TAJIKISTAN

Joint follow-up submission to the Concluding Observations of the United Nations Committee against Torture

In advance of the upcoming review of the follow –up information to the Concluding Observations (CAT/C/TJK/CO/2) provided by the Government on 5 February 2014, Amnesty International and the Coalition against Torture of Tajikistan, a coalition uniting 14 NGOs across Tajikistan, submit the following information in relation to paragraphs 8, 9, 11, and 14 and 15 of the Concluding Observations to the United Nations (UN) Committee against Torture (the Committee or the Committee against Torture). This document supplements the information submitted by Amnesty International and by the Coalition against Torture prior to the 49th session in November 2012.

INTRODUCTION

On 15 August 2013, Matlubkhon Davlatov, Deputy Prime Minister of Tajikistan and Chairman of the Commission for the Implementation of International Human Rights Obligations, approved a government Action Plan for implementation of the recommendations issued by the Committee against Torture after its review of Tajikistan in November 2012 and the recommendations made by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (hereafter the Special Rapporteur on Torture) during his visit to Tajikistan in May 2012 (A/HRC/22/53.Add.1). The Action Plan foresees a series of actions purportedly intended to ensure the implementation of these recommendations and provides details of timelines and the authorities responsible for implementation.

While noting this positive development, Amnesty International and the Coalition against Torture regret that Tajikistani civil society organizations were not involved in drawing up the Action Plan and that the comments and recommendations the Coalition against Torture sent to the authorities were not reflected in the final document.

Regrettably, the Action plan does not provide clear indicators which would allow for implementation to be measured or assessed. For example, the plan proposes measures such as "studying the possibility of" and "analysis of the necessity of developing and implementing" and does not refer to concrete activities to implement the recommendations made by the Committee against Torture. State representatives report that working groups have been set up for the implementation of the recommendations, but civil society in Tajikistan has not been informed about the composition and focus of these working groups. Annex 1 to this document contains a comparative table of the Committee's recommendations and how these have been or fail to be included in the Action Plan.

MAIN SUBJECTS OF CONCERN

1. LACK OF FUNDAMENTAL LEGAL SAFEGUARDS (Paragraph 8 of CAT/C/TJK/CO/2)

1.1 Amend the CPC to ensure that arrest starts from the moment of *de facto* apprehension

The Criminal Procedural Code (CPC) was not amended in this respect during the reporting period. Although the term "*de facto* apprehension/detention" (фактическое задержание) was included in a Decision of the Plenum of the Supreme Court, it was principally directed at judges rather than law enforcement officials.

In its follow-up report to the Committee against Torture the Tajikistani government reports[i] that Article 94 of the CPC provides that the time of *de facto* detention is recorded to the minute in the official report on detention (detention *protocol*). However, the main shortcoming of the CPC remains its failure to define the precise moment when a person is considered to be detained. Article 91 of the CPC states that the detention of a person "consists of taking him to [the premises of] a criminal prosecution body of temporary custody in special areas defined by law and this Code." Human rights defenders and lawyers report that law enforcement officers often consider that detention begins only once it is officially registered, which happens after the detainee is delivered to a place of temporary custody. Until a person who has been apprehended on suspicion of having committed a crime is officially registered with the procedural status of suspect, he or she is not entitled to any procedural rights such as access to medical or legal assistance, to notify family members or have them notified, to be informed of these and other rights.

According to reports received by Amnesty International and the Coalition against Torture the risk of torture and other ill-treatment remains highest during the first few hours following apprehension, before the detention *protocol* is completed.

An additional concern is that the CPC fails to specify a time frame within which law enforcement officers must take a person to a detention facility. Amnesty International and the Coalition against Torture are concerned that the current system allows for routine arbitrary detention for periods at the discretion of the detaining authorities. In practice, this period of unacknowledged custody may last from several hours up to three days.

The practice of using arrest for administrative offences as a cover for remand for the purpose of unofficial criminal investigations continues in Tajikistan. There are reports of police allegedly apprehending people for administrative offences as a pretext for keeping them in custody for five to 15 days (Code of Administrative Violations Article 479.1 "disobeying a legal instruction given by police officer"), during which police officers allegedly "obtain information" or "confessions" which are used as the basis for opening criminal cases. A person in such form of administrative detention is not protected by procedural guarantees such as the right to see a lawyer. These forms of detention were used in the case of Umed Tojiev and also many of those arrested in the "53 Istravshantsi" case. (See Page 8)

In its follow-up report to the Committee against Torture[ii], the Tajikistani government refers in paragraphs 10 and 14 to legislative measures taken to strengthen the guarantees provided to detainees, including the joint order "On Detention" of 24 October 2012 issued by the Office of the General Prosecutor, the Ministry of Justice (MoJ) and leaders of all law enforcement agencies in Tajikistan. However, this document is for internal use only and is not

publicly available. Indeed, not even all law enforcement bodies reportedly have access to this document. In general, civil society, lawyers and the public face serious difficulties in obtaining information in the field of criminal justice. Documents such as instructions (e.g. "On Detention"), provisions (e.g. "On detention procedures") and guidelines are not made publicly available. When members of the Coalition against Torture requested such documents from the authorities in 2013 they were told either that the documents are "for official use only"; or that there were limited printed copies available or were referred to other ministries which then referred them on to others.

Despite requests for information on existing procedures and regulations from lawyers and NGOs, the Main Directorate for the Implementation of Criminal Punishment (GUIUN), Prosecutor's offices, Military Units, the Ministry of Internal Affairs (MIA), Courts and the Ministry of Health all restricted the provision of information on torture related issues. In the majority of cases the authorities refused to provide the information without giving any explanations for the refusal, or else said that the time limit had expired for the provision of information or that the information was classified and not for public use. Internal documents were the most difficult to obtain, archive documents and draft laws and regulations were slightly easier. Much of the information provided by the authorities was subsequently found by the NGOs or lawyers to be either incomplete or unreliable. It is important that all information governing the treatment of detainees and their rights should be publicly available and not restricted "for internal use" as such information is key to protecting the rights of detainees.[iii]

1.2 Ensuring and strengthening access to lawyers for persons detained

Problems with access to legal counsel:

Amnesty International and the Coalition against Torture are concerned that despite legislative changes there are still serious problems with timely access to legal counsel for detainees in temporary detention facilities (IVS) and pre-trial detention facilities (SIZO) in Tajikistan, and also in some cases in other detention facilities. By law,[iv] detainees are entitled to consult with a lawyer of their choice as soon as they are detained. In practice however police investigators can deny lawyers' access to their clients for days. Sometimes lawyers report first seeing their clients at remand hearings.

In its answer to the Committee against Torture, the Tajikistani government reports that the CPC provides in Article 16.7 for prisoners to use the services of lawyers or others qualified to provide legal assistance.[v] However, Amnesty International and the Coalition against Torture would like to stress certain restrictions encountered by lawyers in practice when trying to see clients in both pre-trial detention and in prisons in Tajikistan.

By law, access to SIZOs, run by the GUIUN of the Ministry of Justice, for lawyers is possible upon presentation of a legal license (a permit issued by the Collegiate of Lawyers) and a warrant testifying that the lawyer is a representative in the criminal case to the investigator. However, in some cases lawyers are being prevented from seeing their clients until the police investigator sends confirmation to the SIZO administration certifying that the lawyer is involved in the specific criminal case. In addition, human rights defenders have received information that prison wardens sometimes also require lawyers to show additional permits allowing them to see a client in prison (in addition to the main warrant testifying that the lawyer is a representative in the criminal case).

For example, on 3 August 2012, lawyers Sergey Romanov and Abdulrahmon Sharipov repeatedly requested to meet with their client, Ismatullo Dodoev (case of "53 Istravshantsi", see page 8 for more information), who was sentenced to life imprisonment under Criminal Code Articles 187.2 (participation in a criminal organization), Article 306 (violent seizure of power) and Article 195.3 (illegal buying, selling, possession, transportation of weapons and explosives) and was being held in SIZO No. 1 in Dushanbe while he appealed against his sentence. However, penitentiary administration officers required the lawyers to present a letter from the Supreme Court which was reviewing his appeal. When the letter was presented, the head of the SIZO still refused to allow the lawyers to see the client and referred to the directive of the Head of the GUIUN requiring permission to be obtained from the GUIUN, in contradiction of Tajikistani law. On 4 August 2012, the lawyers lodged a complaint about the actions of the Head of SIZO No. 1, but the family withdrew the complaint when the Supreme Court ruled to reduce Ismatullo Dodoev's sentence from life imprisonment to 30 years imprisonment.

Members of the Coalition against Torture have made repeated requests for information about the internal regulations of the SIZO but have received no response.

In temporary detention facilities, (IVS), undisclosed internal directives of the Ministry of Internal Affairs which regulate communication between defence lawyers and detainees are reported to be in contravention of the right to prompt access to a lawyer of one's choice. For example, lawyers in Spitamensky and Isfara districts of Sughd region report that permission to meet detainees is currently only given by the head of the Department of MIA of the district, causing delays in lawyers being able to see their clients.

Access to lawyers is a particular problem in facilities run by the State Committee for National Security (SCNS). For example in response to a survey carried out by the NGO Human Rights Centre in 2013 lawyers from Khujand, Kanibadam, Bobojan Gafurovsky, Spitamensky and Matchinsky districts of Soghd region and from Dushanbe reported that criminal case investigators continue to try to avoid granting lawyers permission to see detainees held in SCNS detention facilities. They instead issue one-time permits for visits meaning that each time lawyers wish to see their clients,[vi] they are obliged to wait outside the main SCNS building to obtain a permit before each visit.

Other concerns relating to the access to lawyers and the role of lawyers include:

- continuing reports of representatives of the MIA taking detainees outside detention facilities (IVS or SIZO) to take part in investigations without prior notice and without detainees' defence lawyers being present;
- reports of state harassment of defence lawyers in cases involving allegations of torture or other ill-treatment where lawyers are made to sign non-disclosure agreements about details of the investigation. In high profile cases or cases of public interest, court hearings are often held in closed session and defence lawyers are not able to make statements about alleged human rights violations which have occurred during detention pending investigations for fear of prosecution for "disclosure";
- serious concern that the draft law "Ob advokature" (On Lawyers), currently under review by a Working Group "On developing draft legislation "Ob advokature"", set up by the Presidential administration and the Ministry of Justice, contains provisions which threaten to undermine the independence of lawyers by putting the Ministry of Justice in charge of the Qualification Commission which issues and withdraws lawyers' licences. This provision and another provision in the draft law which requires practising lawyers to re-qualify under the terms of the new law risks rendering lawyers more vulnerable to administrative controls by the authorities and facilitating the revoking of licences for political or other arbitrary reasons. It is expected that the draft law will be sent for Parliamentary review in April 2014.

1.3 Excessive use of pre-trial detention

Excessive use of pre-trial detention in Tajikistan is an ongoing concern. Tajikistan's laws allow for alternative pre-trial measures to detention, such as bail or house arrest, but these are not often used in practice. Article 112, of the Criminal Procedural Code stipulates that pre-trial detention during investigations should not exceed 18 months; thereafter, once a case is sent to court the period of detention can last for a maximum of 12 months (CPC, Article 289). However, a problem arises if the court sends the case back for further investigation, as in such cases the time taken for further investigations falls outside either of these stipulated maximum periods, with the result that the total period spent in pre-trial detention can exceed the maximum stipulated under the CPC. For example in the case of Suhrob Gafurov (case of "53 Istravshantsi") the criminal case was sent for additional investigation and he has remained in detention for two and a half years without an official court decision to prolong his detention.

THE CASE OF SUHROB GAFUROV (CASE RELATED TO "53 ISTRAVSHANTSI" SEE PAGE 8)

Suhrob Gafurov was held in pre-trial detention in Khujand SIZO No. 2 in Sughd region for seventeen months without a court order. He was first detained on 19 February 2011 in connection with charges of failure to report a crime and concealment (Criminal Code, Article 347.2). He was held in SIZO No. 2, Khujand from 21 February 2011. On 23 December 2011 the Collegium of Criminal Cases of Sughd Regional Court returned the case for further investigation. However the letter requesting further investigations was only sent to the Sughd Regional Department of the SCNS on 10 May 2013. On 30 May

2013 Khujand court ruled to backdate the extension by five months of the pre-trial detention period meaning it ended on 30 June 2013.

Suhrob Gafurov's relatives lodged a complaint with the Prosecutor General's Office, after which the case against Suhrob Gafurov was reclassified under Article 187.2 (organization of a criminal group).

On 27 September 2013 (i.e. two years and nine months after the verdict on the case of "53 Istravshantsi"), the case was considered in a closed court hearing in Prison No. 2 run by the Main Directorate for the Implementation of Criminal Punishment under the Ministry of Justice (GUIUN). Suhrob Gafurov was accused of organizing a criminal group and he partially admitted his guilt. Although Suhrob Gafurov had repeatedly made statements about torture and other ill-treatment earlier in the preliminary investigations and to his lawyer, during the court hearing he retracted these statements and claimed he had not been tortured or otherwise ill-treated.

The court took into account that the Suhrob Gafurov had committed the crime before the adoption of the Law No. 764 "On Amnesty" of 20 August 2011, and reduced the sentence by two years. It found him guilty of organizing a criminal group (Article 187.2) and applied Article 63 of the Criminal Code which allows for lighter sentences than foreseen for the offence, sentencing Suhrob Gafurov to six years in a maximum security prison.

The court issued a separate ruling against the Senior Investigator of Sughd Regional SCNS for violation of the time limits of pre-trial detention and sent it to the Head of Sughd Regional SCNS for consideration and a requirement to provide information within a month. However, Sughd Regional SCNS has not yet provided any information to the court.

1.4 Allegations of Torture and ill-treatment (Paragraph 9 of CAT/C/TJK/CO/2)

Torture and other ill-treatment in connection with national security concerns

Amnesty International and the Coalition against Torture are concerned that human rights in Tajikistan are frequently violated in the pursuit of groups perceived as a threat to national security, and that people are caught up in arbitrary clampdown operations. Amnesty International's research indicates that particular targets are religious movements and Islamist groups or parties, and that people accused of being Islamist extremists are at particular risk of torture and other ill-treatment in Tajikistan.

Practices of *incommunicado* detention, lack of safeguards against torture and other ill-treatment continue to be reported in cases which the Tajikistani authorities claim are related to national security concerns.

In the vast majority of national security related cases the organizations note lack of impartial investigations into complaints about torture and other ill-treatment and impunity for the officials concerned.

DEATH IN CUSTODY OF UMED TOJIEV[vii]

Umed Tojiev, 34-year-old agricultural worker and member of the opposition Islamic Renaissance Party, was arrested on 30 October 2013 at a market in Sughd region. He was not allowed to see a defence lawyer until 13 November 2013. His family claimed that he had been subjected to torture and other ill-treatment while in detention. Reportedly, between 30 October and 2 November several officers put a plastic bag over his head, denied him sleep, food and water, and used electric shocks through wet fabric in order to avoid leaving traces of torture. In desperation, Umed Tojiev jumped out of the third floor window of the police station in Sughd region, breaking both his legs.

One lawyer, who saw him subsequently, stated that Umed Tojiev was carried into the meeting room as he could not walk, he was shaking and crying and he said he had been forced to incriminate himself. Umed Tojiev was hospitalized with broken legs for four days and on 5 November was placed in pre-trial isolation detention. Although he was under the supervision of the detention medical officer, until his transfer to the prison hospital, his family believes that his medical treatment was not adequate and suspect that this was a deliberate reaction to his allegations of torture and other ill-treatment he suffered[viii].

On 4 November 2013, Umed Tojiev was charged with organization of a criminal group (Article 187.2 of the Criminal Code). In November 2013, Umed Tojiev's defense lawyer requested his transfer to a hospital for treatment for his injuries but the Isfara Prosecutor's Office refused the request, saying that the treatment was unnecessary. Umed Tojiev was eventually transferred from pre-trial detention to the Central Hospital of the Directorate of Implementation of Criminal Punishment in Sughd region on 4 January 2014. He died in this hospital on 19 January 2014.

According to Umed Tojiev's lawyer the official reason given for his death was "thrombotic embolism". Umed Tojiev's parents have refused to pursue complaints of torture against law enforcement officials, Amnesty International and the Coalition against Torture believe this could be for fear of reprisals.

ANWAR ABDULLOEV – DEATH OF A WITNESS

Anwar Abdulloev was a witness in this case which is related to that of the "53 Istravshantsi, (see page 8). During the court proceedings, the lawyer told the court that the welder Anwar Abdulloev had been held for 15 days in the building of the State Committee for National Security (SCNS) and tortured, in order to force him to provide the required testimony. The lawyer reported that Anwar Abdulloev had been told that if he did not sign the testimony his parents would be put in prison and his children sent to an orphanage. He was released once he signed it. He had health problems following his release, including internal bleeding. During the trial, defence lawyers informed the court that Anwar Abdulloev was suffering from mental illness, but the court did not take this fact into account. According to Anwar Abdulloev's statement Akmal Karimov (the alleged suicide bomber in the 53 Istravshantsi case) allegedly brought him a barrel filled with explosives and asked him to weld it closed. The defence lawyer cast doubt on this version of events as the barrel could easily have detonated. According to court records Anwar Abdulloev retracted his testimony and reported that he had been subjected to torture by officials of the SCNS of Sughd, but this was ignored by the court. Lawyers working on this case learned later that Anwar Abdulloev died after a brief illness. The cause of death is unknown.

UPDATE ON CASE OF ILHOM ISMONOV[ix] (ONE OF "53 ISTRAVSHANSI" SEE PAGE 8)

On 3 November 2010 Ilhom Ismonov was apprehended on suspicion of participation in a criminal group, and kept in unacknowledged detention for seven days in the building of the MIA Sixth Department of Sughd region. He alleges he was tortured during this time including with electric shocks and boiling water in order to force him to confess. Ilhom Ismonov was tried in a case which grouped together 48 other men on charges of extremism in a trial which fell short of international standards of fairness. At the trial in September 2011, Ilhom Ismonov told the judge at Sughd Regional Court that security officials had tortured him to get him to confess but the judge did not take any action to investigate the claims. On 23 December 2011, Ilhom Ismonov was convicted for "organization of a criminal group" (CC, Article 187) and sentenced to eight years in prison. In November 2012 the Supreme Court upheld his conviction but reduced the sentence to six and a half years.

In June 2013, the UN Working Group on Arbitrary detention ruled Ilhom Ismonov's detention to be arbitrary and recommended that he be released immediately. However, despite this ruling Ilhom Ismonov remains in detention.

In March 2014, the Human Rights Committee registered an individual complaint from Ilhom Ismonov and his wife under the Optional protocol of the ICCPR.

1.5 Failure to exclude evidence obtained through torture (Paragraph 9 of CAT/C/TJK/CO/2)

The Criminal Procedural Code states in Article 88 that evidence obtained through torture should not be admissible in court, but despite several incidents where defendants alleged in court that they were tortured, in 2012 and 2013 there were no cases of judges implementing exclusionary measures. Examples are the case of the "53 Istravshantsi" and the case below.

CASE OF SADRIDDIN TOSHEV AND SUNATULLO RIZOEV

Sadriddin Toshev and Sunatullo Rizoev were among a large group of prisoners transferred in November 2012 to Khujand colony from Prison No. 1 in Dushanbe, after the death of Hamza Ikromzoda(see below), who had allegedly died as a result of torture. Relatives of the prisoners told the press that they believe that the main reason for their transfer was that the prisoners

had spoken out about the circumstances of the death of Hamza Ikromzoda. According to the relatives of Sunatullo Rizoev, the prisoners were severely beaten upon arrival in Khujand and as a result many of them retracted their testimonies. There were allegations that following the beatings the prisoners were denied medical treatment.

On 7 November 2012, relatives of the two men addressed the Prosecutor General with a request for legal assistance and for a medical examination to investigate the treatment of the detainees. However due to a quarantine period for newly arrived prisoners, relatives and lawyers were not allowed to visit them. According to internal regulations, this quarantine period should last for 15 days, but Sadriddin Toshev, Sunatullo Rizoev and other prisoners in the group that had been transferred with them were held in quarantine for 45 days and were not allowed access to a lawyer during this time.

The Prosecutor's Office replied to complaints from the families of the two men at the end of December 2012, saying that by law (Article 91.5 of the Penal Code) "a lawyer may be granted only upon the written request of the prisoner" and that Sunatullo Rizoev and Sadriddin Toshev should have officially addressed the head of the prison with a written request for a lawyer. The Prosecutor's Office argued that since the prison authority did not receive such a request they could not agree to the lawyer's request to see his clients.

On 24 December 2012, a representative of the Ombudsman's Office met with Sunatullo Rizoev and announced that the medical examination carried out had not found any evidence of torture on his body.

On 4 February 2013, a new criminal case was initiated against Sunatullo Rizoev and Sadriddin Toshev for making false accusations and fabrication of evidence. They were also accused of distributing videos showing injuries sustained by inmates after allegedly being beaten by prison guards. After this, both Sunatullo Rizoev and Sadriddin Toshev were placed in solitary confinement where Sunatullo Rizoev attempted to commit suicide by cutting his wrists.

On 18 October 2013, Sadriddin Toshev and Sunatullo Rizoev were found guilty of distributing false information and sentenced to seven and nine years in prison respectively. During the trial both men reported they had been subjected to torture, but the Judge did not address the complaints.

At the appeals hearing on 24 January 2014, the Sughd Regional Court Criminal Case Appeals Board upheld the verdict of Khujand City Court against Sadriddin Toshev and Sunatullo Rizoev. According to the lawyer, the court ruled that Sadriddin Toshev should serve seven years in a special regime colony in Kurgan-Tube while Sunatullo Rizoev will remain in Khujand.

2. PROMPT, IMPARTIAL AND EFFECTIVE INVESTIGATIONS (Paragraph 9 of CAT/C/TJK/CO/2)

The Tajikistani authorities regularly fail to conduct prompt, thorough and impartial investigations into allegations of torture and other ill-treatment. In the majority of documented cases where credible allegations of the use of torture and other ill-treatment exist, Prosecutors' Offices ignore complaints from victims of human rights violations or refuse to launch criminal investigations after conducting "initial examinations".

In addition, delays by prosecutors in ordering medical examinations following allegations of torture and other ill-treatment are commonly reported, with the result that physical traces have sometimes disappeared by the time examinations are carried out.

Victims and their families are sometimes not given regular updates or access to case materials. In May 2012, the Constitutional Court ruled a provision of the Criminal Procedural Code (point 8; part 2 Article 42) constitutional, thereby upholding the Prosecutor General's practice of limiting the access of the victims of human rights violations to evidence against the alleged perpetrators.

NGOs and lawyers in Tajikistan registered 137 complaints about torture and other ill-treatment between 2011 and 2013, but fewer than ten of these allegations of torture or other ill-treatment appear to have been properly investigated. In most cases where investigations took place disciplinary proceedings have been used against the perpetrators.

CASE OF ZUBAIDULLO HALIFAEV

A recent example is the case of Zubaidullo Halifaev, who was detained near a market in Dushanbe on 26 November 2013 by officers of the Sino department of Internal Affairs, who reportedly punched and kicked him repeatedly as they arrested him. Zubaidullo Halifaev had been the subject of a criminal investigation which ended on 23 November 2013. This investigation had not been extended, but he was nevertheless re-arrested on 26 November 2013. After arrest, Zubaidullo Halifaev was reportedly taken to the court yard of the Sino Department of Internal Affairs where the police investigator began to beat him around the head and face in order to force him to confess. As a result, Zubaidullo Halifaev hit his head on a bench and lost consciousness. He then had an epileptic fit. The emergency services were called and Zubaidullo Halifaev was taken to the Karabolo Medical Centre where he remained under police guard. On 27 November his parents lodged a complaint about the actions of the police with the Sino Prosecutor's Office in Dushanbe. That evening, Zubaidullo Halifaev was given medical sedatives and returned, unconscious, to the Sino Department of Internal Affairs where he was handed over to his parents.

On 28 November Zubaidullo Halifaev underwent a medical examination, which concluded that there was an injury to the temporal region on the left side of his head but that this did not result in any damage to his health. Zubaidullo Halifaev and his parents also lodged complaints with the Procurator's Office, and the Human Rights Ombudsman, but they initially received no reply.

After Zubaidullo Halifaev's lawyer lodged an official request for a written reply with the Dushanbe Prosecutor's Office, the family received a response saying that the materials from the criminal case against the police investigator had been sent to the Dushanbe Department of Internal Affairs in order that disciplinary proceedings be initiated. The police investigator was taken off the criminal investigation into Zubaidullo Halifaev and the case was transferred to another investigator from the same Department of Internal Affairs.

By law (Criminal Procedure Code Article 145.5), prosecutors are required to reply to all complaints within three days of them being lodged. In May 2013, Amnesty International received information from the Prosecutor General's Office that an order had been given to all Prosecutors' Offices requiring them to provide detailed answers to all complaints. In December 2013, the Prosecutor General's Office issued a handbook entitled "The Legal Framework and Organization of Prosecutor's Offices for the prevention, detection and investigation of torture". However, despite these positive developments, individual victims of torture or other ill-treatment or their families continue to report that Prosecutors' Offices fail to act on complaints or do not disclose information about how complaints are examined or how they reach conclusions of lack of evidence of wrongdoing by officials.[x]

UPDATE ON DEVELOPMENTS IN THE CASE OF "53 ISTRAVSHANTSI"

On 6 August 2012, in the courtroom of the administrative buildings of Prison No. 9/1 in Dushanbe the Supreme Court Appeals Board began its consideration of the appeals filed by residents of the districts of Istaravshan, Isfara and Spitamentsky in Sughd region and their lawyers against their December 2011 conviction. All of the defendants stated that they had been subjected to torture and other ill-treatment while awaiting trial. They requested the annulment of the Sughd Regional Collegiate Court ruling of 23 December 2011, which passed down sentences on some of the co-defendants accused of participation in extremist groups and involvement in explosions which occurred on 3 September 2010. The appellants requested that forensic medical examinations should be carried out into the allegations of torture during preliminary interrogations and investigations against the defendants.

During the appeal hearing, the defendants and lawyers drew the attention of the Supreme Court to the signs of torture on the defendants' bodies. The lawyers filed a petition for a forensic medical examination for each of the defendants and presented medical documents showing the treatment given to defendants in the medical department of Prison No. 9/2 GUIUN of the Ministry of Justice in Khujand. The lawyers also filed a petition under Article 88 Part 3 of the Criminal Procedural Code for the exclusion of the testimony obtained through torture, during the inquiry and preliminary investigation. They demanded that the evidence used as a basis for the criminal charges was discounted (Article 85 of the Criminal Procedure Code).

On 17 August 2012, the Supreme Court requested the Office of the General Prosecutor to investigate the allegations of

torture and present the conclusions of its investigations by 10 September 2012. The Supreme Court adjourned pending the conclusions of the Office of the General Prosecutor. According to the information available, the Prosecutor's Office began its investigations on 27 August 2012 and ordered medical examinations into the physical injuries of the appellants. However, these were reportedly carried out in a cursory fashion (the examination and interview of each of the 34 alleged victims of torture took an average of 10 minutes), and were carried out in the presence of law enforcement personnel. Defense lawyers were not informed that the medical examinations were to take place nor were they allowed to be present at investigative activities involving the defendants. A forensic expert involved in the examinations admitted they had not been trained on the standards of the Istanbul Protocol.

On 8 October 2012, the Office of the Prosecutor General announced that it had completed its investigation into the allegations of torture announced its refusal to initiate criminal proceedings due to "lack of grounds" (grounds to believe that torture and other ill-treatment had taken place).

Defence lawyers for the complainants tried to appeal the decision of the Office of the Prosecutor General to the Supreme Court Appeals Board, which announced that it did not have the authority to review these. The Supreme Court Appeals Board recommended that the lawyers appeal the actions of the officials to court.

The complaint about the inaction of officials of the Office of the General Prosecutor was sent from Khujand to the Sino District Court of Dushanbe on 16 October 2012. Postal confirmation indicated the complaint was received on 25 October 2012. However, the appellants were not informed about the receipt of the appeal by the Sino Court in Dushanbe and in answer to telephone enquiries, the Court claimed that it had not received any further appeal on the case. The appellants were not informed of the time and place of the appeals hearing and Sino District Court considered the appeal with representatives of the Office of the General Prosecutor present but without either the appellants or their lawyers. On 13 November 2012, Sino District Court ruled to uphold the sentences.

On 2 November 2012, the Supreme Court ruled to reduce the sentences of five of the men from life imprisonment to 30 years imprisonment. The court ruling of 23 December 2011 ordered that those sentenced to life imprisonment should serve the first five years of their sentences in prison and the remainder in a prison colony. The Supreme Court reduced this to three years, and, in the case of Akmal Khoshimov, to two years. The other individuals convicted had their sentences reduced by between one and a half and three years. Subsequently a complaint was filed on behalf of 11 other people convicted on this case, requesting that the decision of the appeals' court be overturned, but the lawyers were refused satisfaction in a decision dated 14 August 2013. No details were provided concerning the reasons and justification for the refusal.

2.1 Reprisals against those who speak out about torture and other ill-treatment (Paragraphs 14 and 15 of CAT/C/TJK/CO/2)

During 2013, lawyers and human rights organizations noted continuing cases where alleged victims of torture or other ill-treatment refuse to lodge official complaints. For example, from December 2013 until April 2014 some ten cases of allegations of torture or other ill-treatment from Dushanbe, Khatlon and Sughd regions were made to lawyers of the Human Rights Centre, member of the Coalition against Torture. In over half of these cases relatives and victims of the alleged torture refused to pursue complaints against the actions of law enforcement officials. The reasons behind this include: the victims' fear of further persecution or harassment from the authorities; a fear of making their current situation in the context of ongoing criminal proceedings worse; and also the frequent use of state appointed lawyers by police investigators. State appointed lawyers are known to police for not being proactive in either lodging complaints about torture or other ill-treatment or defending their clients' best interests in the face of pressure from investigators, and thereby effectively colluding with the investigation. The fact that there are routine delays in investigating complaints of torture or other ill-treatment also mean that victims lose faith in the justice system.

Those who do lodge complaints with the Prosecutor's Office frequently report reprisals and harassment from law

enforcement officials to force them to withdraw their allegations.[xi] This continues to occur despite the 2010 Law "On State Protection of Participants in Criminal Proceedings" and the State Programme for Protection of the Participants of Criminal Proceedings[xii] which was approved by government decision No. 604 on 2 November 2012 and should protect complainants.[xiii]

Since July 2013, there have been at least four cases where detainees, including one child, complained to their lawyers or relatives or the authorities about torture and other ill-treatment only to be subjected to further ill-treatment by law enforcement officials in an apparent attempt to silence them. As a result, they decided against seeking redress. These instances of torture or other ill-treatment took place in detention facilities under the jurisdiction of the Ministry of Internal Affairs, the State Committee of National Security (SCNS) and the Ministry of Justice.[xiv]

3. IMPUNITY (Paragraph 11 of CAT/C/TJK/CO/2)

3.1 Prosecution of suspected perpetrators of torture or other ill-treatment

Criminal proceedings against the officials accused of torture or other ill-treatment often appear to be perfunctory, and perpetuate impunity for these violations. Given the number of reports of torture and other ill-treatment recorded by both official and non-official bodies, and the strength of evidence in support of the allegations in many cases, a notably small number of law enforcement officials have been prosecuted and brought to trial for the crime of torture, and disciplinary proceedings continue to be used to the exclusion of criminal prosecutions.

In January 2013, the representative of the Supreme Court, Nusratullo Abdulloev, stated that in 2012 the Supreme Court reviewed 23 prosecutions for torture, however some of these were reviewed before the Criminal Code was amended in April 2012 to include torture as a separate crime. He stated that two cases were reviewed in 2012 under Article 143.1 on torture in Yavan and Khujand and that the accused had been found guilty and sentenced. In addition, the Prosecutor General's Office[xv] stated that 17 criminal investigations were undertaken under Criminal Code Articles 314 (abuse of official authority), 316 (exceeding official responsibility) and 354 (coercion to testify during preliminary investigation by means of threats, blackmail or other unlawful acts) in the first half of 2012, in seven cases criminal proceedings were opened, three cases were referred to court, and in four cases the investigations were ongoing. The General Prosecutor's Office has not yet published statistics for 2013.

In May 2013, an officer of the Correctional Facility No. 3/1 Ya/C in Dushanbe was found guilty of abuse of office (Article 316.3) and sentenced to five and a half years imprisonment in relation to the death of Hamza Ikhromzoda in September 2012. Investigations are ongoing in relation to the actions of three other officials in this case.

On 14 February 2013 the MIA inspector for Dushanbe was convicted by a court of "negligence" leading to the death of Bakhromiddin Shodiev in October 2011, and sentenced to two years imprisonment. This was despite evidence from Bakhromiddin Shodiev's mother that she had seen signs of torture on her son's body when she visited him in hospital shortly before his death, and that he had regained consciousness briefly to tell her that he had been tortured with electric shocks and beaten. Three other police officers allegedly involved in the torture and other ill-treatment of Bakhromiddin Shodiev have not yet been prosecuted.

In other cases, investigations against alleged perpetrators of torture and other ill-treatment are protracted and drawn out, or closed for apparently spurious reasons which seem to be designed to protect the interests of the security officials concerned.

CASE OF ISMONBOY BOBOEV

For example, a year after the May 2012 ruling by Tajikistan's Constitutional Court that investigations should be carried out into the circumstances of Ismonboy Boboev's death in custody in February 2010, little progress has been made. The investigations into the actions of two officers of the Soghd Regional Department for the Fight against Organized Crime have been closed and re-opened several times, ostensibly due to the poor health of one of the suspects. At a court hearing at Khujand city court in March 2013 the lawyer for Ismonboy Boboev's family argued that medical records showed that one of

the suspects had had flu, but that this was not sufficient grounds to indefinitely terminate the criminal investigation. The court overturned the decision by Soghd Regional Prosecutor's Office and ordered the investigation to be re-opened. Representatives of Soghd Regional Prosecutor's Office submitted individual appeals to Soghd regional court Judicial Collegiate on Criminal Cases, which refused the appeals on 5 June 2013. On 5 February 2014 the Prosecutor General's Office again quashed the decision of the investigator of Sughd Regional Prosecutor's Office and sent the case for further investigation. On 18 February the lawyer for Ismonboy Boboev's family officially applied for the enforcement of the Prosecutor General's Office decision. On 28 March the lawyer Sergei Romanov and the father of Ismonboy Boboev had a meeting at Sughd Regional Prosecutor's Office, however representatives of this office were unable to provide information about the progress of the investigations.

Most of the criminal prosecutions that do take place are for "exceeding official authority" rather than under Article 143 of the Criminal Code that prohibits torture. Criminal prosecutions of any kind against law enforcement officials remain rare and often are terminated or suspended before they are completed. In several cases law enforcement officials who were convicted for "exceeding official authority" were released early under the 2011 Law "On Amnesties".

On 11 July 2012, a decision was issued on terminating the criminal proceedings against two officers of Sino Department of Internal Affairs, Dushanbe, under the Law on Amnesties (Article 27.1). The two officers were accused of negligence (Article 322 of the Criminal Code) for the death in custody of Safarali Sangov on 5 March 2011. There were reports that Safarali Sangov had been subjected to torture and other ill-treatment, although police claimed he fell down the stairs in the police station. A complaint against the decision to terminate the criminal proceedings was turned down by the Office of the General Prosecutor. This decision is currently being appealed to the Ismoil Somoni District Court in Dushanbe.

As far as Amnesty International and the Coalition against Torture are aware, there have been four cases of individuals prosecuted for the crime of torture (Article 143.1) in Tajikistan.

1. In September 2012, a police inspector, the head of the Yavan Department of Internal Affairs, was found guilty of torture in the case of a 17-year-old boy in Khatlon region and sentenced to seven years in prison and has begun serving his sentence. The court also ruled that the state should pay TJS 1,650 (USD 340) in material compensation.

2. In August 2013 the court of Kurgan-Tube found a former investigator of the Sarband Police Department guilty of torture (Article 143.1) and unlawful detention (Article 358.1) of Juarbek Sattorov, a resident of Sarband. The court sentenced the former investigator to 2.5 years imprisonment in a penal colony, but took the young age and marital status of the defendant into consideration and on the basis of Article 71 of the Criminal Procedure Code gave him a two-year suspended sentence instead. The prosecutor agreed with the court verdict and decided not to appeal it.

3. On 26 December 2012 Khujand City Court found a police officer of the Sughd Regional Police Criminal Investigation Unit guilty of torture (Article 143.1 of the Criminal Code) and sentenced him to one year imprisonment. The officer was found guilty of holding a suspect in his office for a whole day and inflicting ear and kidney injuries on him through beatings. A forensic examination confirmed the source of the injuries.

4. On 16 November 2012 the Head of Criminal Investigations Unit of the MIA Department No. 1 in Isfara reportedly held detainee A. Nabiev in his office and beat him. On 17 January 2013 the same officer reportedly detained Akmal Muzaffarov, hitting him several times and breaking his leg. He then took him to the MIA Department No.1 where he beat him and illegally detained him. A criminal case was opened into the actions of the Head of the Isfara Criminal Investigations Unit on several accounts, including exceeding official authority, illegal detention, torture and extortion. On 11 March 2014 Sharistan Court ruled that it did not find any evidence of the crime of «torture» and sent the case for further investigation.

3.2 Compensation claims in relation to deaths in custody

In a positive development, in March 2014 the first compensation payment was made by the Tajikistani Ministry of Internal Affairs to the widow of Safarali Sangov.

SAFARALI SANGOV

Safarali Sangov, 37 years old, died on 5 March 2011 in the Karabolo medical centre, four days after he was taken there unconscious from the Department of Internal Affairs of Sino District in Dushanbe. His body had signs of numerous injuries sustained shortly before his death.

Assisted by a lawyer from the Bureau of Human Rights and Rule of Law, Safarali Sangov's wife filed a claim for compensation for moral and material damage at the Sino District Court. On 5 March 2013, the court ruled that she should receive TJS 46,500 (about USD 10,000). The Ministry of Internal Affairs appealed this ruling but on 30 May 2013, the Judicial Board of the Dushanbe City Court upheld the decision by Sino District Court and dismissed the appeal. On 1 July 2013, the Sino District Court issued a writ for the sum of compensation to be paid by the Ministry of Internal Affairs. However, for over six months Safarali Sangov's widow did not receive the compensation. The lawyer has lodged a complaint. Safarali Sangov's widow received the payment in March 2014.

BAKHROMIDDIN SHODIEV

Bakhromiddin Shodiev died on 30 October 2011 in Dushanbe National Medical Centre, where he was taken unconscious on 20 October from the Department of Internal Affairs (DIA) of Shomansur District in Dushanbe, following his arrest for theft the previous day. The Shohmansur District Prosecutor opened a criminal case on 4 November 2011 against the police investigator and others under Article 322.2 (negligence) of the Criminal Code. On 4 November 2011, three employees of Shohmansur District DIA were dismissed after an internal investigation in connection with the death. The deputy head of the police was also dismissed. The Head of the Shomansur District DIA and the head of the Central District MIA were severely reprimanded.

Before the trial began, on 17 February 2012 a claim for TJS 180,000 (USD 37,200) in damages was made against the Ministry of Internal Affairs. In a court judgement of 11 February 2013, the former investigator of the Shomansur District DIA, was found guilty of violating article 322.2 of the Criminal Code and was sentenced to two years imprisonment in a penal colony. The appeal filed by the lawyer for Bakhromiddin Shodiev's family against this sentence was dismissed by the court of appeal and the original sentence upheld. On 18 November 2013, the District Court of Ismoili Somoni of Dushanbe ruled to partially satisfy the compensation claim filed by Bakhromiddin Shodiev's mother, and awarded her TJS 14,579 (about 3,000 US dollars). However, in January 2014, the Ismoili Somoni District Prosecutor's Office appealed against this ruling. The Judicial Collegiate of Dushanbe Court rejected the appeal. The relatives have not yet received the compensation.

HAMZA IKHROMZODA

In September 2012, 27-year-old Hamza Ikromzoda died in the isolation wing of prison (Corrective Colony No. 3/1 in Dushanbe), allegedly after having been subjected to torture. In October, a forensic examination concluded that he had committed suicide and that no ill-treatment had taken place. In May 2013, a prison official was found guilty of negligence in relation to the death of Hamza Ikhromzoda and sentenced to five and a half years in prison. Three other officials alleged to have been involved in the torture of Hamza Ikhromzoda have not yet been tried including the head of the Corrective Colony No. 3/1. In December 2013, Ismoili Somoni district Court of Dushanbe turned down a civil compensation claim by Hamza Ikhromzoda's family on the grounds that he had not died as a result of torture but as a result of suicide.

4. CONDITIONS IN DETENTION (Paragraph 14 of CAT/C/TJK/CO/2)

4.1 Systematic and independent review of all places of detention by national or international monitors, including the International Committee of the Red Cross (ICRC)

Access to closed institutions for independent monitoring is still lacking including for international organizations such as the International Committee of the Red Cross (ICRC).

4.2 Establishment of a monitoring group for penitentiary institutions (or detention facilities) under the Human Rights Ombudsman

In December 2012, the Tajikistani Human Rights Ombudsman proposed establishing a working group on monitoring places of detention. The Monitoring Group was a preliminary step towards setting up a National Preventive Mechanism (NPM) under the Optional Protocol to the Convention against Torture (Optional Protocol).

From February to May 2013 discussions took place between the Coalition against Torture and the Human Rights Ombudsman over the composition of the Monitoring Group. The Coalition on Torture maintained that the Monitoring Group's activities should comply with the Principles relating to the status of national human rights institutions for the promotion and protection of human rights (Paris Principles) and the Optional Protocol, and that the composition of the Monitoring Group should ensure independence and impartiality. The Coalition argued against including representatives of government authorities, and lobbied for an agreed protocol for the Monitoring Group, which set out the scope of its activities. This document was developed with the Human Rights Ombudsman in July and August 2013, and approved by the Human Rights Ombudsman on 30 December 2013. The Monitoring Group started its work in February 2014. However, in some instances the administration of detention facilities denied access to NGO representatives belonging to the Monitoring Group even though the relevant government agencies had been informed of the Group's establishment and its powers.

Further details to the information provided can be found in the following publications:

Joint documents by Amnesty International and the Coalition against Torture

- *Torture and other ill-treatment of people deprived of their liberty and deaths in custody*. Joint submission to the United Nations Human Rights Committee, for the 108th session, 8-26 July 2013 (AI Index: EUR 60/005/2013 June 2013). See http://amnesty.org/en/library/asset/EUR60/005/2013/en

Coalition against Torture

- Sections on Articles 6, 7, 9, and 10 in: *Information from NGOs of Tajikistan for compilation of the list of issues under the second periodic report of Tajikistan on progress of implementation of the International Covenant on Civil and Political Rights (CCPR/C/TJK/2)*, available at: http://www2.ohchr.org/english/bodies/hrc/docs/ngos/BHRRL_Tajikistan107.doc.
- *NGO report on Tajikistan's implementation of the Convention against Torture and other Cruel, Inhuman or degrading treatment or punishment*. CAT/C/TJK/2, available at: http://www2.ohchr.org/english/bodies/cat/docs/ngos/CATI_Tajikistan_CAT49.pdf.

Amnesty International

- *Return to Torture: Extradition, forcible returns and removals to Central Asia*, (Index EUR 04/001/2013), report, July 2013, available at: http://amnesty.org/en/library/info/EUR04/001/2013/en
- *Summary of concerns submitted to the Human Rights Committee prior to the adoption of the list of issues* (Index: TIGO IOR 40/2012.192), 19 December 2012, available at: http://www2.ohchr.org/english/bodies/hrc/docs/ngos/AI_Tajikistan107.doc.
- *Tajikistan: Briefing to the United Nations (UN) Committee against Torture – 49th Session November 2012* (Index: TIGO IOR 40/2012.156), 12 October 2012; available at: http://www2.ohchr.org/english/bodies/cat/docs/ngos/AIBriefing_Takikistan_CAT49.pdf.
- *Shattered Lives: Torture and other ill-treatment in Tajikistan* (Index EUR 60/004/2012), July 2012, http://www.amnesty.org/en/library/info/EUR60/004/2012/en.

ANNEX 1

Recommendation from Committee against Torture (The Committee)	Action/ event in Action Plan of Tajikistan	Comments
8. a)Amend the CPC to ensure that arrest starts from the moment of de-facto apprehension;	Absent from the Action plan	
(b) Establish an official, central	5.1. Examine the question of the advisability of introducing amendments into the CPC and the	The activities foreseen in the Action Plan relate to the strengthening of

register in which the arrest is scrupulously and immediately recorded, including at the minimum: (i) the time of arrest; (ii) the reason for arrest; (iii) the names of the arresting officer(s); (iv) the location where they are detained and any subsequent transfers; and (v) the names of the officers responsible for them in custody. Responsible officers who fail to record such information should be held accountable;	Law "On the procedures and conditions of detention of suspects and accused persons" to ensure that at the time of the actual arrest the rights specified in the detention documents are explained; including in the registration log the time, place and the reasons for detention and name of the officers involved in the arrest and the right to prompt access to a lawyer and a medical examination; to reduce the 12 - hour period to notify relatives of the detainee of his/her location and changes in the place of detention. 3 . Develop a manual for law enforcement officers on the apprehension of suspects, accused and defendants.	legislation on some of the Committee's recommendations. However, current legislation does not include provisions on iv) the place of detention and any subsequent transfer of prisoners to another location, and v) the recording of the names of officials responsible in places of detention. The Action Plan does not address the practical implementation of these recommendations , nor does it provide rules on the accountability of officials who do not comply with the requirements to register such information.
9 **(a) Promptly, effectively and impartially investigate all incidents and allegations of torture and ill-treatment;**	Absent from the Plan of Action	
(c) Revoke provisions in the CPC allowing termination of criminal proceedings and exemption of the defendant from criminal liability whenever the case concerns allegations of torture and ill-treatment.	10.1. Consider amending legislation to prevent the release of the accused from criminal liability if they repent the use of torture.	Results indicated in the Action plan as "study of the issue of releasing the accused from criminal liability in connection with repentance for torture and prepared the proposals" do not guarantee the adoption of legislative changes as recommended by the Committee. They do not indicate an undertaking to implement recommendations from the CAT. Specific steps to implement the Committee's recommendations are missing , and the Action Plan instead uses phrases such as "consider the possibility of ", and "study the experience of other countries," etc.

14a) Allocate sufficient budgetary resources to improve conditions in all places of detention;	3. 2. Gradually increase in government subsidies, as well as attracting alternative sources of funding for the maintenance of prisons, including the cost of food, water and sanitation; 11. 1. Consider increasing the funding of the penitentiary system through budgetary and extra-budgetary funds, focusing on the improvement of health services, the extension of cells for holding prisoners, and the construction of new detention facilities that meet international standards.	
(b) End the complete isolation of prisoners serving life imprisonment, improve their living conditions, and repeal legislation limiting their contacts with lawyers and family members;	1. Analyse the legislation to identify existing restrictions on the isolation of prisoners serving life sentences. 2. Introduce mechanisms to ensure that these prisoners can see lawyers, medical personnel and family members, as well as to explore issues relating to the transfer of such persons to open or semi-open institutions.	
(c) Take concrete steps, as a matter of priority, to ratify the Optional Protocol to the Convention and establish an effective National Preventative Mechanism which is resourced and permitted to conduct regular, independent, unannounced and unrestricted visits of inspection to all places of deprivation of liberty, with opportunity for inspectors to speak privately with individual detainees. In the meantime, grant unimpeded access to the ICRC and independent non-governmental organizations to all places of detention,	3.1. Consider expanding access to penitentiary institutions for international, humanitarian organizations; 4 . 1. Consider the expediency of ratifying the Optional Protocol to the UN Convention against Torture and the establishment of an independent preventive mechanism. 4.3. Study and consider the possibility of setting up a pilot working group of the National Preventive Mechanism to ratify the Optional Protocol to the Convention against Torture " 10 . Analyze and study the experience of other countries on the provision of access to detention facilities for international and national monitoring, including the ICCR.	The activities listed do not provide for concrete steps to implement the Committee's recommendations, although a monitoring group including representatives of civil society has been set up in 2014 under the Ombudsman's office.

and ensure that the Ombudsman undertakes regular, unannounced visits to all places of deprivation of liberty, accompanied by medical professionals, including to places of police custody, and that the findings are made available publicly;		
(d) Establish an effective, accessible and confidential system for receiving and processing complaints regarding torture or ill-treatment in all places of detention, and ensure that: (i) every detainee has unimpeded and unsupervised access to the prosecutor upon request; (ii) all complaints are promptly, impartially and effectively investigated; (iii) perpetrators are punished with appropriate penalties; and (iv) complainants do not suffer any reprisals;	2.4 Introduce a system of recording of statistics on complaints of torture, and analysis of the outcomes after review of complaints, including the reasons for refusal and the complaints subsequently sent to court. 4.2 Study the possibility of creating a new body to deal with complaints and allegations of torture victims, or of vesting existing bodies such powers.	The Action Plan does not provide for specific actions to implement the CAT recommendations. It provides for the introduction of statistics gathering and for a study of the merits of establishing a new complaints mechanism. The Action plan does not address the CAT recommendations to take immediate steps to ensure that complaints mechanisms are accessible and that complaints are promptly, impartially and effectively investigated and perpetrators punished appropriately.

ENDNOTES

[i] Tajikistani government report to Committee against Torture of 9 January 2013 CAT/C/TJK/CO/2/Add.1

[ii] CAT/C/TKL/CO/2/Add.1, 5 February 2014

[iii] See «Мониторинг доступа к информации организаций-членов Коалиции против пыток» for more information in Russian http://notorture.tj/reports/monitoring-dostupa-k-informacii-organizacii-chlenov-koalicii-po-borbe-s-pytkami

[iv] Articles 22.1 and 49.2 Criminal Procedural Code of Tajikistan and Article 18.1 Law "On procedures and detention conditions for suspects and defendants".

[v] Tajikistani government report to Committee against Torture CAT/C/TJK/CO/2/Add.1, paragraph 34.

[vi] See also the cases of Ismatullo Dodoev; and Sherik Karamhudoev in*Torture and other ill-treatment of people deprived of their liberty and deaths in custody.* Joint submission to the United Nations Human Rights Committee, for the 108th session, 8-26 July 2013 (AI Index: EUR 60/005/2013 June 2013) at http://amnesty.org/en/library/asset/EUR60/005/2013/en

[vii] See Amnesty International, Urgent Action Opposition member ill-treated in detention 315/13 (AI Index: EUR 60/009/2013), 28 November 2013.

[viii] http://notorture.tj/analytics/smert-todzhieva

[ix] Ilhom Ismonov was convicted for "organization of a criminal group" (Article 187 of the Criminal Code) and sentenced by the Sughd Regional Court on 23 December 2011 to eight years in prison (reduced by one third under an amnesty at the same time). In November 2012, the Supreme Court upheld his conviction but reduced the sentence to six and a half years. Ilhom Ismonov was tried in a case which grouped together 48 other men on similar charges of "extremism" in a trial that fell short of international standards of fairness. He was apprehended on 3 November 2010 in Khujand city but his detention was not registered until 7 days later. Ilhom Ismonov alleges he was tortured and forced to sign a confession while being held in incommunicado detention.

[x] See case of Dilshod Sharifov and that of the 12 year old boy in SCNS detention in *Torture and other ill-treatment of people deprived of their liberty and deaths in custody.* Joint submission to the United Nations Human Rights Committee, for the 108th session, 8-26 July 2013 (AI Index: EUR 60/005/2013 June 2013). See http://amnesty.org/en/library/asset/EUR60/005/2013/en

[xi] Interviews with families of victims of torture and victims of torture, Amnesty International May 2013 ; Information from lawyers and representatives of NGO members of the Coalition against Torture resulting from ongoing consultations with victims of torture.

[xii] "On State Protection of Participants in Criminal Proceedings"

[xiii] The programme is funded from the state budget.

[xiv] See Amnesty International, *Detainees at risk of torture in Tajikistan*. Urgent Action 270/13 (AI Index: EUR 60/007/2013) Date: 1 October 2013.

[xv] In response to the Coalition against Torture's request for official statistics on complaints of torture and other ill-treatment for 2012, the Prosecutor General's Office replied that they did not have statistical information relating to investigations of cases of torture, because this was the responsibility of the Ministry of the Interior. At the same time they provided statistical information on cases under articles 314 (abuse of office), 316 (exceeding official responsibility) and 354 (coercion to testify during preliminary investigation by means of threats, blackmail or other unlawful acts) of the Criminal Code, which make it impossible to identify which cases were related to torture or other ill-treatment.