

Decision No. 27/1994 (Tajikistan)

Communication addressed to the Government of Tajikistan on 22 April 1994.

Concerning: Mir Baba Mir Rahim, Ahmad Shah Kamil and Khayriddin Kasymov, on the one hand, and the Republic of Tajikistan, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.

2. The Working Group notes with concern that to date no information has been forwarded by the Government concerned in respect of the cases in question. With the expiration of more than 90 days of the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the cases of alleged arbitrary detention brought to its knowledge.

3. (Same text as para. 3 of Decision No. 10/1994.)

4. In the light of the allegations made, the Working Group would have welcomed the cooperation of the Government of Tajikistan. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the cases, especially since the facts and allegations contained in the communication have not been challenged by the Government.

5. The communication, a summary of which has been transmitted to the Government, concerned Mir Baba Mir Rahim (or Mirrakhimov) former Director-General of the Tajik Radio-Television, Ahmad Shah Kamil (or Kamilov), former Director of the Tajik national Television and Khayriddin Kasymov, a television journalist. Mir Rahim was arrested in Ashkhabad, in Turkmenistan; Kamil and Kasymov were arrested in Osh in the south of Kyrgyzstan. All three, as well as other television journalists, were reportedly arrested on 10 December 1992, date of the entry of government troops into Dushanbe, by local authorities and then handed over to the Tajik authorities. They were said to be held, without trial, in Prison No. 1 in Dushanbe (known as Sledizator SIZO). It was not known whether the three journalists had been officially charged, but according to the source they were accused of "conspiring against the Government in view of overthrowing it with the help of the media". Kasymov and Kamil were also accused of intending to pass "stolen" information to the West. The source reported that, when they were arrested, these journalists had in their possession video cassettes of incidents indicating the implication of the new Tajik authorities in cases of killings and torture. According to the source, their detention without trial for over one year may be related to that fact. It was further alleged that the detained journalists have been denied access to a lawyer. According to the source, a variety of reports state that Khayriddin Kasymov was beaten while being interrogated. His nose and many teeth were broken. He was given no

legal or medical assistance. The source states that a variety of information concurs in indicating that the three journalists were beaten during interrogation.

6. It is apparent from the above that Mir Baba Mir Rahim, Ahmad Shah Kamil and Khayriddin Kasymov have been kept in detention since 10 December 1992 solely for having peacefully exercised their right to freedom of opinion and expression, a right guaranteed by article 19 of the Universal Declaration of Human Rights and article 19 of the International Covenant on Civil and Political Rights, and specifically their right to enjoy the freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in print, in the form of art, or through any other media of their choice. There is nothing to prove that their activities fall within the framework of the permissible restrictions which must be provided by law and must be necessary for respect of the rights or reputations of others or the protection of national security or of public order or of public health or morals.

7. In the light of the above the Working Group decides:

The detention of Mir Baba Mir Rahim, Ahmad Shah Kamil and Khayriddin Kasymov, is declared to be arbitrary being in contravention of article 19 of the Universal Declaration of Human Rights, and article 19 of the International Covenant on Civil and Political Rights, to which the Republic of Tajikistan is a Party as a former Republic of the USSR, and falling within category II of the principles applicable in the consideration of the cases submitted to the Working Group.

8. Consequent upon the decision of the Working Group declaring the detention of the above-mentioned persons to be arbitrary, the Working Group requests the Government of Tajikistan to take the necessary steps to remedy the situation in order to bring it into conformity with the provisions and principles incorporated in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights.

Adopted on 29 September 1994.