



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the third periodic report of Tajikistan, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 63rd session held from 23 April to 18 May 2018, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/TJK/CO/3, para. 51) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 10, 18 and 46 of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 12 August 2021 providing your Government's response to the above-mentioned paragraphs (CAT/C/TJK/FCO/3) and to make the following comments:

Investigation of acts of torture (para. 10 of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding the responsibility lying with investigators of procuratorial agencies to investigate cases of torture under article 143 (1) of the Criminal Code of the Republic of Tajikistan, as well as the internal and procedural instructions such agencies follow. It also takes note of the information provided by the State party regarding the activities of the monitoring entities established under the Commissioner for Human Rights. The Committee regrets, however, that the State party's follow-up replies did not provide information on concrete steps taken to establish a separate and independent investigative mechanism or unit capable of carrying out effective criminal investigations of allegations of torture and ill-treatment committed by public officials.

.../...

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The Committee also takes note of the information provided by the State Party regarding the specific sentences handed down in 2018 to perpetrators under articles 143 (1) (3) (b) (Torture entailing serious consequences) and 358 (1) (Illegal detention or imprisonment) of the Criminal Code. It regrets, however, that the State party provided no additional information about cases that have not resulted in criminal prosecution, including *inter alia* the cases of Messrs. Umar Bobojonov and Djovijon Khakimov. Furthermore, the Committee remains concerned at reports that the existing investigative institutions in the State party, including local prosecutors' offices, remain unable to carry out their mandate effectively and impartially, owing to insufficient guarantees of independence (see '*Tajikistan: Joint NGO submission under the Committee against Torture's follow-up procedure*', pp. 5-9). Recalling paragraphs 9 and 10 of its concluding observations, the Committee urges the State party to investigate all incidents and allegations of torture and ill-treatment, prosecute perpetrators and publicize relevant facts of the investigations undertaken, as well as the outcome of prosecutions. (1/B2)

The enjoyment of fundamental legal safeguards (para. 18 of the Committee's concluding observations)

While taking note of the information provided by the State party, the Committee remains concerned at reports indicating that detainees lacked access to fundamental legal safeguards and were subjected to torture and other forms of ill-treatment during the period under review (see '*Tajikistan: Joint NGO submission...*', pp. 10-13). The Committee appreciates the information provided by the State party regarding internal regulations laid down under the Act on Conditions of Detention of Suspects, Accused Persons and Defendants, notably concerning the mandatory preventive medical examination of all new detainees within 24 hours after admission to a remand centre and other information related to the medical care of individuals placed in detention facilities. It also notes the information on the legal amendments introduced in 2016 aimed at strengthening procedural safeguards set out in the State party's domestic legislation and contributing to ensuring the observance of individuals' rights to information concerning their arrest, immediate communication with a close relative and access to a lawyer, as well as the mandatory registration in detention documents and the notification of the family. It regrets, however, that the State party's follow-up replies did not provide information on steps taken to guarantee the prompt appearance of detainees before a judge, as well as to reduce the period of pre-charge police custody. Furthermore, the Committee regrets that the follow-up replies did not include the results of the inspection and monitoring activities conducted to ensure compliance in practice with the obligation to respect fundamental legal safeguards and the rights of detainees (2/B2).

Hazing, ill-treatment and torture in the armed forces (para. 46 of the Committee's concluding observations)

The Committee takes note of the measures adopted by the State party to prevent and eliminate violence and abuse in the military and investigate cases reported to relevant authorities. However, it regrets not having received comprehensive information about disciplinary and/or criminal sanctions imposed on the offenders. The Committee also remains concerned by the lack of effective complaint mechanisms enabling victims or witnesses to report instances of torture or ill-treatment in the strictest confidentiality, notably as commanding officials and other military personnel can reportedly identify the conscripts resorting to telephone hotlines or complaint boxes via video surveillance. Moreover, while noting the information provided by the State party on the conduct of unannounced inspections and physical examination of conscripts, the Committee expresses its concern at reports that the Ombudsman and non-governmental



organisations were denied access to border troop units, draft commissions, military guardhouses, the Committee for Emergency Situations, the National Guard or convoy troops. It also appears that monitoring and other visits to military units ceased after Mr. Umed Bobozoda took up his functions as Ombudsperson in March 2019, and until at least March 2020. Lastly, while the Committee takes note of the plan drawn up by the Medical Department of the Ministry of Internal Affairs in order to provide medical and psychological support to the victims of hazing, torture or other forms of ill-treatment within military units, it regrets that the State party's follow-up replies provided no information regarding the compensation provided to the victims (2/B2).

Implementation plans (para. 60 of the Committee's concluding observations)

The Committee takes note of the adoption of the 2019-2022 National Action Plan on Implementation of the recommendations of the United Nations Committee against Torture on 24 January 2019, and would appreciate receiving a copy of this document (C).

The Government of Tajikistan is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern above cited. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the third periodic report of Tajikistan or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Tajikistan on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

Bakhtiyar Tuzmukhamedov
Rapporteur for Follow-up to Concluding Observations
Committee against Torture