

Mandates of the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Ref.: AL TJK 1/2025
(Please use this reference in your reply)

23 April 2025

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 52/4 and 52/9.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged sentencing of an independent journalist and woman human rights defender, Ms. Rukhshona Khakimova, to eight years of imprisonment in a closed trial that may be linked to her human rights and journalistic work.**

Ms. **Rukhshona Khakimova** is a 31-year-old independent journalist and woman human rights defender from Tajikistan. She has worked in the journalistic sphere since 2013, including at the Centre for Investigative Journalism of Tajikistan, National Association of Independent Mass Media in Tajikistan, and leading media outlets, where she covered the issues of children's and women's rights, religious freedom, detainees' rights and torture, and health care and education issues.

We previously wrote to your Excellency's Government on 12 May 2023 (AL TJK 1/2023), 4 October 2022 (AL TJK 3/2022), and 13 July 2022 (AL TJK 2/2022) regarding six independent journalists and bloggers covering human rights issues who were arbitrarily arrested and detained, criminalised, and convicted in closed-door trials. We also highlighted additional concerns related to due process and fair trial regarding some of these cases. We thank your Excellency's Government for its reply dated 15 May 2023 and regret not receiving a reply to communications AL TJK 1/2023 and AL TJK 2/2022.

According to the information received:

On 16 July 2024, Ms. Rukhshona Khakimova was apprehended outside her home in Dushanbe by four police officers and was reportedly detained at the Department of Internal Affairs of Dushanbe City from 12.45 p.m. until 12.00 a.m. According to information received, she was a witness in a criminal case at the time, and no arrest warrant had been issued.

In her absence, unknown individuals – allegedly law enforcement operatives – gained access to her home and reportedly seized her professional equipment, including a laptop, phone, and voice recorder, along with documents belonging to her, her husband, and their children. It is alleged that this was done to prevent them from leaving the country. No search warrant was provided, and no official record of the seizure reportedly exist.

Later in July, Ms. Khakimova was detained again by officers from the prosecutor's office – once more as a witness and without a warrant.

Also in July, Ms. Khakimova was charged under article 305 part 2 (d) of Tajikistan's Criminal Code ("treason against the state using official position"); however, she and her lawyer were reportedly not informed of the precise charges for several months and were also denied access to the case documents for a significant period.

The case against her was investigated by the Prosecutor General's Office and was part of a broader investigation against a group of people, all other defendants in which were former senior government officials and politicians, who were allegedly accused of extremism, espionage, and an attempted coup d'état.

The charges against Ms. Khakimova were related to her involvement in a project by an independent regional research group specialising in applied social research and analytics on matters of public interest. As part of this project, she is said to have interviewed 30 respondents on financial aid and other assistance provided to Tajikistan by the Chinese Government. Two of the respondents were reportedly defendants in the broader criminal case. The questions of the research project were of a general political and economic nature. According to some reports, the same research was conducted in other Central Asian countries.

The case was classified, and Ms. Khakimova and her lawyer were subjected to non-disclosure obligations.

On 5 February 2025, the Supreme Court of Tajikistan found Ms. Khakimova guilty and sentenced her to eight years of imprisonment. The court reportedly refused to apply an alternative punishment that did not involve imprisonment, despite her having children who were two and a half years old and nine months old at the time, and despite such practice allegedly existing in Tajikistan. The court also reportedly ordered the full seizure of her property in favour of the state as an additional punishment, leaving her family in a precarious financial situation. The hearings were conducted behind closed doors at the Dushanbe detention centre with no access of family, public, and the press. The lawyer was allegedly not given a copy of the verdict.

On 2 April 2025, the Supreme Court upheld the verdict after a closed hearing at the Dushanbe detention centre.

According to information received, since 5 February 2025, lawyer and relatives (including children) have not been able to meet with Ms. Khakimova and the parcels with food and medicines were refused to be transferred.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our serious concerns regarding due process and the fairness of the trial that led to Ms. Rukhshona Khakimova's conviction. We are concerned by allegations that law enforcement operatives accessed her home in her absence and seized

professional equipment and documents without a warrant or proper records. We are also deeply concerned about whether she was able to present an adequate defence, as allegations indicate that she and her lawyer were not informed of the precise charges for several months, were denied access to case documents for a significant period, and that her lawyer was neither provided with a copy of the verdict nor permitted to meet with her following her conviction – both essential for preparing an appeal.

Furthermore, we note with concern that the case was classified, that she and her lawyer were placed under non-disclosure obligations, and that both the trial and appeal hearings were conducted behind closed doors. We also note with concern that the investigations and legal charges against her are based on her journalistic work, and that no public interest protections have been granted to her in relation to her status as a journalist. This information appears consistent with an alleged pattern of practices used in criminal cases of human rights defenders and journalists, which we have previously raised in communication AL TJK 1/2023 and in the country visit report of the Special Rapporteur on the situation of human rights defenders (A/HRC/55/50/Add.1).

There are serious concerns that her prosecution and conviction may, in reality, be linked to her legitimate human rights and journalistic work rather than any criminal offence.

We are thus concerned that Ms. Khakimova's ongoing detention may be arbitrary, and that her two detentions in July 2024 could also be considered arbitrary, depending on the circumstances.

Finally, we are concerned by reports that her family, including her young children, have been denied visits since her conviction, and that parcels containing food and medicines have not been delivered to her. If these allegations are true, this appears to be an attempt to exert additional pressure on her.

In light of these serious allegations, we are also concerned about the broader chilling effect on journalists and human rights defenders in Tajikistan, especially women, who may be discouraged from carrying out legitimate human rights and journalistic work and exercising their right to freedom of expression.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide information on the factual and legal basis for Ms. Rukhshona Khakimova's detentions in July 2024, the search of her home, the seizure of her professional equipment and documents, the charges against her, her sentencing, the classification of her case as

secret, and the decision to conduct the trial behind closed doors, and explain how these actions comply with Tajikistan's obligations under international human rights law.

3. Please provide information on when Ms. Khakimova and her lawyer were informed of the concrete charges against her, when they were granted full access to the case materials, and when her lawyer received a copy of the verdict. Additionally, please provide information on when they were able to meet following her conviction.
4. Please provide information on the efforts undertaken to protect public interest journalism, including by protecting journalists against lawsuits and criminal prosecution in retaliation of their journalistic work, including through public interest defenses.
5. Please provide information on the measures taken to ensure that Ms. Khakimova is able to meet and communicate with her family, including her children, and to receive parcels.

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

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.

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(s) responsible for the alleged violations.

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

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

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.

Firstly, with regard to Ms. Rukhshona Khakimova's work, 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. It requires the 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*, journalism and discussion of human rights (paragraph 11).

Restrictions on the right to freedom of expression must be compatible with the requirements set out in article 19(3) of the ICCPR. This means that they must (1) be "provided by law"; (2) be necessary for respect of the rights or reputations of others or for the protection of national security or of public order (*ordre public*), or of public health or morals; and (3) conform to the strict tests of necessity and proportionality (paragraph 22). Restrictions must be applied only for those purposes for which they were prescribed and must be directly related to the specific need on which they are predicated (*Id.*). Article 19(3) may never be invoked as a justification for the muzzling of any advocacy of human rights (paragraph 23). It is the States parties' duty to put in place effective measures to protect against attacks aimed at silencing those exercising their right to freedom of expression (paragraph 23). All such attacks should be vigorously investigated in a timely fashion, the perpetrators be prosecuted, and the victims receive appropriate forms of redress (*Id.*).

The Human Rights Committee specifically stated that extreme care must be taken by States parties to ensure that treason laws and similar provisions relating to national security, are crafted and applied in a manner that conforms to the strict requirements of article 19(3) (paragraph 30). It is not compatible with article 19(3), for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security or to prosecute journalists, researchers, human rights defenders, or others, for having disseminated such information (*Id.*).

With regard to access to Ms. Khakimova's home, we would like to refer your Excellency's Government to article 17 of the ICCPR, which guarantees that no one shall be subjected to arbitrary or unlawful interference with their privacy, family, home, and correspondence. As emphasised by the Human Rights Committee in general comment No. 16 (HRI/GEN/1/Rev.9 (Vol. I) p.191), article 17 deals with protection against both unlawful and arbitrary interference (paragraph 2). In the Human Rights Committee's view, the expression "arbitrary interference" can extend to interference provided for under the law and even interference provided for by law should be in accordance with the provisions, aims, and objectives of the ICCPR and should be, in any event, reasonable in the particular circumstances (paragraph 4).

Concerning Ms. Khakimova's detention, we would like to refer your Excellency's Government to article 9 of the ICCPR, which states that everyone has the right to liberty of person. 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. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.

As emphasised by the Human Rights Committee in general comment No. 35 (CCPR/C/GC/35), deprivation of liberty must not be arbitrary and must be carried out with respect for the rule of law (paragraph 10). As interpreted by the Human Rights Committee, 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. Arrest or detention on discriminatory grounds is also in principle arbitrary (Id.). 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.

We also wish to bring to the attention of your Excellency's Government article 14 of the ICCPR. Article 14(1) 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 in the determination of any criminal charge against him. 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) (a) of the ICCPR guarantees that, in determination of any criminal charge against him, everyone shall be entitled to be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him.

According to the Human Rights Committee's interpretation in general comment No. 32 (CCPR/C/GC/32), information must be given as soon as the person concerned is formally charged with a criminal offence under domestic law and should indicate both the law and the alleged general facts on which the charge is based (paragraph 31).

Article 14(3) (b) further provides that accused persons must have adequate time and facilities for the preparation of their defence and to communicate with counsel of their own choosing. This provision is an important element of the guarantee of a fair trial and an application of the principle of equality of arms (paragraph 32). "Adequate facilities" must include access to documents and other evidence; this access must include all materials that the prosecution plans to offer in court against the accused or that are exculpatory (paragraph 33). Exculpatory material should be understood as including not only material establishing innocence but also other evidence that could assist the defence (Id.). The right to communicate with counsel requires that the accused is granted prompt access to counsel (paragraph 34). Counsel should be able to meet their clients in private and to communicate with the accused in conditions that fully respect the confidentiality of their communications (Id.). Furthermore, lawyers should be able to advise and to represent persons charged with a criminal offence in accordance with generally recognised professional ethics without restrictions, influence, pressure, or undue interference from any quarter (Id.).

Article 14(5) provides that everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law. As interpreted by the Human Rights Committee in general comment No. 32 (CCPR/C/GC/32), this right can only be exercised effectively if the convicted person is entitled to have access to a duly reasoned, written judgement of the trial court, and other documents, such as trial transcripts, necessary to enjoy the effective exercise of the right to appeal (paragraph 49).

In this regard, we would also like to remind your Excellency's Government of the 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. Principle 8, in particular, contains the States' obligations to ensure that all arrested, detained, or imprisoned persons shall be provided with adequate opportunities, time and facilities to be visited by and to communicate and consult with a lawyer, without delay, interception or censorship and in full confidentiality. Principle 21 states that 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.

With regard to Ms. Khakimova's situation in detention, 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 rule 58 concerning the right to communicate with family and friends and rule 61 concerning guarantees regarding visits, communication, and consultations with a legal adviser.

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 (also known as the UN Declaration on Human Rights Defenders). Articles 1 and 2 of the Declaration state that everyone has the right to promote and 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 11, which states that everyone has the right to the lawful exercise of his or her occupation or profession; and
- 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.

Finally, we would like to remind your Excellency's Government of the Special Rapporteur on the situation of human rights defenders' report on her country visit to Tajikistan (A/HRC/55/50/Add.1), which includes comprehensive recommendations for improving the situation of human rights defenders – including journalists – in accordance with Tajikistan's international human rights obligations.