



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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REFERENCE: Follow-up/CAT

9 October 2019

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the United Nations Committee against Torture, I refer to the examination of the third periodic report of Tajikistan (CAT/C/TJK/3) by this Committee, at its 63rd session, held from 23 April to 18 May 2018. At the end of that session, the Committee's concluding observations (CAT/C/TJK/CO/3) were transmitted to your Permanent Mission. In paragraph 51 of those concluding observations, the Committee requested, pursuant to its rules of procedure, that the State party provide, within one year, by 18 May 2019, further information regarding areas of particular concern identified by the Committee in paragraphs 10, 18 and 46. It also invited the State party to provide information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (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 (see, doc. CAT/C/55/3).

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 concluding observations. 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. A Word electronic version of the reply should be sent to the Secretariat of the Committee against Torture (cat@ohchr.org). Upon receipt of this information, the Committee will be able to assess whether further action is needed.

Accept, Excellency, the assurances of my highest consideration.

Abdelwahab Hani

Rapporteur for Follow-up to Concluding Observations
Committee against Torture

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**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/TJK/CO/3)

TAJIKISTAN

(...)

C. Principal subjects of concern and recommendations

(...)

Investigation of acts of torture

(...)

10. The State party should:

(a) Establish a separate investigative mechanism or unit that is capable of carrying out effective criminal investigations and prosecutions of allegations of torture and ill-treatment committed by public officials and which operates independently both of the authorities accused of having perpetrated the crimes and of the authorities responsible for prosecuting the person alleging torture;

(b) Promptly, effectively and impartially investigate all incidents and allegations of torture and ill-treatment, prosecute those who are found to be responsible and report publicly on the outcome of such prosecutions.

(...)

Fundamental legal safeguards

(...)

18. The State party should:

(a) Take effective measures to guarantee that all detained persons, including minors, are afforded in practice all the fundamental legal safeguards from the very outset of their deprivation of liberty, in accordance with international standards, including the safeguards mentioned in paragraphs 13 and 14 of the Committee's general comment No. 2 (2007) on the implementation of article 2. In particular, it should ensure that detainees have the following safeguards:

(i) To be informed about the charges against them and about their rights, both orally and in writing, in a language that they understand, and to sign a paper confirming that they have understood the information provided to them;

(ii) To have all periods of deprivation of liberty accurately recorded immediately after apprehension or arrest in a register at the place of detention, including for persons in administrative detention and those invited informally to police stations for "conversations" or as witnesses and who are subsequently detained without official status before official charges are brought against them, as well as in a central register of persons deprived of liberty, to have detention reports drawn up accordingly to prevent any cases of unrecorded detention, and to ensure access to the register of detainees by their respective lawyers and relatives;

(iii) To have prompt access to a lawyer from the very outset of deprivation of liberty, and, if necessary, to legal aid, including during the initial interrogation;

(iv) To receive a medical examination conducted confidentially by an independent doctor within 24 hours of arriving in a place of detention, and to have the right to request and receive, at any time, an independent medical examination. The State party should guarantee in practice the independence of doctors and other medical staff dealing with persons deprived of liberty, ensure that such staff duly document all signs and allegations of torture or ill-treatment, provide a copy of the results of the medical examination without delay to competent appropriate authorities for further investigation and make them available to the detained person concerned and his or her lawyer;

(v) To be able to notify a family member or any other person of their own choice of their detention immediately after apprehension and not only after seeing a judge;

(b) Bring all detained persons promptly before a judge, in line with international standards, and reduce the 72-hour period of pre-charge police custody;

(c) Start monitoring the effective implementation of these recommendations by collecting data on the performance of the police concerning the provision of fundamental safeguards to persons deprived of their liberty, including comprehensive data on cases in which police officers have been subjected to disciplinary or other measures for failing to respect such safeguards, and should provide this information in its next report to the Committee.

(...)

Hazing, ill-treatment and torture in the armed forces

(...)

46. The State party should:

(a) Reinforce measures to prohibit and eliminate violence and abuse, including sexual, physical and verbal abuse, in the military and ensure prompt, impartial and thorough investigation of all allegations of hazing, ill-treatment or torture in the military, and establish the liability of direct perpetrators and those

in the chain of command, and prosecute and punish those responsible with penalties that are consistent with the gravity of the act committed;

(b) Ensure that servicemen can submit complaints confidentially in order to protect them from reprisals and that their complaints are promptly passed on to the military prosecutors' offices for investigation;

(c) Ensure access for the Ombudsman and the Monitoring Group to carry out unannounced monitoring visits to all military units and conduct confidential interviews with conscripts;

(d) Provide redress and rehabilitation to victims, including through appropriate medical and psychological assistance, in accordance with the Committee's general comment No. 3.

(...)

Follow-up procedure

51. The Committee requests the State party to provide, by 18 May 2019, information on follow-up to the Committee's recommendations on investigating acts of torture, the enjoyment of fundamental legal safeguards, and hazing, ill-treatment and torture in the armed forces (see paras. 10, 18 and 46 above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the concluding observations.

(...)
