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Mr. Ambassador,

In my capacity as Rapporteur for follow-up on Conclusions and Recommendations of the United Nations Committee against Torture, allow me to refer to the examination of the initial report of Tajikistan (CAT/C/TJK/1) by this Committee at its 37th session, from 6 to 24 November 2006. At the end of that session, the Committee's Conclusions and Recommendations (CAT/C/TJK/CO/1) were transmitted to your Permanent Mission. In paragraph 25 of those Conclusions and Recommendations, the Committee asked, pursuant to its rules of procedures, that Tajikistan provide, within one year (by November 2007) further information regarding areas of particular concern identified by the Committee in paragraphs 7, 16, 17 and 19 (see extracts annexed).

The Committee has adopted a follow-up procedure to pursue issues that are serious, that can be accomplished by the State party in a one year period, and that are protective.

The information sought by the Committee has not been provided yet, although more than one year has elapsed from the transmittal of the Committee's Conclusions and Recommendations. Accordingly, I would be grateful for clarification as to the current status of your Government's responses on the matters, and as to when the information requested will be forthcoming. Upon receipt of this information, the Committee will be able to assess whether further action is needed.

The Committee looks forward to pursuing the constructive dialogue it started with the authorities of Tajikistan on the implementation of the Convention. In this context, the Committee looks forward to receiving your response to this enquiry.

Accept, Mr. Ambassador, the assurances of my highest consideration.

A handwritten signature in cursive script, reading "Felice D. Gaer".

Felice D. Gaer
Rapporteur for Follow-up on Conclusions and Recommendations
Committee against Torture

H. E. Mr. Rashid Alimov
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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Conclusions and recommendations of the Committee against Torture
(Extracts for follow-up)

TAJKISTAN

(...)

C. Principal subjects concerns and recommendations

(...)

Detention

7. The Committee is also concerned at:

- (a) The lack of a legal obligation to register detainees immediately upon loss of liberty, including before their formal arrest and arraignment on charges, the absence of adequate records regarding the arrest and detention of persons, and the lack of regular independent medical examinations;
- (b) Numerous and continuing reports of hampered access to legal counsel, independent medical expertise and contacts with relatives in the period immediately following arrest, due to current legislation and actual practice allowing a delay before registration of an arrest and conditioning access on the permission or request of officials;
- (c) Reports that unlawful restrictions of access to lawyers, doctors and family by State agents are not investigated or perpetrators duly punished;
- (d) The lack of fundamental guarantees to ensure judicial supervision of detentions, as the Procuracy is also empowered to exercise such oversight;
- (e) The extensive resort to pretrial detention that may last up to 15 months; and
- (f) The high number of deaths in custody.

The State party should:

- (a) **Adopt measures to ensure detainees prompt access to a lawyer, doctor and family members from the time they are taken into custody and ensure that legal assistance and independent medical expertise be provided at the request of detained persons rather than solely when permitted or requested by officials;**
- (b) **Take measures to establish registers of detainees at each place of custody with the names of each person detained, the time and date at which notifications of lawyers, doctors and family members took place and the results of independent medical examinations. These registers should be accessible to the detainee and his/her lawyers;**
- (c) **Consider the establishment of a health service independent from the Ministries of Internal Affairs and Justice to conduct examinations of**

detainees upon arrest and release, routinely and at their request, alone or together with an appropriate independent body with forensic expertise;

- (d) Take steps to shorten the current pretrial detention period (*doznanie*);
- (e) Ensure independent judicial oversight separate from the Procuracy of the period and conditions of pretrial detention, including that imposed by the Ministry of Security; and
- (f) Ensure prompt, impartial and full investigations into all complaints and into all instances of deaths in custody, making results available to relatives of the deceased.

(...)

Systematic review of all places of detention

16. There are reports that there is no systematic review of all places of detention, by national or international monitors, and that regular and unannounced access to such places is not permitted.

The State party should consider setting up a national system to review all places of detention and cases of alleged abuses while in custody, ensuring that national and international monitors are granted permission to carry out regular, independent, unannounced and unrestricted visits to all places of detention. To that end, the State party should establish transparent administrative guidelines and criteria for access, and facilitate visits by independent national monitors and others such as the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Human Rights and independent non-governmental organizations. The State party should consider becoming party to the Optional Protocol to the Convention.

Impunity

17. There is an apparent lack of convictions under article 117 of the Criminal Code of public officials or others acting in an official capacity for acts of torture and ill-treatment and a very small number of convictions under domestic law for violations of the Convention, despite numerous allegations of torture and ill-treatment. Further, the Committee is concerned about the fact that acts of torture and ill-treatment in the years 1995 to 1999 were immunized from punishment by amnesty laws, thereby entrenching impunity of those responsible for torture, and a lack of reparation for the victims.

The State party should take effective legislative, administrative and judicial measures, such as the establishment of an independent body, to ensure that all allegations of acts of torture and ill-treatment by State agents are investigated, prosecuted and the perpetrators punished, including for acts of torture and ill-treatment that occurred during the years 1995 to 1999. In connection with prima facie cases of torture, the suspects should be subject to suspension or reassignment during the investigation.

(...)

Statements made as a result of torture

19. There is a reported failure of judges to dismiss or return cases for further investigation in instances where confessions were obtained as a result of torture, and numerous allegations of statements obtained as a result of torture being used as evidence in legal proceedings. This is facilitated by the absence of legislation expressly prohibiting the use of evidence obtained as a result of torture in legal proceedings.

The State party should review cases of convictions based solely on confessions in the period since Tajikistan became a party to the Convention, recognizing that many of these may have been based upon evidence obtained through torture or ill-treatment, and, as appropriate, provide prompt and impartial investigations and take appropriate remedial measures. The State party should provide to the Committee information on any jurisprudence that excludes statements obtained as a result of torture being admitted as evidence. In addition, the State party should revise its legislation to prohibit the use of evidence obtained as a result of torture in court proceedings.

(...)

25. The Committee requests the State party to provide, within one year, information on its response to the Committee's recommendations contained in paragraphs 7, 16, 17 and 19 above.

(...)
