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Tajikistan must implement recommendations to end torture

On Wednesday, 14 March 2012, the Human Rights Council adopted the outcome of the Universal Periodic Review (UPR) for Tajikistan.

In its statement on the occasion of the Council's adoption of the UPR outcome for Tajikistan, Amnesty International welcomed Tajikistan's support of several important recommendations on torture and ill-treatment. Amnesty International also welcomed Tajikistan's support of recommendations to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.

Notwithstanding that Tajikistan did not accept recommendations to open all detention facilities for unrestricted monitoring by independent international and national monitoring bodies, Amnesty International calls on the authorities of Tajikistan to reconsider their position and give effect to those recommendations and to take immediate steps to improve national safeguards against torture.

Amnesty International's research shows that torture is widespread in Tajikistan, particularly in pre-trial detention where police and security forces routinely subject detainees and, in some cases, witnesses to torture and ill-treatment in order to force them to incriminate themselves or other people. People suspected of supporting banned Islamic groups are at particular risk. In this context Amnesty International welcomes Tajikistan's support of a number of important recommendations on torture and ill-treatment made during the UPR session and urges the authorities to swiftly implement them.

Tajikistan has taken an important first step to prevent torture by introducing draft amendments to the Criminal Code to bring the definition of torture in line with Article 1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Amnesty International welcomes Tajikistan undertakings to ensure detainees have access to legal and medical assistance when in custody, and to bring the Criminal Procedural Code in line with Principle 12 of the Body of Principles for the Protection of All Persons under any form of Detention or Imprisonment.

However, Tajikistan must now take measures to ensure prompt and credible investigations into all allegations of torture, including deaths in custody, including those of **Ismonboy Boboev, Nazarkul Khalikulov, Ismoil Bachajonov, Khurshed Bobokalonov** and **Bahromiddin Shodiev**. The government must send a clear message to all law enforcement officials that torture and ill-treatment will not be tolerated and that perpetrators will be brought to justice.

There is a general climate of impunity for abuses by police and security forces. Moreover, Amnesty International is not aware of any cases where victims of torture or ill-treatment have been awarded compensation despite their complaints about ill-treatment having been investigated and confirmed.

For instance, in the case of torture survivor **Mirzokhon Karimov**, two police officers were sentenced to five years' imprisonment for malfeasance but later released under an amnesty. Mirzokhon Karimov continues to demand just reparation and compensation for his illegal detention and ill treatment in June 2009. He reported being so severely beaten that he was unable to resist signing a 'confession' stating he had bought drugs for his personal use. "I'm not Rambo" he told Amnesty International delegates. On 15 June 2009 he lodged complaint about police abuse with the Prosecutor's Office that led to his release. A forensic medical examination concluded that Mirzokhon Karimov had a "closed skull-brain injury", concussion and bruising, sustained by heavy blunt objects. He wrote to the General Prosecutor in May 2011 asking for compensation and due reparation but has not received a reply.

Amnesty International reminds the Tajikistani authorities that justice in cases of human rights abuses is not only about bringing perpetrators to justice but also ensuring that victims obtain just reparation including fair and adequate compensation. In this light, Amnesty International urges the Tajikistani authorities to demonstrate its commitment to stamping out torture by awarding Mirzokhon Karimov the compensation to which he is entitled under international law.

Amnesty International is also concerned that statements obtained under torture continue to be used as evidence in legal proceedings. **Ithom Ismonov** and **Zafar Karimov** were two of 53 defendants standing trial by Sughd Regional Court in July 2011 for alleged membership of the IMU. Both men told the judge that they had been tortured to get them to confess to the charges against them. Several other defendants made similar complaints. The court sessions were declared closed to the public on 8 August 2011 and the judge did not order an investigation into the allegations of torture. The families of those sentenced in the trial continue to demand a thorough, impartial investigation.

While the Tajikistani Code of Criminal Procedure requires such evidence to be declared inadmissible, Amnesty International's information indicates that judges frequently ignore allegations of torture both at remand hearings and during criminal trials. We, therefore urge Tajikistan to urgently provide clear internal directives for judges on how to respond to allegations of torture raised in court and to adopt legislation preventing statements or confessions made by a detainee without the presence of a judge or a lawyer from having probative value in court, except as evidence against those accused of having obtained the confession by unlawful means.

Finally, we urge the authorities of Tajikistan to ensure that journalists and media outlets reporting on alleged cases of torture are able to operate without fear of harassment, defamation proceedings and administrative control.

For further information please see AI's documents:

Submission to the UN Universal Periodic Review, October 2011, EUR 60/006/2011
Urgent Action Update, Tajik journalist found guilty, 19 October 2011, EUR 60/012/2011 (Update to EUR60/004/2011 and EUR60/007/2011)
Urgent Action Update, journalist fined and banned from journalism, 19 October 2011, EUR 60/011/2011 (Update to EUR 60/005/2010)
Public Statement: Tajikistan: Defendants standing trial on extremism charges allegedly tortured in pre-trial detention, 20 September 2011, EUR 60/005/2011
Public Statement, Tajikistan: BBC journalist Urunboy Usmonov on trial for his professional activities, 24 August 2011, EUR 60/008/2011
Public Statement, Tajikistan: A coalition of non-governmental organizations is calling on the government to end torture and fulfil its international obligations, 26 June 2011, EUR 60/003/2011

Public Statement, Tajikistan: Detained, then dead. Authorities must promptly conduct an effective investigation into Safarali Sangov's death, 17 March 2011, EUR 60/002/2011

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