

Mandates of the Special Rapporteur on the situation of human rights defenders; 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 independence of judges and lawyers; the Special Rapporteur on minority issues; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Ref.: AL TJK 1/2023
(Please use this reference in your reply)

12 May 2023

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders; Working Group on Arbitrary Detention; 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 independence of judges and lawyers; Special Rapporteur on minority issues; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, pursuant to Human Rights Council resolutions 43/16, 51/8, 45/3, 43/4, 44/8, 43/8, 49/10 and 43/20.

In this connection, we would like to bring to the attention of your Excellency's Government information, and follow up on a country visit by the Special Rapporteur on the situation of human rights defenders and previous communications sent to your Excellency's Government, on the alleged arbitrary detention, enforced disappearance and criminalisation of human rights defenders Mr. Daler Bobiev, Mr. Avazmad Ghurbatov, Mr. Zavqibek Sohibov, Mr. Abdusattor Kotibov, Mr. Abdulmajid Rizoiev, Ms. Ulfathonim Mamadshoeva, Mr. Manuchekhr Kholiknazarov, Mr. Faromuz Irgashov, and Mr. Khushruz Djumaev.

Mr. **Daler Bobiev** is a journalist, blogger, and human rights defender, who works under the name Daler Imomali. His YouTube channel @DalerImomali covered social issues and citizens' complaints about alleged Government abuses and had about 150 000 subscribers as of June 2022.

Mr. **Avazmad Ghurbatov** is a journalist, blogger, award-winning documentary filmmaker, and human rights defender, who works under the name Abdulloh Ghurbati. He worked as a camera operator on YouTube channel @DalerImomali. He also worked for Tajikistan's Centre for Investigative Journalism and the independent news agency Asia Plus.

Mr. **Zavqibek Sohibov** is a journalist and blogger, who works under the name Zavqibek Saidamini, and a human rights defender. He published commentaries and reports on his YouTube channels @zavqibeksaidamini5128 and @zavqtv3508 with a total of about 15 000 subscribers at the time of his arrest. He covered topics including alleged abuses and injustices by the authorities, border conflicts with Kyrgyzstan, and religion. He also called for the release of his colleagues Mr. Avazmad Ghurbatov and Mr. Daler Bobiev.

Mr. **Abdusattor Kotibov** is a journalist and blogger, who works under the name Abdusattor Pirmukhammadzoda, and a human rights defender. He published his views on free speech and alleged Government injustices on his YouTube channel @abdusattorpirmukhammadzoda8014 with about 39 000 subscribers at the time of his arrest. He also called for the release of his colleagues Mr. Avazmad Ghurbatov and Mr. Daler Bobiev.

Mr. **Abdulmajid Rizoev** is a human rights defender, lawyer, and previously a member of the Association of Young Lawyers Amparo, which was forcibly dissolved in 2012. Mr. Rizoev monitored and reported human rights violations within the Tajikistan military and provided legal assistance to conscripts and soldiers subjected to such violations. Mr. Rizoev also represented people whose homes were due to be demolished as part of new construction projects in Dushanbe. He has been the subject of a previous communication by Special Procedures dated 20 September 2021 (AL TJK 2/2021). We thank the Government for its reply dated 26 January 2022 but remain concerned considering the allegations below. Additionally, Mr. Rizoev was the subject of Opinion No. 39/2022, in which the Working Group on Arbitrary Detention found his deprivation of liberty arbitrary, urged your Excellency's Government to immediately take steps to remedy the situation of Mr. Rizoev to bring it into conformity with the relevant international norms, including by releasing him immediately, and to ensure a full and independent investigation of the circumstances surrounding his arbitrary detention.

Ms. **Ulfathonim Mamadshoeva** is a civil society representative of the Pamiri minority in the Gorno-Badakhshan Autonomous Region ("GBAO"), a journalist, and a human rights defender. In the past, she founded and led the local non-governmental organisation Nomus va Insof focusing on children's and women's rights. She has been the subject of two previous communications by special procedures dated respectively 13 July 2022 (JAL TJK 2/2022) and 4 October 2022 (JAL TJK 3/2022). We regret not receiving a reply and reiterate our utmost concern, especially considering the allegations below.

Mr. **Manuchekhr Kholiknazarov** is a lawyer and human rights defender. He was a leader of the Pamir Lawyers' Association and a member of the Civil Society Coalition against Torture and Impunity in Tajikistan and Commission 44, a group of human rights defenders and activists investigating human rights violations in the GBAO. He has been the subject of two previous communications by Special Procedures dated 13 July 2022 (JAL TJK 2/2022) and 4 October 2022 (JAL TJK 3/2022). We regret not receiving a reply and remain deeply concerned, especially considering the allegations below.

Mr. **Faromuz Irgashov** is a human rights lawyer, a member of the Pamir Lawyers' Association, and a former member of the GBAO local parliament. He was also an unregistered candidate for the 2020 presidential election in Tajikistan. As a lawyer, he was engaged in the defence of Pamiri minority leaders in various cases. He represented the Khorog community's policing partnership team in the 2016-2020 Police Reform Programme, through which he mediated to prevent local conflicts and advocated for the human rights of the local population. He was also a leading member of Commission 44, a group of human rights defenders and activists investigating human rights violations in the GBAO. He has been the subject of a previous communication by special procedures dated 4 October 2022 (JAL TJK 3/2022). We regret not receiving a reply and remain concerned considering the

allegations below.

Mr. **Khushruz Djumaev** is a journalist and blogger known under the pseudonym Khushom Guliam. He covered the history and culture of the Pamiri people on his website Pomere.info, unavailable at the time of writing, and social media, and contributed to several other cultural, linguistic, and media projects in the GBAO.

According to the information received:

1. *The case of Mr. Daler Bobiev (Daler Imomali)*

On 4 June 2022, Mr. Bobiev allegedly recorded a report at the Hukumat of the Shohmansur District of Dushanbe. On his way back from the Hukumat, a car without number plates allegedly stopped his taxi. People in the car allegedly introduced themselves as law enforcement officers and said he had to follow them. They allegedly drove him to the office of their law enforcement agency, where one of them allegedly hit Mr. Bobiev several times. Then law enforcement officers from several agencies allegedly interrogated him for five hours. They allegedly asked him about his report on house demolitions by the local authorities and demanded that he delete two of his YouTube videos in as conditions for his release. He allegedly deleted the videos under the pressure of these demands.

On 15 June 2022, Mr. Bobiev was allegedly arrested in Tajikistan's northern Ayni district. As per the information received, he was charged under article 259 part 1 ("illegal entrepreneurship"), article 346 part 2 (a) ("premeditated false denunciation of a grave or particularly grave offence"), and article 307 (3) part 2 ("participating in the activities of an extremist organisation and assisting them through the mass media, the internet or otherwise") of the Criminal Code. The charges allegedly related to his YouTube earnings, a video published over a year earlier containing accusations against the Deputy Head of the Shohmansur District (allegedly deleted by Mr. Bobiev soon after the publication), and alleged ties to the banned opposition movement Group 24, reportedly denied by both the journalist and Group 24.

On 18 June 2022, the Shohmansur District Court of Dushanbe reportedly placed Mr. Bobiev in pre-trial detention in a closed-door hearing and classified his case as secret. The lawyers were placed under a non-disclosure order. According to reports, Mr. Bobiev was denied family visits and had respiratory problems in detention.

On 17 October 2022, the Shohmansur District Court allegedly convicted Mr. Bobiev on all counts and sentenced him to ten years in prison and a substantial 12 000 TJS (EUR 994) fine in a closed trial held at the pre-trial detention facility. The verdict was allegedly upheld on appeal.

Following the concerns raised about Mr. Bobiev's health problems in detention, the Government of Tajikistan provided information to the UN Human Rights Committee, in reference to L/014/22 dated 16 December 2022. According to the information provided by the Government on 5 April 2023,

the doctors of the Medical Department of the Main Directorate, general practitioners, cardiologists, surgeons, and dermatologists examined him in detention. Mr. Bobiev's general condition was assessed as satisfactory, and he was diagnosed with an acute respiratory tract infection, with chronic bronchitis in the acute phase as well as a fungal disease of skin in the healing stage. According to the information provided by the Government, the necessary treatment was prescribed, Mr. Bobiev did not need inpatient treatment, and he received the prescribed treatment in detention. However, concerns about his health condition still remain.

2. *The case of Mr. Avazmad Ghurbatov (Abdulloh Ghurbati)*

On 11 May 2020, two unidentified men allegedly attacked Mr. Ghurbatov outside his home in Dushanbe. He reportedly sustained injuries to his head, arms, and legs and suffered from backache as a result of the attack. Before that, since mid-April 2020, he had allegedly received several online and phone threats for his coverage of Tajikistan's response to the COVID-19 pandemic (including, "We will find you and deal with you"). On 14 May 2020, a criminal investigation was opened into the attack, but the attackers have reportedly not been identified.

On 29 May 2020, three men allegedly attacked and beat up Mr. Ghurbatov in Tajikistan's southern Khuroson district when he arrived to report on the aftermath of a landslide for local residents. The attackers have been identified, allegedly with the help of civil society. On 2 June 2020, the Khuroson District Court allegedly ordered each of them to pay a 580 TJS (EUR 48) fine for committing an administrative offence of "petty hooliganism" (article 460 of the Code of Administrative Offences) rather than "obstruction of the lawful professional activity of a journalist," a more serious crime.

On 15 June 2022, Mr. Ghurbatov was allegedly summoned to the police office in Dushanbe for interrogation as a witness in the criminal case against Mr. Daler Bobiev. He was then reportedly arrested for allegedly striking and insulting a police officer as he left the interrogation.

On 18 June 2022, the Shohmansur District Court of Dushanbe reportedly placed him in pre-trial detention in a closed-door court hearing.

The Shohmansur District Prosecutor's Office allegedly charged Mr. Ghurbatov under article 328 part 1 ("use of violence not threatening life or health of a public official"), article 330 part 1 ("publicly insulting a public official"), and article 307 (3) part 2 ("participating in the activities of an extremist organisation and assisting them through the mass media, the internet or otherwise") of the Criminal Code.

On 4 October 2022, the Shohmansur District Court allegedly convicted Mr. Ghurbatov on all three counts and sentenced him to seven and a half years in prison in a closed trial held at the pre-trial detention facility.

In its official statement, dated 3 November 2022, the Prosecutor General's Office explained the extremism charge by saying Mr. Ghurbatov had repeatedly "discredited" the Government policies in his Facebook posts, and

was subscribed to a YouTube channel linked to the banned opposition organisations National Alliance and Islamic Renaissance Party. He also followed the channels and used their videos. The Islamic Renaissance Party's spokesman had reportedly said Mr. Ghurbatov had never been a member and had never cooperated with the party.

On 16 December 2022, the Dushanbe City Court reportedly upheld the verdict on appeal.

Following the concerns raised about Mr. Ghurbatov's health problems in detention, the Government of Tajikistan provided information to the UN Human Rights Committee, in reference to L/014/22 dated 16 December 2022. According to the information provided by the Government, on 5 April 2023, the doctors of the Medical Department of the Main Directorate, general practitioners, cardiologists, surgeons, and dermatologists examined him in detention. Mr. Ghurbatov's general condition was assessed as satisfactory, and he was diagnosed with acute respiratory tract infection with chronic bronchitis in the acute phase and the fungal disease of skin in the healing stage. According to the information provided by the Government, the necessary treatment was prescribed, Mr. Ghurbatov did not need inpatient treatment, and he received the prescribed treatment in detention. However, concerns about his health condition remain.

3. *The case of Mr. Zavqibek Sohibov (Zavqibek Saidamini)*

On 8 July 2022, plainclothes law enforcement officers allegedly arrested Mr. Sohibov in Dushanbe and took him to the Ministry of Internal Affairs Department for Combating Organised Crime in the nearby town of Vahdat.

His whereabouts were reportedly unknown, and accordingly constitute an enforced disappearance, until the Prosecutor General's Office confirmed at a press conference on 15 July 2022 that he was detained on suspicion of alleged collaboration with the banned political organisations Islamic Renaissance Party of Tajikistan and group 24. Eventually, the Prosecutor General's Office also reportedly announced that on 13 July 2022 a criminal case was opened against him under article 307 (3) part 2 of the Criminal Code ("participating in the activities of a political party, public or religious association or other organisation banned as extremist"). The Islamic Renaissance Party of Tajikistan, group 24, and Mr. Sohibov denied these allegations.

On 3 November 2022, the Ismoili Somoni District Court of Dushanbe allegedly found Mr. Sohibov guilty of collaboration with the two banned organisations and convicted him to seven years in prison. The trial was allegedly held in the pre-trial detention centre and was closed. The judge reportedly did not take into consideration evidence offered by the defence.

On 30 November 2022, the Dushanbe City Court reportedly upheld the verdict on appeal.

Mr. Sohibov reportedly suffers from spinal pain in detention.

4. *The case of Mr. Abdusattor Kotibov (Abdusattor Pirmukhammadzoda)*

On 7 July 2022, the Ministry of Internal Affairs Department for Combating Organised Crime in Vahdat allegedly summoned Mr. Kotibov for questioning and interrogated him for several hours. The Department for Combating Organised Crime also reportedly seized his phone and searched his home. Then they released him and reportedly told him it was his “last warning” to stop critical posting on social media.

On 9 July 2022, Mr. Kotibov was reportedly summoned to the Department for Combating Organised Crime in Vahdat again. After that, his whereabouts were reportedly unknown for 16 days, during which he was therefore subjected to enforced disappearance. On 15 July 2022, the Prosecutor General’s Office announced at a press conference that he was being held in the Vahdat Town Department of Internal Affairs’ temporary detention facility, detained until 19 July 2022 for disobeying police orders. However, the detention facility in Vahdat allegedly denied that Mr. Kotibov was there, and his whereabouts remained unknown until the family found him at the temporary detention facility in the Firdavsi district of Dushanbe. During the time when his whereabouts were unknown, Mr. Kotibov allegedly had no access to a lawyer, was beaten, electrocuted, and forced to record a false confession video.

On 19 July 2022, the Department for Combating Organised Crime reportedly announced at a press conference that a criminal case was opened against Mr. Kotibov under article 307 (1) of the Criminal Code (“public calls for extremist activities and public justification of extremism”).

On 12 September 2022, it was reported that investigators had opened a case against him under article 307 (3) part 2 (“participating in the activities of an extremist organisation and assisting them through the mass media, the internet or otherwise”).

On 26 December 2022, the Ismoili Somoni District Court of Dushanbe allegedly found him guilty of participating in the activities of an extremist organisation and sentenced him to seven years in prison in a closed trial held in the pre-trial detention centre.

In early March 2023, Mr. Kotibov was reportedly transferred to the Khujand prison colony, far from his family. He reportedly shares a cell with about 60 convicts and the water they are given is unfit for drinking.

According to the information received, Mr. Kotibov suffers from migraine. While he allegedly received some medicine from family members during the investigation stage, it is unclear whether he receives medicines in prison.

5. *The case of Mr. Abdulmajid Rizoev*

On 18 November 2020, plainclothes law enforcement officials arrested Mr. Rizoev without a warrant at his office in Dushanbe. He was then taken to a temporary detention facility. However, his family was unaware of his whereabouts until the following morning, when residents whom Mr. Rizoev was assisting and had been meeting with at the time of his arrest contacted his family to inform them. Following his arrest, Mr. Rizoev was placed in pre-trial

detention in detention center n°1 in Dushanbe, where his right to family visitation and phone calls was restricted.

On 8 February 2021, Mr. Rizoiev appeared before the Shokhmansur District Court for the first hearing on the charge of “public calls for performance of an extremist activity made using the mass media or the internet” under article 307 (1) part 2 of the Criminal Code. The charges were filed in relation to his Facebook posts in 2019 and 2020.

With regard to the charges, the Government of Tajikistan clarified in response to a previous communication from Special Procedures Mandate Holders (TJK 2/2021) that Mr. Rizoiev was prosecuted for his Facebook posts that “cast doubt on the results of the 1 March 2020 elections to the Majlisi namoyandagon of the Majlisi Oli (the lower chamber of the parliament) of Tajikistan, as well as other materials of an extremist nature,” in particular the following: “You are in deep trouble. Now at least the people are busy with the Internet,” “Stop putting up with the Government and officials,” “The wise Government fights the causes of the protests, the stupid one fights the protesters,” “1. The people must live well. 2. The people must live. 3. The people must. We, the Tajik people, are at stage No. 3. Incredible,” “A brother said that the elections were unnecessary expenses. What do you think?”, “Participation in the elections is a sign of political intelligence. Anyone who didn’t participate in the elections lacks political intelligence,” “I, too, got involved; I took a little survey. Here are the results: 25 per cent voted, 75 per cent did not,” and so on, and with these actions, he allegedly made a public call for extremist activities.

On 14 June 2021, Mr. Rizoiev was convicted by the Shokhmansur District Court of Dushanbe and sentenced to five and a half years of imprisonment.

On 11 August 2021, the Judicial Chamber for Criminal Cases of the Dushanbe City Court rejected the cassation appeal to review Mr. Rizoiev’s case. On 10 December 2021, the Dushanbe City Court rejected the supervisory appeal.

On 26 August 2021, Mr. Rizoiev was transferred to a high-security prison in Khujand. On 4 September 2021, he was allegedly placed in solitary confinement for three months for alleged violation of prison rules. During this time, he was reportedly denied family visits and parcels. The first visit by lawyers was allegedly permitted on 13 December 2021.

6. *The case of Ms. Ulfathonim Mamadshoeva*

On 18 May 2022, Ms. Mamadshoeva was arrested by agents from the State Committee for National Security and the Prosecutor General’s Office; no arrest warrant was produced. Her apartment in Dushanbe was searched, and her laptop and mobile telephone were reportedly seized.

On 19 May 2022, Ms. Mamadshoeva was charged with “publicly calling for violent change of the constitutional order” (article 307, part 2 of the Criminal Code). Her case was reportedly classified, and her lawyer was placed under a non-disclosure order. Ms. Mamadshoeva was held in the Dushanbe pre-trial detention centre of the State Committee for National Security and had limited

access to her lawyer throughout her detention. She was reportedly held in isolation for an unspecified period, suffered extreme mental stress, and had to undergo mental health treatment.

On 24 May 2022, Tajikistan's State-run TV broadcast a video in which Ms. Mamadshoeva "confessed" to organising the protest in Khorog earlier that month, with the support of a Tajik activist in exile, and a local Pamiri leader, who was killed on 22 May 2022.

On 15 July 2022, the Prosecutor General's Office said in a videotaped press conference that the investigation was ongoing in the case of Ms. Mamadshoeva for "establishing a criminal organisation" (article 187, part 1 of the Criminal Code). According to subsequent reports, the authorities brought a total of eight charges against Ms. Mamadshoeva, and the prosecution requested a prison sentence of 25 years.

On 9 December 2022, it was reported that earlier that week the Supreme Court of Tajikistan allegedly sentenced 65-year-old Ms. Mamadshoeva to 21 years in prison. The trial was reportedly held behind closed doors in Dushanbe pre-trial detention centre of the State Committee for National Security. According to some reports, Ms. Mamadshoeva did not have access to her lawyer and the evidence used against her. The exact charges on which she was sentenced were unclear. During the trial, Ms. Mamadshoeva reportedly stated that her confession broadcast on 24 May 2022 was made under duress.

According to the statement of the Prosecutor General's Office released on 26 January 2023, the Supreme Court tried Ms. Mamadshoeva and found her guilty of the following crimes: establishment and involvement in a criminal association, murder and attempted murder, terrorism, financing for illegal possession and transfer of ammunition and firearms to others, treason against the state, violent capture of state power or public call for violent change of the constitutional structure of the Republic of Tajikistan, disruption of political and social order, public call for extremist activities (extremism), and the establishment of extremist organisations. The statement contained no further details about the charges. According to the statement, the trial was closed, but a lawyer participated, and the cumulative sentence was 20 years of imprisonment.

According to the information received, Ms. Mamadshoeva was transferred to the detention centre of the Ministry of Internal Affairs after the verdict. Her lawyer and relatives submitted an appeal, and on 14 March 2023, the Chamber of the Supreme Court of Tajikistan allegedly started considering the appeal.

7. The case of Mr. Manuchekhr Kholiknazarov

On 28 May 2022, Mr. Kholiknazarov was among up to 13 members of Commission 44 who were arrested and interrogated. The GBAO Prosecutor's Office questioned him for allegedly "receiving money from the banned National Alliance of Tajikistan." He was taken into custody in the Ministry of Internal Affairs' pre-trial detention centre. Mr. Kholiknazarov allegedly did not have access to a lawyer for the first week in detention. At least one lawyer allegedly had to turn down representing him because of pressure.

On 6 June 2022, Mr. Kholiknazarov was charged with “participation in a criminal association” (article 187, part 2 of the Criminal Code). He was moved to the Dushanbe pre-trial detention centre of the State Committee for National Security.

On 9 December 2022, it reportedly became known that the Supreme Court of Tajikistan had allegedly sentenced Mr. Kholiknazarov to 15 years in prison. The trial was reportedly held behind closed doors in a pre-trial detention centre, and he did not have access to lawyers and the evidence used against him. The exact charges on which he was sentenced were unclear. After the verdict, Mr. Kholiknazarov was reportedly transferred to the Ministry of Internal Affairs’ detention centre.

According to the statement of the Prosecutor General’s Office released on 26 January 2023, the Supreme Court tried Mr. Kholiknazarov and found him guilty of establishing a criminal association and extremist organisation. The statement contained no further details about the charges. According to the statement, the trial was closed, but a lawyer participated, and the cumulative sentence was 16 years of imprisonment.

According to the information received, Mr. Kholiknazarov’s health is deteriorating in detention, including problems with blood pressure. Family visits are reportedly restricted.

On 14 March 2023, the Chamber of the Supreme Court of Tajikistan allegedly started considering Mr. Kholiknazarov’s appeal.

8. *The case of Mr. Faromuz Irgashov*

On 28 May 2022, Mr. Faromuz Irgashov was arrested, allegedly after he came to the GBAO Prosecutor’s Office to inquire about the summoned and interrogated members of Commission 44. There was allegedly no warrant for his arrest. He was then taken into custody in the Ministry of Internal Affairs’ pre-trial detention centre in Khorog.

On 6 June 2022, Mr. Irgashov was charged with “participation in a criminal association” (article 187, part 2 of the Criminal Code). He was then moved to the Dushanbe pre-trial detention centre of the State Committee for National Security.

Mr. Irgashov was also charged with “public calls for violent change of the constitutional order of the Republic of Tajikistan” (article 307, part 2 of the Criminal Code), homicide (article 104 of the Criminal Code), and terrorism (article 179 of the Criminal Code). Mr. Irgashov had access to a lawyer when he was held in Khorog but has been unable to find legal support in Dushanbe, although he has been allowed to. Lawyers were reportedly afraid to take on his case.

On 9 December 2022, it was reported that the Supreme Court of Tajikistan had sentenced Mr. Irgashov to 30 years of imprisonment. He was allegedly found guilty of receiving illegal financial support from abroad, organising an

unsanctioned rally, and participating in the activities of a criminal group. However, the exact charges on which he was sentenced were unclear. The trial was reportedly held behind closed doors at the pre-trial detention centre. Mr. Irgashov reportedly did not have access to a lawyer and the evidence used against him.

According to the Prosecutor General's Office statement released on 26 January 2023, the Supreme Court tried Mr. Irgashov and found him guilty of the following crimes: establishment of a criminal association, attempted murder, terrorism and organisation of extremist activities. The statement contained no further details about the charges. According to the statement, the trial was closed, but a lawyer participated, and the cumulative sentence was 29 years of imprisonment.

According to the information received, Mr. Irgashov is permitted only visits by his mother, visits by other relatives are restricted.

9. *The case of Mr. Khushruz Djumaev (Khushom Guliam)*

In November 2021, the killing of a Pamiri man by security forces sparked widespread protests in the GBAO, followed by the Government's crackdown through the alleged use of force against the protesters, internet shutdown, and subsequent threats and harassment of the members of the Pamiri minority, described in more detail in communication AL TJK 1/2022 dated 11 March 2022.

After these events, in February 2022, Mr. Djumaev reportedly moved from Dushanbe to the GBAO and started helping the members of Commission 44, established to investigate the killing and the events that ensued, as a volunteer.

On 20 March 2022, he was reportedly detained in Khorog for about ten hours without a warrant. He was reportedly released without charges after questioning by the State Committee for National Security. In April 2022, he reportedly returned to Dushanbe.

On 19 May 2022, the Ministry of Internal Affairs Department for Combating Organised Crime officers reportedly arrested Mr. Djumaev at his home in Dushanbe. According to some reports, his electronic devices were seized. His family was unaware of his fate and whereabouts for four days before the authorities informed them that he was detained at the Department for Combating Organised Crime's headquarters.

On 23 May 2022, a court allegedly remanded Mr. Djumaev in custody pending an investigation on unconfirmed charges. Authorities reportedly classified the case against him as secret and placed his lawyer under a non-disclosure order.

Mr. Djumaev was reportedly later charged with membership in a criminal group (article 187 of the Criminal Code) and making public calls to overthrow the constitutional order (article 307, part 2 of the Criminal Code). According to some reports, he was also charged with organising unsanctioned protests. The trial reportedly started on 20 September 2022.

On 9 December 2022, it was reported that, in the week of 5 December, the Supreme Court of Tajikistan convicted Mr. Djumaev and sentenced him to eight years in prison. The trial was reportedly held behind closed doors at the State Committee for National Security's pre-trial detention centre in Dushanbe.

According to the statement of the Prosecutor General's Office released on 26 January 2023, the Supreme Court tried Mr. Djumaev and found him guilty of establishing a criminal association. The statement contained no further details about the charges. According to the statement, the trial was closed, but a lawyer participated.

Mr. Djumaev has allegedly suffered several health problems in detention, including the inflammation of lungs. According to the information received, he has access to a doctor, but the detention conditions are inadequate for his health.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our utmost concern at the criminalisation and sentencing – in some cases to long terms, exceeding ten years – of the human rights defenders mentioned above. We remind your Excellency's Government that the criminalisation of the legitimate defence of the human rights of others and exercising the right to freedom of opinion and expression would be incompatible with international human rights law and that any restriction on freedom of expression that a government seeks to justify on the grounds of national security and counter-terrorism must have a genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34).

We are concerned about these human rights defenders' alleged arbitrary arrests and detentions and, in several cases, alleged home searches and seizure of electronic devices. We are also gravely concerned about the alleged instances of torture and ill-treatment, including in order to extract false confessions, as well as the allegations that, in the cases of Mr. Sohibov, Mr. Kotiubov, and Mr. Djumaev, they were subjected to enforced disappearance in the initial stages of their deprivation of liberty.

We would also like to express serious concerns about the apparent pattern of using extremism- and terrorism-related charges against human rights defenders and minority activists, particularly those defending the rights of the Pamiri minority, allegedly to discredit them and justify further secrecy around their cases. We recall that this situation of minority activists has been brought to the attention of your Excellency's Government on several communications (TJK 1/2022, TJK 2/2022, and TJK 3/2022), and in a press release of 20 April 2022.¹

We note with concern that several of the provisions used against these human rights defenders have raised several concerns (TJK 4/2022) due to its overbroad and ambiguous definitions, which go against the principle of legal certainty, are susceptible to criminalise the peaceful exercise of freedom of association, assembly and may create a chilling effect on civil society engaged in non-violent criticism of state policies. We are gravely concerned about the alleged practice of classifying

¹ <https://www.ohchr.org/en/press-releases/2022/05/tajikistan-un-expert-fears-crackdown-against-pamiri-minority-could-spiral>

criminal cases and imposing non-disclosure obligations on lawyers, as well as the alleged pattern of holding closed trials, often without regard to due process standards. In this regard, we wish to refer your Excellency's Government to article 10 of the UDHR and article 14 of the ICCPR, which guarantees everyone the right to a fair and public hearing by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them. We reiterate that the decision to hold closed judicial hearings does not alleviate the Government's obligation to inform families of the individuals concerned of their exact whereabouts.

In relation to legal representation, we are concerned about the allegedly restricted access to lawyers and the reported pressure due to which some lawyers do not take up human rights defenders' cases.

All this, together with the use of heavy sentences, sends a clear and chilling message to human rights defenders in Tajikistan to cease work or face heavy penalties, and results in a serious shrinking of civic space in the country.

We are concerned about the detention conditions of all human rights defenders listed above and the state of health of Mr. Daler Bobiev, Mr. Avazmad Ghurbatov, Mr. Zavqibek Sohibov, Mr. Abdusattor Kotibov, Ms. Ulfathonim Mamadshoeva, Mr. Manuchekhr Kholiknazarov and Mr. Khushruz Djumaev.

Finally, we are concerned about the alleged lack of effective investigation into the 11 May 2020 physical attack against Mr. Avazmad Ghurbatov.

In connection with these serious concerns, we would like to refer your Excellency's Government to relevant international human rights instruments and standards, cited in the **Annex on Reference to international human rights law** attached to this letter.

We are issuing this appeal in order to safeguard the rights of the above-mentioned individuals from irreparable harm and without prejudicing any eventual legal determination.

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

1. Please provide any additional information and comments you may have on the allegations mentioned above.
2. Please provide information about the factual and legal basis for the arrests, detention, charging, and sentencing of the above-mentioned human rights defenders, as well as for the classification of their cases as secret and closing trials to public (where applicable), and explain how these actions comply with Tajikistan's obligations under international human rights law.
3. Please provide information on whether any investigation was launched into the alleged enforced disappearance of Mr. Sohibov, Mr. Kotibov, and Mr. Djumaev, as well as the as the alleged torture and ill-treatment reportedly suffered by Mr. Daler Bobiev, Mr. Abdusattor Kotibov, and

Ms. Ulfathonim Mamadshoeva, and the alleged physical attack against Mr. Avazmad Ghurbatov on 11 May 2020. Please explain whether any such investigation was conducted in compliance with international standards, including the updated Istanbul Protocol (Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment). If no investigation was opened, please explain why.

4. Please provide information about the current health status of Mr. Daler Bobiev, Mr. Avazmad Ghurbatov, Mr. Zavqibek Sohibov, Mr. Abdusattor Kotibov, Ms. Ulfathonim Mamadshoeva, Mr. Manuchekhr Kholiknazarov, and Mr. Khushruz Djumaev, and about specific measures taken by Your Excellency's Government to ensure that they have access to appropriate healthcare, including medical treatment and medicines.
5. Please indicate what measures have been taken to ensure that human rights defenders and lawyers in Tajikistan, particularly those defending the rights of the Pamiri minority, are able to carry out their peaceful and legitimate work in a safe and enabling environment without discrimination, fear of threats or acts of intimidation and harassment of any sort.
6. Please explain what measures have been taken by Your Excellency's Government to implement the Working Group on Arbitrary Detention's Opinion no. 39/2022, concerning the arbitrary deprivation of liberty of Mr. Rizoiev.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

While awaiting a reply, we urge that all necessary interim measures be taken to avoid any irreparable harm to the life and personal integrity of the persons concerned, 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(s) responsible for the alleged violations.

Further, we would like to inform your Excellency's Government that after having transmitted the information contained in the present communication to the Government, the Working Group on Arbitrary Detention may also transmit the case through its regular procedure in order to render an opinion on whether the deprivation of liberty was arbitrary or not. The present communication in no way prejudices any opinion the Working Group may render. The Government is required to respond separately to the allegation letter and the regular procedure.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned

allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

Matthew Gillett
Vice-Chair on communications of the Working Group on Arbitrary Detention

Aua Baldé
Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Margaret Satterthwaite
Special Rapporteur on the independence of judges and lawyers

Fernand de Varennes
Special Rapporteur on minority issues

Fionnuala Ní Aoláin
Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

Alice Jill Edwards
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Annex

Reference to international human rights law

In connection with above alleged facts and concerns, we would like to draw the attention of your Excellency's Government to the following human rights standards.

We would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights ("ICCPR"), acceded to by Tajikistan on 4 January 1999, which guarantees the right to freedom of opinion and expression. Article 19 requires States parties to guarantee the right to freedom of expression, including the right to seek, receive, and impart information and ideas of all kinds. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), such information and ideas include, *inter alia*, political discourse, commentary on one's own and public affairs, discussion of human rights, journalism, cultural and artistic expression, and religious discourse (paragraph 11), and all forms of expression and means of their dissemination, including audio-visual, electronic, and internet-based modes of expression (paragraph 12).

We would like to remind your Excellency's Government that any restrictions to the right to freedom of expression must meet the criteria established by international human rights standards, such as article 19 (3) of the ICCPR. Under these standards, restrictions must be provided for by law and conform to the strict tests of necessity and proportionality. As interpreted by the Human Rights Committee in General Comment No. 34 (CCPR/C/GC/34), when a State party imposes restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself (paragraph 21). Article 19 (3) may never be invoked to justify the muzzling of any advocacy of multi-party democracy, democratic tenets, and human rights (paragraph 23). Nor, under any circumstance, can an attack on a person, because of exercising their freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life, and killing, be compatible with article 19 (Id.). It is the States' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (Id.). All such attacks should be vigorously investigated in a timely fashion, and the perpetrators prosecuted, and the victims be in receipt of appropriate forms of redress (Id.). The Human Rights Committee also notes explicitly that journalism is a function shared by a wide range of actors, including professional full-time reporters and analysts, as well as bloggers and others who engage in forms of self-publication in print, on the internet or elsewhere (paragraph 44), and the penalisation of a journalist solely for being critical of the government or the political social system espoused by the government can never be considered to be a necessary restriction of freedom of expression (paragraph 42). Furthermore, the Human Rights Committee emphasises that States parties should ensure that counter-terrorism measures are compatible with article 19 (3). Such offences as "encouragement of terrorism" and "extremist activity," as well as "praising," "glorifying," or "justifying" terrorism, should be clearly defined to ensure that they do not lead to unnecessary or disproportionate interference with freedom of expression (paragraph 46).

We would like to also remind your Excellency's Government of the Human Rights Council resolution 12/16 (A/HRC/RES/12/16), in which the Human Rights

Council calls upon the States to respect and ensure the respect for these rights, take all necessary measures to put an end to violations of these rights, bring to justice those responsible, ensure that victims of violations have an effective remedy, refrain from the use of imprisonment or the imposition of fines for offences relating to the media, which are disproportionate to the gravity of the offence, refrain from using counter-terrorism as a pretext to restrict the right to freedom of opinion and expression in ways that are contrary to their obligations under international law, and refrain from imposing restrictions which are not consistent with article 19 (3) of the ICCPR, including on discussion of government policies and political debate, reporting on human rights, government activities, and corruption in government, and expression of opinion and dissent.

We would furthermore like to refer to article 9 of the ICCPR, which provides that no one shall be subjected to arbitrary arrest or detention or deprived of their liberty except on such grounds and in accordance with such procedure as are established by law. As interpreted by the Human Rights Committee in General Comment No. 35 (CCPR/C/GC/35), the notion of “arbitrariness” is not to be equated with “against the law” but must be interpreted more broadly to include elements of inappropriateness, injustice, lack of predictability and due process of law, as well as elements of reasonableness, necessity, and proportionality (paragraph 12). According to the same General Comment (paragraph 17) and the jurisprudence of the Working Group on Arbitrary Detention, arrest or detention of an individual as punishment for the legitimate exercise of the rights guaranteed by the ICCPR, including freedom of opinion and expression, is arbitrary. Further, the Working Group on Arbitrary Detention has reiterated that a deprivation of liberty is arbitrary when it constitutes a violation of international law on the grounds of discrimination based on birth, national, ethnic or social origin, language, religion, economic condition, political or other opinion, gender, sexual orientation, disability, or any other status, that aims towards or can result in ignoring the equality of human beings. In this respect, the Working Group on Arbitrary Detention has concluded that being a human rights defender is a protected status under article 26 of the ICCPR.

With regard to the alleged enforced disappearances, according to General Comment No. 35 (CCPR/C/GC/35), paragraph 17, General Comment No. 36 (CCPR/C/GC/36), paragraphs 57-58, as well as the jurisprudence of the Working Group on Arbitrary Detention, these would amount to violations of article 6 (right to life), article 7 (prohibition of torture or cruel, inhuman or degrading treatment or punishment), article 9 (liberty and security of person), and article 16 (right to recognition as a person before the law), read alone and in conjunction with article 2 (3) of the ICCPR. Equally, the right not to be subjected to an enforced disappearance is of a non-derogable nature and the prohibition of this crime and the corresponding obligation to investigate and hold those responsible accountable has attained the status of *jus cogens*. In accordance with the jurisprudence of the Working Group on Arbitrary Detention, we wish to emphasize that enforced disappearances constitute a particularly aggravated form of arbitrary detention.

We would like to further draw your Excellency’s Government’s attention to the United Nations Declaration on the Protection of All Persons from Enforced Disappearances (the Declaration), which establishes that no State shall practice, permit or tolerate enforced disappearances. The Declaration also proclaims that no circumstances whatsoever, whether internal political instability or any other public emergency, may be invoked to justify enforced disappearances. The Declaration also

proclaims that each State shall take effective legislative, administrative, judicial or other measures to prevent and terminate acts of enforced disappearance in any territory under its jurisdiction. In particular, we would like to recall that the Declaration sets out the necessary protection by the State, in particular articles 9, 10, 11 and 12, which relate to the rights to a prompt and effective judicial remedy to determine the whereabouts of persons deprived of their liberty; to access of competent national authorities to all places of detention; to be held in an officially recognized place of detention, and to be brought before a judicial authority promptly after detention; to accurate information on the detention of persons and their place of detention being made available to their family, counsel or other persons with a legitimate interest; and to the maintenance in every place of detention of official up-to-date registers of all detained persons. Article 13 also stipulates that steps shall be taken to ensure that all involved in the investigation, including the complainant, relatives, counsel, witnesses and those conducting the investigation, are protected against ill-treatment, intimidation or reprisal. Finally, article 19 of the Declaration stipulates that the victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for rehabilitation.

With regard to enforced disappearance of human rights defenders, we would like to recall the Study on enforced or involuntary disappearances and economic, social and cultural rights (A/HRC/30/38/Add.5). The Study notes that when an individual becomes a victim of enforced disappearance as a result of exercising or promoting economic, social and cultural rights, the enjoyment of those rights is also violated. Furthermore, human rights defenders are also targeted to intimidate and prevent others from claiming and exercising their rights. Enforced disappearances of human rights activists have a chilling effect on those pursuing the enjoyment of their rights and violates respective rights of a larger community of people, who relied on the disappeared person to represent and fight for their rights (paras. 36 and 37).

We would also like to refer your Excellency's Government to the absolute and non-derogable prohibition of torture and other cruel, inhuman, or degrading treatment or punishment, as enshrined in article 7 of the ICCPR and articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ("CAT"), acceded to by Tajikistan on 11 January 1995. Article 12 of the CAT further requires the competent authorities to undertake a prompt and impartial investigation wherever there are reasonable grounds to believe that torture has been committed, article 13 requires complainants to be protected from threats or intimidation for having made a complaint, and article 7 of the CAT requires State parties to prosecute suspected perpetrators.

We would furthermore like to refer to article 17 of the ICCPR, which guarantees that no one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, or unlawful attacks on his honour and reputation.

We also wish to bring to the attention of your Excellency's Government article 14 of the ICCPR, which enshrines the right to a fair trial and due process. In particular, article 14 (1) of the ICCPR sets out a general guarantee of equality before courts and tribunals and the right of every person to a fair and public hearing by a competent, independent, and impartial tribunal established by law. As emphasised by the Human Rights Committee in General Comment No. 32 (CCPR/C/GC/32), all

trials in criminal matters must in principle be conducted orally and publicly (paragraph 28). The publicity of hearings ensures the transparency of proceedings and thus provides an important safeguard for the interest of the individual and of society at large (Id.). Article 14 (1) acknowledges that courts have the power to exclude all or part of the public for reasons of morals, public order (*ordre public*) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would be prejudicial to the interests of justice. However, apart from such exceptional circumstances, a hearing must be open to the general public, including members of the media (paragraph 29). Moreover, even in cases in which the public is excluded from the trial, the judgment, including the essential findings, evidence and legal reasoning must be made public, except where the interest of juvenile persons otherwise requires, or the proceedings concern matrimonial disputes or the guardianship of children (Id.). Article 14 (3) of the ICCPR also guarantees the right of any individual charged with a criminal offence to have adequate time and facilities for the preparation of their defence, to communicate with counsel of their own choosing, to be tried without undue delay, to defend themselves through legal assistance of their own choosing, and not to be compelled to testify against themselves or to confess guilt.

We would like to remind your Excellency's Government of article 10 of the ICCPR, which requires that all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person. In this regard, we would like to refer your Excellency's Government to the UN Standard Minimum Rules for the Treatment of Prisoners adopted by the General Assembly on 17 December 2015 (the Mandela Rules). We wish to draw your Excellency's Government's particular attention to rules 1, 3, 12-17, 22, 24-35, 43-45, 58-59, and 61 concerning the dignity of all prisoners, protection from torture and other cruel, inhuman or degrading treatment or punishment, communication with the outside world, accommodation, food and drinking water, healthcare services, solitary confinement, communication with family and friends, allocation of prisoners close to their homes, access to effective legal aid, and communication with lawyers.

Moreover, we would like to remind your Excellency's Government of its obligation to protect lawyers and enable them to exercise their functions freely in accordance with Basic Principles on the Role of Lawyers, adopted by the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders on 7 September 1990. Principles 1, 2, 7-8, in particular, contain the States' obligations to ensure prompt and effective access to lawyers. Principle 16 requires Governments to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference and to prevent that lawyers from being threatened with prosecution or administrative, economic or other sanctions for any action taken in accordance with recognised professional duties, standards, and ethics. Principle 18 expressly provides that lawyers must not be identified with their clients or their clients' causes as a result of discharging their functions. According to principle 21, it is the duty of the competent authorities to ensure lawyers access to appropriate information, files, and documents in their possession or control in sufficient time to enable lawyers to provide effective legal assistance to their clients. Such access should be provided at the earliest appropriate time.

Furthermore, we would 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 Recognised Human Rights and Fundamental Freedoms, adopted on 9 December 1998 (the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote, and implement all human rights and fundamental freedoms.

Likewise, we would like to bring to the attention of your Excellency's Government the following provisions of the UN Declaration on Human Rights Defenders:

- Article 6 (a)-(c), which provides for the right to know, seek, obtain, receive, and hold information about all human rights and fundamental freedoms; to freely publish, impart or disseminate to others views, information, and knowledge on all human rights and fundamental freedoms; and to study, discuss, form, and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and to draw public attention to those matters;
- Article 9 (1), which establishes that in the exercise of human rights and fundamental freedoms, including the promotion and protection of human rights, everyone has the right to benefit from an effective remedy and to be protected in the event of the violation of those rights;
- Article 12 (2) and (3), which provides that the State shall take all necessary measures to ensure the protection of everyone against any violence, threats, retaliation, *de facto* or *de jure* adverse discrimination, pressure, or any other arbitrary action as a consequence of their legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities, and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, and acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

Both the General Assembly and the Human Rights Council repeatedly urged the States to create and maintain a safe and enabling environment in which human rights defenders can operate free from hindrance, reprisals, and insecurity (e.g., the General Assembly resolutions 74/146 (A/RES/74/146) and 70/161 (A/RES/70/161), and the Human Rights Council resolutions 22/6 (A/HRC/RES/22/6) and 13/13 (A/HRC/RES/13/13)). They repeatedly called upon the States to take all measures necessary to ensure the rights and safety of human rights defenders who exercise the rights to freedom of opinion, expression, peaceful assembly, and association (e.g., the General Assembly resolutions 74/146 (A/RES/74/146), 72/247 (A/RES/72/247), 70/161 (A/RES/70/161), 66/164 (A/RES/66/164), and the Human Rights Council resolution 22/6 (A/HRC/RES/22/6)). They also strongly condemned the violence against and the targeting, criminalisation, intimidation, and torture of human rights defenders and stressed the need to combat impunity by ensuring that those responsible

for violations and abuses against human rights defenders are promptly brought to justice through impartial investigations (e.g., the General Assembly resolutions 72/247 (A/RES/72/247), 70/161 (A/RES/70/161), and the Human Rights Council resolution 31/32 (A/HRC/RES/31/32)).

Finally, we would like to refer your Excellency's Government to recommendations in the recent report on the long-term detention of human rights defenders (A/76/143). In this report, the Special Rapporteur on the situation of human rights defenders emphasised that the States should immediately and unconditionally release all human rights defenders currently held in detention and desist from jailing human rights defenders for their legitimate human rights work (paragraph 158 (a), (b)). She also underlined that the States should stop subjecting human rights defenders to unfair trials, subjecting them to torture or cruel, inhuman or degrading treatment or punishment to exact false confessions or for any other purpose, denying human rights defenders their legal rights, including prompt access to their lawyers, using vague anti-terror, national security and other laws to jail human rights defenders for doing their legitimate human rights work (paragraph 158 (c)-(f)). The States should provide human rights defenders with independent legal aid and provide adequate care to all human rights defenders in detention, including ensuring that they have access to: family (especially regular access to children when a defender is a parent, and ensure that they are jailed close to their home cities/towns and are not transferred to prisons in other parts of the country to further punish them), phone calls, reading materials, medical treatment, adequate assistance for disability-related needs, adequate nutrition, and adequate sanitation (paragraph 158 (j)). The States should also permit representatives of the United Nations, other international and regional organisations, NGOs, and diplomats of other Governments access to visit defenders in detention (paragraph 158 (k)). Finally, they should regularly make public statements about the importance of the role of human rights defenders in promoting justice, equality, accountability and sustainable development, and speak out in cases of threats and attacks against defenders (paragraph 158 (l)).

We further bring your attention to the 'principle of legal certainty' under international law, which requires that criminal laws are sufficiently precise so it is clear what types of behaviour and conduct constitute a criminal offence and what would be the consequence of committing such an offence. This principle recognises that ill-defined and/or overly broad laws are susceptible to arbitrary application and abuse.

Finally, we would like to bring the attention of the Government to paragraphs 75(a) to (i) of the 2018 report of the Special Rapporteur on the Protection and Promotion of Human Rights and Fundamental Freedoms while Countering terrorism's (A/HRC/40/52) on the impact of terrorism measures on civic spaces and human rights defenders. We want to stress that counter-terrorism legislation should not be misused against individuals peacefully exercising their rights to freedom of expression, peaceful association, and assembly. These rights are protected under the Universal Declaration. The non-violent exercise of these rights cannot be a criminal offence. Any restriction on expression or information that a government seeks to justify on the grounds of national security and counter-terrorism must have the genuine purpose and demonstrable effect of protecting a legitimate national security interest (CCPR/C/GC/34).