Sodiqov was arrested by a police officer and two other persons in civilian clothing in Khorog, Tajikistan, while attending a meeting with a local civil society activist and has since been held in an undisclosed location. Reportedly, his family members learned of his arrest through the media and do not know of his fate and whereabouts.

Allegedly, that same day police officers arrived at Mr. Sodiqov's home in Dushanbe, searched it without providing a search warrant, and removed all of Mr. Sodiqov's information equipment. It is reported that police officers said they would later provide a warrant, however neither a warrant nor a copy of the search protocol have been provided.

It is alleged that Mr. Sodiqov has not been in contact with lawyers, colleagues or family since. It is further reported that Mr. Sodiqov's wife has been unable to find a lawyer: she has approached more than ten lawyers who have all refused to take Mr. Sodiqov's case.

Reportedly, on 17 June 2014, Tajikistan's State Committee for National Security (SCNS) accused Mr. Sodiqov of spying and carrying out subversive activities. In particular, the SCNS accused Mr. Sodiqov of meeting with a researcher engaged in intelligence activities on 10 June 2014, and accepting instruction to carry out an illegal task. It is alleged that this accusation violates the presumption of innocence since no investigation or judicial decision has been rendered to support it.

According to information received, the meeting that Mr. Sodiqov participated in on 10 June was a meeting to discuss Mr. Sodiqov's thesis research.

It is further alleged that the purpose of Mr. Sodiqov's subsequent meeting on 16 June, after which he was arrested, was also related solely to his academic research.

It is reported that Mr. Sodiqov also possessed all the thesis documents confirming that his studies were approved by the academic council of his University, and that Mr. Sodiqov held a contract with his University that states that he was carrying out research for the University. Allegedly, in addition to his candidacy as a doctoral student, Mr. Sodiqov is an active journalist and is vocal about his work.

According to information received, on 17 June the residents of Khorog were told that Mr. Sodiqov was released after investigators concluded that his discussions with local activists were linked to his academic research. This information has not been verified and Mr. Sodiqov's fate and whereabouts remain unknown.

It is reported that Mr. Sodiqov's family applied to the Prosecutor General's Office, the Minister of Internal Affairs and the SCNS to clarify his fate and whereabouts, but have not received any information. Allegedly, despite legislation that mandates a time limit of 72 hours before detainees must be presented to a judge, Mr. Sodiqov whereabouts have been unknown for a greater amount of time.

A local group of students reportedly expressed concerns at Mr. Sodiqov's arrest and detention and emphasized the need for an open democratic society where

freedom of opinion and expression is made possible through the free participation of academic actors. This group allegedly voiced concerns that Mr. Sodiqov's ongoing detention will have a chilling effect on other students, scientists and researchers who may now feel that they are at risk of or vulnerable to arrest and/or detention for their work.

We express serious concern about the physical and mental integrity of Mr. Sodiqov and that his arrest, incommunicado detention and enforced disappearance may be due to his human rights work and his legitimate and peaceful exercise of his rights to the freedom of expression and opinion, and his right to the freedom of association in the context of his research on conflict resolutions and other topics in Tajikistan. We are alarmed that such peaceful research activity has allegedly been labelled an act of espionage by law enforcement agencies of Tajikistan. We are further concerned about the alleged chilling effect that his arrest may have created towards students, scientists and researcher, which may adversely affect the future exercise of the right to the freedom of opinion and expression, and of the right to freedom of association in Tajikistan. Finally, we are concerned about Mr. Sodiqov's lack of access to a lawyer.

While we do not wish to prejudge the accuracy of these allegations, they appear to be in contravention of the right not to be deprived arbitrarily of one's liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR). The above allegations also appear to be in contravention with the right to access to a lawyer as set forth in the UN Basic Principles on the Role of Lawyers.

Furthermore, the above-alleged facts indicate a prima facie violation of the articles 19, and 22 of the ICCPR, which guarantee the rights to freedom of expression and opinion and the right to freedom of association, as well as the Johannesburg Principles on National Security, Freedom of Expression and Access to Information. In this connection, we would like to refer to Human Rights Council resolution 24/5, and in particular operative paragraph 2 that highlights States' obligation to both respect and fully protect the rights of all individuals to assemble peacefully and associate freely.

We would also like to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration, as well as article 6 point a), b) and c); and article 12, paragraphs 2 and 3.

We would also like to remind your Excellency's Government, that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture or other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment as prohibited inter alia by the ICCPR and the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment (CAT).

In relation to the allegation that the fate and whereabouts of Mr. Alexander Sodikov are currently unknown, we would like to bring to your Excellency's Government's attention the rights and obligations set out in the United Nations Declaration on the Protection of All Persons from Enforced Disappearance, in particular articles 2, 3, 6, 7, 10 and 12.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations and the recent arrest, incommunicado detention and enforced disappearance of Mr. Sodikov.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Sodikov and how these measures are compatible with the abovementioned international norms and standards. Additionally, please elaborate on the legal grounds for accusing Mr. Sodikov of spying and subversive activity.
3. Please provide clarification regarding whether Mr. Sodikov has access to family members and a lawyer.
4. Please provide information on the fate and whereabouts of Mr. Sodikov. If his fate and whereabouts are unknown, please provide the details on any investigation or other queries which may have been carried out. If no queries have taken place, or if they have been inconclusive, please explain why.
5. Please provide details on the measures taken to ensure Mr. Sodikov's enjoyment of the right to the freedom of opinion and expression, the right to the freedom of association and the right to equal and prompt access to a lawyer.
6. Please kindly indicate what measures have been taken to ensure that human rights defender are able to carry out their legitimate work in a safe

and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

Your Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

We would like to bring to the attention of your Excellency's Government that should the sources submit the allegations concerning Mr. Sodikov as cases to the Working Group on Enforced or Involuntary Disappearances or the Working Group on Arbitrary Detention, they will be considered by the respective Working Group according to its methods of work, in which case your Excellency's Government will be informed by separate correspondence.

Please accept, Mr. Khamidov, the assurances of our highest consideration.

Mads Andenas  
Chair-Rapporteur of the Working Group on Arbitrary Detention

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