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TAJIKISTAN

Republic of Tajikistan

Head of state: Emomali Rahmon

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Torture and other ill-treatment remained widespread and impunity for perpetrators continued. There was no access to detention facilities for independent monitoring bodies. Freedom of expression was still under attack, despite some liberalization in the law.

Background

In July, clashes between government and armed groups took place in Khorog, Gorno-Badakhshan Autonomous Region (GBAO). In some of the most intense fighting since the end of the 1992-1997 civil war, unofficial reports said some 150 people including soldiers and civilians were killed during a government military operation launched against forces loyal to the deputy commander of the Ishkashim border unit, former opposition leader in the civil war Tolib Ayombekov.

Torture and other ill-treatment

In March, the government stated its intention to implement recommendations from the UN Human Rights Council's Universal Periodic Review, such as ensuring detainees access to legal and medical assistance when in custody. In April, the Criminal Code was amended to include torture as a criminal offence. In June, the Supreme Court provided guidelines for judges in cases of alleged or suspected torture or other ill-treatment; and the General Prosecutor's Office drafted recommendations for prosecutors on investigation of torture cases.

Despite these positive developments, reports of torture and other ill-treatment continued. The UN Special Rapporteur on torture and the UN Committee against Torture both published their findings. After his visit in May, the UN Special Rapporteur stated that torture and other ill-treatment "happens often... in a wide variety of settings".

In November, the UN Committee against Torture noted "numerous and consistent allegations ... of routine use of torture and ill-treatment of suspects, principally to extract confessions ... primarily during the first hours of interrogation in police custody as well as in temporary and pre-trial detention facilities run by the State Committee of National Security (SCNS) and the Department for the Fight against Organized Crime."

Children, elderly people and witnesses in criminal cases reported instances of torture and other ill-treatment. Torture methods included the use of electric shocks, boiling water, suffocation, beatings, and burning with cigarettes. There were reports of rape and threats of rape in relation to female and male detainees, as well as psychological torture.

Most instances of torture and other ill-treatment occurred before the suspect was registered at a police station. Suspects were not informed of their rights (to see a lawyer, to notify family or to remain silent) until the detention was registered. This should happen within three hours of being taken to a police station, but in practice often happened much later. There were cases of incommunicado detention for several days or even weeks before registration.

* Sherik Karamhudoev, head of the opposition group the Islamic Renaissance Party in Khorog, GBAO, disappeared on 24 July during the clashes. His whereabouts were only made known to his family on 8 August, and he was not allowed to see his defence lawyers for nearly two months. He was reportedly tortured while in the SCNS detention centre in Dushanbe. He was charged with organizing a criminal group and illegal possession of firearms.

Detainees were routinely interrogated without a lawyer and some lawyers were unable to see their clients for several days, despite legal provisions ensuring the right of detainees to see a lawyer from the time the detention is registered.

People accused of involvement in banned Islamic movements and Islamist groups or parties were usually detained by the Interior Ministry and the SCNS. They were at particular risk of torture

and other ill-treatment and access to their defence lawyers was limited or denied. Their lawyers also had inadequate access to case materials against their clients.

There were reports of people being abducted by Tajikistani security forces outside their territory and being forcibly returned to Tajikistan. In several cases, the authorities based extradition requests for people they alleged to be members of banned Islamic groups or Islamist parties on unreliable or incomplete information. The individuals said they were tortured after their return.

* In April, 27-year-old Savriddin Dzhurayev was sentenced to 26 years in prison after being convicted of plotting to overthrow constitutional order “in the period around 1992”, when he was seven years old. He had fled to Russia in 2006 and his extradition was requested by Tajikistan in 2009. He was given temporary asylum status in Russia in August 2011. The European Court of Human Rights had instructed Russia not to extradite while it examined his case, but in October 2011 he was abducted in Moscow by unidentified men speaking Tajikistani and forcibly returned to Tajikistan. He told his lawyers he was subjected to ill-treatment in detention in Khujand and had been interrogated without a lawyer.

In November, the UN Committee against Torture urged Tajikistan to “cease the practice of abducting and forcibly returning individuals to Tajikistan from other States and subsequently holding them in incommunicado detention, and ensure that they are not subjected to acts of torture and ill-treatment”.

Lack of accountability

A general climate of impunity persisted. Although – for the first time – a police inspector was found guilty of torture in the case of a 17-year-old boy in Khatlon region and sentenced to seven years’ imprisonment in September, and a second officer was sentenced to one year for the crime of torture in December, in other cases, law enforcement officials sentenced for “exceeding official authority” were released early, under the 2011 Law on Amnesties. For example, in July, the Dushanbe Prosecutor’s Office ruled to end the criminal investigations against two police officers allegedly responsible for the death in custody of Safarali Sangov in March 2011 and they were amnestied.

Despite the Criminal Procedural Code stating that evidence obtained through torture should be excluded from court, there were no cases in the year where judges implemented exclusionary measures.

Victims of torture and their relatives reported they were afraid to lodge complaints with Prosecutor’s offices for fear of reprisals.

The authorities denied access to detention facilities for independent monitors, including the ICRC and local NGOs.

Judges at remand hearings regularly disregarded allegations of torture and other ill-treatment by detainees, referring detainees to the prosecutor to lodge a complaint.

During investigations into allegations of torture and other ill-treatment, victims and their families were not given regular updates or access to case materials. In May, the Constitutional Court upheld the General Prosecutor’s decision to limit access for the victims of human rights violations to evidence against the alleged perpetrators.

Prosecutors’ offices routinely did not disclose information about how the complaints were examined or the grounds for their rulings that there was no evidence of wrongdoing by officials. Delays by the prosecutor in demanding medical examinations on alleged victims of torture or other ill-treatment meant that physical traces had disappeared.

Deaths in custody

The authorities failed to protect the lives of people in custody. Deaths in custody were not investigated effectively and officials were rarely punished.

* In September, 27-year-old Hamza Ikromzoda died in prison, allegedly after torture. In October, a forensic examination concluded that he had committed suicide. Former cellmates who alleged witnessing his death were reportedly subjected to torture and other ill-treatment in prisons in Dushanbe and Khujand.

Freedom of expression

On 2 August, the Criminal Code was amended to decriminalize libel, although penalties remained for insulting the President. However, there were continuing reports of government attempts to restrict the right to freedom of expression of human rights activists, lawyers, medical experts and journalists.

In October, Khujand city court ruled to shut down Amparo, a human rights organization monitoring abuses in the army, allegedly for administrative violations. Human rights activists believed the decision was politically motivated and that the charges against Amparo were unsubstantiated.

Violence against women

A law on the prevention of domestic violence was finally adopted in December, eight years after its first reading in Parliament.

Amnesty International visits/reports

Amnesty International delegates visited Tajikistan in June.

* Shattered lives: Torture and other ill-treatment in Tajikistan (EUR 60/004/2012)

* Tajikistan: Dissenting campaign groups should not be silenced (PRE01/579/2012)