



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

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List of issues prepared by the Committee to be considered in connection with the consideration of the second periodic report of Tajikistan (CAT/C/TJK/2)

Articles 1 and 4

1. With reference to the Committee's previous recommendations (CAT/C/TJK/CO/1), please indicate whether the amendment to article 143 of the Criminal Code provides for a definition of torture and legal punishment for acts thereof in compliance with the Committee's previous recommendation to bring domestic legislation in line with article 1 of the Convention, by covering all the purposes of torture contained therein, and ensuring that acts of torture by State agents, including the acts of attempting to torture and complicity therein, ordering or participating in torture, are criminal offences (para. 5).¹ Recalling that penalties of five years imprisonment or less are not commensurate with the gravity of the crime of torture,² The Committee requests the State party to explain the steps taken to ensure that the penalties envisaged under article 143 of the Criminal Code are commensurate with the gravity of the offences of torture, in accordance with article 4 of the Convention.

2. Please explain what measures have been taken to prevent impunity and disproportionate commutation of sentences under the 2011 Law on Amnesty for those accused or convicted of the use of torture. More specifically, please comment on the effect of the 2011 Law on Amnesty on three police officers detained, charged and convicted for involvement in the June 2011 death in custody of Ismoil Bachajonov, namely, L. Davlatov, convicted under article 322 of the Criminal Code, sentenced to three years' imprisonment, but reportedly released; R. Rahmonov and U. Ibrohimov, convicted under articles 110 and 316 of the Criminal Code, with sentences reportedly reduced from eight to six years.

3. Please inform the Committee whether the Convention can be invoked directly in the domestic legal order of Tajikistan (that is, whether it is self-executing). If so, please provide the Committee with examples of direct application of the Convention before domestic judicial and administrative bodies.

¹ Unless otherwise indicated, paragraph numbers in brackets refer to the previous conclusions and recommendations adopted by the Committee and published under the symbol CAT/C/TJK/CO/1.

² See, for example CAT/C/LIE/CO/3, para. 8..

Article 2³

4. In light of the Committee's previous recommendations, please describe measures taken to ensure basic legal guarantees to all detainees from the moment of their arrest, including the right to contact family members and to contact and have access to a defence lawyer and an independent medical doctor (para. 7). Please comment on reports that a detainee's access to a lawyer is conditional on special permission received from the investigator, pursuant to the internal decree implementing the Law on Order and Conditions for Detention of Suspects, Accused Persons and Persons on Trial. Please indicate the measures in place to monitor the implementation of the relevant regulations and to ensure that specified procedures are followed in all cases in all places of detention, and provide data on any disciplinary measures taken against law enforcement officers for failure to provide these safeguards. Please also comment on the following specific cases:

(a) Urunboy Usmonov, a journalist who was allegedly denied access to an attorney for a week following his detention by police on 13 June 2011 and compelled, under torture, to sign a statement waiving his right to representation by a lawyer;

(b) Makhmadyusuf Ismoilov, a journalist who was allegedly denied access to an attorney from the date of his detention on 23 November 2010 until 18 February 2011 and compelled, under duress, to sign a statement waiving his right to representation by a lawyer;

(c) Ilhom Ismonov, who has reportedly alleged that he was not permitted to see his lawyer from the time of his detention by police of the Sixth Department in Khujand on 3 November, 2010 until his first remand hearing, nine days later, on 12 November 2010, during which time he alleged that he was subjected to torture. Please also comment on the State party's response, if any, to the two urgent appeals on his behalf by the Special Rapporteur on the independence of judges and lawyers as well as other Special Rapporteurs;⁴

(d) Nematillo Botakuziev, a human rights defender of Kyrgyz nationality who was reportedly held incommunicado by the Tajik State Committee for National Security and denied access to his attorney from his detention on 27 February 2010 until at least late March 2010. Please also comment on the State party's response, if any, to the urgent appeal on his behalf by the Special Rapporteur on the independence of judges and lawyers as well as other Special Rapporteurs.⁵

(e) Abdumqit Vohidov and Ruhniddin Sharopov, who allege that from the date of their detention in March 2007 to the commencement of their trial in August 2007, they were denied access to an attorney, that their families were not notified of their whereabouts until late April, and that they were tortured in custody.

5. Please indicate measures taken by the State party to establish registers of detainees at each place of custody, indicating the names of each person detained, the time and date at which lawyers, doctors and family members were notified about the person's detention, and

³ The issues raised under article 2 could also involve other articles of the Convention, including but not limited to article 16. General comment No. 2 (2007), paragraph 3, states that "the obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. [...] In practice, the definitional threshold between ill-treatment and torture is often not clear." See further chap. V of the same general comment.

⁴ See A/HRC/17/30/Add.1, paras. 1210-1217 and 1219-1223.

⁵ Ibid., paras. 1199-1207.

the date and results of any independent medical examinations. Please indicate whether said registers are accessible by the detainees and their lawyers (para. 7). Please also indicate whether the legislation in force requires registers to include the full identity of all arresting officers, and whether all investigating officers and arresting officers involved in a case are required to sign the register. Please indicate the measures in place to monitor the implementation of the relevant regulations and to ensure that specified procedures are followed in all cases in all places of detention. Please provide data on any disciplinary measures taken against law enforcement officers for failure to properly maintain detainee registration records. Please indicate what steps the State party has taken to prevent the reported practice of police initially placing detained persons in irregular areas, such as investigators' offices or police department duty stations, in order to prevent prompt registration of their detention.

6. Please provide an update on the steps taken by the State party to establish a health service independent of the Ministries of Internal Affairs and of Justice to conduct examinations of detainees on arrest and release, routinely and at their request, alone or together with an appropriate independent body with forensic expertise (para. 7).

7. Given the State party's statement that initial detention may not last longer than 72 hours from the time of arrest (CAT/C/TJK/2, para. 52), please inform about the measures to ensure that detainees are brought before a judge immediately after their arrest, and indicate how the commencement of the 72-hour period is registered. Please also comment on the case of Ilhom Ismonov who was allegedly held by police for nine days prior to being brought before a judge following his arrest on November 3, 2010.

8. The Committee understands that whereas previously the State party's legislation permitted pretrial detention for up to 15 months, the new Code of Criminal Procedure has extended the permissible period for pretrial detention to 18 months in cases of "serious or grievous crimes" (CAT/C/TJK/2, para. 59). Please indicate what measures the State party is taking to shorten the current pretrial detention period (*doznanie*) (para. 7) and to ensure independent judicial oversight separate from the General Procurator's Office of the period and conditions of pretrial detentions, including that imposed by the Ministry of Security (para. 7).

9. Referring to the State party's information that a court may exclude participation of the legal representative of an under-age defendant (CAT/C/TJK/2, para. 88), please clarify under what conditions and at which stage of the proceedings juvenile offenders are guaranteed access to a legal counsel of their choice. Please indicate if juvenile detainees are allowed private interviews with a court-appointed legal counsel.

10. Please indicate what steps the State party is taking to ensure that police stations, cells and interrogation rooms are monitored in order to prevent torture and ill-treatment. If such monitoring currently takes place, please indicate whether it is undertaken routinely or at the discretion of supervising officers.

11. Please explain if the mandate of the Human Rights Commissioner has been established in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134, annex). Does the office have sufficient human, material and financial resources to carry out its mandate throughout the country independently and effectively? What challenges does it face in accessing specific places of detention?

12. Please provide updated information, including statistics, on the number of complaints, investigations, prosecutions and convictions, including criminal and disciplinary sentences, related to acts of torture and ill-treatment allegedly committed by law enforcement personnel during the reporting period, disaggregated by gender, ethnic group, geographical region and type and location of place of deprivation of liberty. Please

specify which provisions of the Criminal Code were violated in each case where an individual was convicted and the sentence imposed. The Committee notes that Tajik Prosecutor-General, Sherkhon Salimzoda, had stated during the universal periodic review of Tajikistan (October 2011), that in 2010 and over the first eight months of 2011, 70 complaints of torture, beating and abuse of power were filed against the Tajik police and security personnel, and that internal investigations had concluded that 16 complaints were justified. Please elaborate on the allegations made in these complaints, the status of any ongoing investigations, the reasons why the complaints that did not proceed to trial were found to be without merit, and the results of any criminal proceedings, as well as the articles of the Criminal Code evoked, and the length of any sentence.

13. Please inform the Committee of measures taken by the State party to address violence against women, in the family and in society.

(a) What steps have been taken to appropriately criminalize acts of domestic violence and to ensure that all cases of violence against women are swiftly prosecuted and punished and that their victims receive redress and compensation? With reference to the State party's assertion that the Executive Office of the President of Tajikistan was, at the time of reporting, examining and revising a draft Act on "social and legal protection against domestic violence" (CAT/C/TJK/2, para. 31), which has been under discussion since 2009, but has yet to be passed, please provide information regarding the substantive content of that bill and any remaining obstacles preventing its passage into law;

(b) Please provide comprehensive statistics on cases of domestic violence during the reporting period, disaggregated by sex, and indicating the relationship between the victim and the perpetrator, if any. If such statistics are not available, please indicate steps the State party is taking to collect and publish such information;

(c) Please provide information about the efforts to ensure that female victims of violence have immediate protection, including the possibility of expelling the perpetrator from the home, effective recourse to a shelter and access to free legal aid and psychosocial counselling. Please describe any allocations made by the Government (either financial or in-kind) to support the operation of shelters for victims of domestic violence or campaigns to raise awareness about domestic violence;

(d) Please also provide information about training programmes on domestic and sexual violence for law enforcement personnel (para. 8).

14. Regarding trafficking in women and girls, please inform the Committee about the measures to guarantee free legal aid and the provision of shelter and compensation to victims of trafficking, as well as safety and protection of relevant witnesses. Please provide statistical data on the victims of trafficking, and indicate what assistance has been extended to the 35 victims of trafficking who were returned to Tajikistan in 2007 from other countries (CAT/C/TJK/2, para. 68). Please describe in detail any formal, systematic procedure in place for identifying victims of human trafficking and referring them to sources of assistance. If no such procedure exists, please indicate the steps that the State party is taking to develop one. Please also describe any allocations made by the Government (either financial or in-kind) to support the operation of shelters for victims of human trafficking or campaigns to raise awareness about human trafficking. Please indicate whether any school administrators have been prosecuted for the alleged use of forced child labour in the cotton harvest, and what steps the State party is taking to prevent the use of forced child labour.

15. Regarding the functioning of the judiciary, please indicate any measures undertaken to strengthen the independence of the judiciary and to provide specific training on the prohibition of torture and ill-treatment and the requirements of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to judges and

prosecutors. Please specifically indicate which authorities are responsible for hiring and releasing judges under the legislation currently in force. Please indicate whether the State party is taking steps to transfer authority for the administration, discipline and transfer of judges from the Council of Justice, which is within the Executive branch, to an independent authority.

16. Please indicate the measures taken by the State party to ensure, in practice, that, hazing, torture and ill-treatment are prohibited in the military among conscripts and officers. Please provide statistics regarding the number of deaths of active-duty military personnel during the reporting period. Please provide data on the number of complaints of hazing, torture and ill-treatment perpetrated by military personnel against conscripts that have been submitted to the authorities during the reporting period, how many of these have been investigated, the outcome of each investigation, how many have resulted in disciplinary measures or criminal proceedings, the nature of any disciplinary or criminal sanctions, and the rank of those punished. If such information is not available, please describe the Government's plan to collect and report such information in the future.

17. Has there been any progress with regard to considering the ratification of the Optional Protocol to the Convention, subsequent to the universal periodic review of Tajikistan in October 2011, during which Tajikistan stated that it would consider the ratification of the Optional Protocol and report back to the Human Rights Council by March 2012 (A/HRC/19/3, para. 90). Please provide information on any steps taken by the State party to designate an effective national preventive mechanism, in consultation with all relevant actors, including civil society, and the expected timeline for the process.

Article 3

18. Please provide data reflecting all requests for extradition received by the State party during the reporting period, disaggregated by requesting State. Please also provide detailed information on all cases of extradition, return or expulsion that have taken place since the previous report, indicating all countries to which individuals have been returned. Please indicate whether in any case during that period, the State party requested diplomatic assurances or guarantees. If diplomatic assurances or guarantees were obtained, please inform of the State party's minimum requirements for such assurances or guarantees, indicate any follow-up action taken in cases where these were used, and information on the enforceability of the assurances or guarantees given.

19. Please indicate whether Tajikistan considers that diplomatic assurances can be relied on to expel, return or extradite a person to a State where there are substantial grounds for believing that the person would be in danger of being subjected to torture. Please comment on the extradition to Kyrgyzstan on 23 May 2010 of Nematillo Botakuziev, in disregard of the urgent appeal sent on his behalf by the Special Rapporteur on the independence of judges and lawyers together with other Special Rapporteurs, stating their concern that if extradited to Kyrgyzstan, Nematillo Botakuziev would face a "serious risk of being ill-treated" and would likely "not be afforded a fair trial" (A/HRC/17/30/Add.1, paras. 1206-1208). Please describe any follow-up actions taken by the Government of Tajikistan to ensure that Nematillo Botakuziev was not ill-treated subsequent to his extradition to Kyrgyzstan.

20. Please provide data, disaggregated by age, sex and nationality, collected during the reporting period with regard to:

- (a) The number of requests for asylum, and indicate the country of origin of the applicant;
- (b) The number of asylum requests granted, and indicate the country of origin of the applicant;

(c) The number of applicants whose requests were granted because they had been tortured in or because of a real personal risk of torture if they were to be returned to their country of origin; recent examples of any decisions in this regard would be useful.

21. Please specifically indicate whether the State party has awarded asylum to any person from countries in the Commonwealth of Independent States during the reporting period.

22. With reference to the State party's assertion in its periodic report that under article 14 of its Law on Refugees, asylum seekers "may not, against their will, be returned or sent to a State where their life or freedom will be at risk as a result of persecution on racial or religious grounds or because of their citizenship, membership or a social group or political views" (CAT/C/TJK/2, para.135), please comment on the statutory exception to this rule whereby such protection is refused to refugees considered to be a "national security threat or definitively convicted for the commission of a grievous crime and representing a public danger in the host country." Please indicate who is responsible for making these determinations, what constitutes a "national security threat" or a "grievous crime" and according to what criteria such case-by-case assessments are made. Please provide data on the number of instances in which this exception has been invoked during the reporting period with regard to the risk of torture or ill-treatment under the Convention, indicating the names of the persons and the countries involved.

23. Please clarify if the Law on Refugees provides for identification at the earliest stage of asylum-seekers who may have been subjected to torture or ill-treatment, and what steps have been taken to ensure medical and psychological assistance and care to those individuals, as well as free legal aid to facilitate the application procedure. Please describe any actions taken by the Government of Tajikistan to address the lack of temporary shelter facilities for asylum seekers (CAT/C/TJK/2, para. 134).

Articles 5 to 9

24. Please indicate whether the State party has rejected any request for extradition by another State of an individual suspected of having committed an offence of torture, and whether it has started its own prosecution proceedings, since the consideration of the previous report. If so, please provide information on the status and outcome of such proceedings.

25. Please provide information on whether the State party has extradited offenders suspected of having committed acts of torture in accordance with articles 5 and 8 of the Convention.

26. Please provide information on judicial assistance and cooperation with neighbouring countries in connection with criminal proceedings in respect of any of the offences referred to in article 4 of the Convention, including the supply of all available evidence necessary for the proceedings.

Article 10

27. Please inform the Committee of the measures taken to educate and train public official on the prevention of torture or ill-treatment, with particular focus on the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

28. Please provide information on efforts to combat excessive use of force and ill-treatment by the police, including initial and ongoing training on the Convention and its Optional Protocol, international human rights law and other standards relevant to their

work, including the United Nations Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms By Law Enforcement Officials.

29. Please inform the Committee whether all professionals who are directly involved in the process of documenting and investigating torture, as well as medical personnel and other officials involved with detainees, are trained on the provisions of the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), and on the result of such training. Please also indicate whether the Istanbul Protocol is used in procedures to determine asylum.

Article 11

30. Please describe the mechanisms in place to ensure prompt, impartial and full investigations into all complaints and all instances of death in custody, and indicate whether the results of all investigations are made available to relatives of the deceased, as requested in the Committee's previous recommendations (para. 7 (f)). Please provide data on all deaths in custody that occurred during the reporting period, disaggregated by detention facility. Please also provide data indicating the time that elapsed between the alleged commission of the acts amounting to violations of the Convention and the commencement of criminal proceedings, as indicated by the State party (see CAT/C/TJK/2, para. 42), and indicate the steps taken by the State party to reduce unjustified delays in investigations into allegations of torture or ill-treatment. Please also comment on the status of the investigations into the following cases of death in custody:

(a) Bahromiddin Shodiev, who died 10 days after sustaining serious injuries at the Shohmansur district police office, following his detention on suspicion of theft on 19 October 2011, and whose wounds officials initially claimed were self-inflicted. Please describe the conclusions of the official investigation into Mr. Shodiev's death, indicate whether Mr. Shodiev's family has been informed of the outcome of the investigation, what disciplinary and criminal actions, if any, have been taken against the officers involved, and whether Mr. Shodiev's family has received compensation;

(b) Safarali Sangov, who died several days after sustaining serious injuries in custody, following his arrest by Sino District plain clothes police officers on 1 March 2011, and whose wounds officials initially claimed were self-inflicted. Please describe the conclusions of the official investigation into Mr. Sangov's death, indicate whether Mr. Sangov's family has been informed of the outcome of the investigation, what disciplinary and criminal actions, if any, have been taken against the officers involved, and whether Mr. Sangov's family has received compensation;

(c) Alovuddin Davlatov (as known as Ali Bedaki), who died in police custody on 4 January 2011, and who officials initially claimed was killed in a shootout between the authorities and militants led by Mr. Davlatov, then later claimed that he was wounded in a confrontation with authorities and died on the way to a hospital, following the online dissemination of video footage appearing to depict Mr. Davlatov alive and in the custody of authorities prior to his death;

(d) Usman Boboev, who died in custody in March 2010, following his arrest in February 2010, and whose family has reportedly been denied information about the investigation by the Prosecutor General's office, on the grounds that the investigation is still in progress, and that they are therefore not entitled to such information under article 42, paragraph 2.8 of the Code of Criminal Procedure. Please provide the Committee with information on any progress made in this investigation since June 2010, and indicate steps the State party is taking to ensure that information regarding investigations into deaths in

custody are made available to the deceased's relatives promptly – in this case specifically, as well as generally in all cases;

(e) Khurshed Bobokalonov, who died on 27 June 2009 after being detained by police in Dushanbe.

31. Please indicate whether the Human Rights Commissioner is empowered to undertake unrestricted monitoring of all places of detention (CAT/C/TJK/2, para. 10), and describe any other existing mechanisms which monitor places of detention in Tajikistan as well as the scope of their authority to do so. Please provide data indicating the number of visits the Human Rights Commissioner has made to places of detention, indicating the name and type of place of detention, during the reporting period. Please indicate what steps the Human Rights Commissioner has taken as a result of these visits, and whether any procedures or practices were changed or investigations into potential misconduct initiated in response to actions taken by the Human Rights Commissioner. Please also provide data on the number and type of visits made by other existing monitoring mechanisms, such as the Office of the Procurator General, to places of detention, and any available data on steps taken by these mechanisms in response to the visits. In light of the Committee's previous recommendations, please explain if independent international and national non-governmental organizations including the International Committee of the Red Cross and civil society groups, have been given unrestricted access to places of deprivation of liberty, and indicate the dates on which visits have taken place and the place of detention visited (para. 16).

32. Please provide information on the quantity, location, capacity and population of prisons and other detention facilities in the country, disaggregated by the type of establishment. If the State party classifies all or part of the requested information as "state secrets," please explain the justification for this designation. Please provide information on any plans to achieve the State party's goal of reducing the number of inmates per facility, and any steps taken to implement such plans (CAT/C/TJK/2, para. 171). Please provide information about any actions the Government has taken to put in place a system for the strict isolation of patients suffering from contagious diseases (CAT/C/TJK/2, para. 178) and to improve medical and health care in detention facilities. Please describe actions taken by the government to address the transmission of HIV and tuberculosis within detention facilities. Please respond to information the Committee has received that persons in detention have been denied adequate medical treatment, including Ilhom Ismonov, who alleges that he was tortured in detention following his detention by Khujand City police on 3 November 2010, and that he was denied adequate medical treatment for his injuries, including painkillers and treatment for a serious respiratory disease, on the grounds that the detention centre lacked the equipment to perform the procedures required and that the victim's family was responsible for providing any necessary medication. Please indicate what steps the State party is taking to ensure that all persons in detention receive necessary medical care at the expense of the State.

Articles 12 and 13

33. Please inform the Committee of any measures taken to establish a fully independent complaints mechanism, outside the Procurator General's Office, for persons who are held in official custody, and indicate if the legislation has been amended so that there is no statute of limitation for registering complaints against acts of torture (para. 18).

34. Please provide information on the extent to which the State party ensures that complaints of torture and ill-treatment may be filed confidentially and ensures protection against reprisals for persons who report torture and ill-treatment to the authorities, victims of such acts, as well as their families and attorneys. Please indicate whether the State party has taken any disciplinary measure or initiated criminal prosecution against an official for

intimidating, threatening or otherwise retaliating against victims of torture or members of their families during the reporting period.

35. Please describe the measures, if any, to improve mechanisms to facilitate the filing of complaints by victims of torture and ill-treatment with public authorities, including obtaining medical evidence in support of their allegations and any steps to enable victims to receive fair and adequate compensation in a timely manner, including for cases between 1995 to 1999 that have been or should have been included in the previous report (para. 18).

36. Please provide information on the mandate of the Human Rights Commissioner with regard to the Convention, the number of complaints received related to violations of the provisions of the Convention, the allegations made in those complaints, the actions taken by the Human Rights Commissioner in response thereto and their outcome (CAT/C/TJK/2, para. 119).

37. Please indicate whether prompt, independent, impartial and thorough investigations have been conducted in any case where there is reason to believe ill-treatment may have occurred, and to bring to trial all persons responsible for such offences. Please describe any effective legislative, administrative and judicial measures, such as the establishment of an independent body, that have been taken 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 from 1995 to 1999. Please explain whether, in connection with prima facie cases of torture, the suspects have been suspended during the investigation, as previously recommended by the Committee (para. 17). Please also comment on the following specific cases:

(a) Urunboy Usmonov, a correspondent for the BBC, who was allegedly beaten and burned with cigarettes by officers of the State National Committee for Security (SNCS), following his detention on 13 June 2011;

(b) Siyavush Ahmad and Bobojon Dostiev, the teenage sons of journalists who had written articles in the past criticizing the police, who allege that they were beaten by police during temporary detention, following a soccer game on 7 June 2011. Please explain the progress of and/or outcome of their lawsuit against the police involved in the incident and any official investigation into the incident;

(c) Ilhom Ismonov, who alleges that he was subjected to torture following his detention by Khujand City police on 3 November 2010;

(d) Nematillo Botakuziev, a Kyrgyz human rights defender, who was allegedly repeatedly beaten and denied necessary medical treatment while in detention, following his apprehension on 26 February 2010 (see A/HRC/17/30/Add.1, para. 1202);

(e) Abdumqit Vohidov and Ruhniddin Sharopov, who allege that they were tortured by law enforcement officers, following their detention by Tajik authorities, upon their return to Tajikistan from Guantanamo Bay in March 2007.

Article 14

38. Please provide information on the legal provisions in place to ensure fair and adequate redress for all victims of torture and ill-treatment. Please indicate whether individuals who allege that they have been subjected to torture or ill-treatment may seek compensation and other forms of redress, even in the absence of a criminal conviction of the alleged perpetrator(s). Please provide comprehensive data on the amount of compensation or other redress awarded by courts or other bodies to victims of torture during the reporting period. Please also inform the Committee about whether any programmes or services for rehabilitation are available and accessible to victims of torture and ill-treatment, and provide information on the number of victims of torture that have

accessed such programs during the reporting period, and also indicate the governmental resources (financial or in-kind) allocated to support such programmes or services. Please provide information on any compensation and rehabilitation provided to victims of torture or ill-treatment from 1995 to 1999; as well as on the status of the request for compensation made to the Prosecutor General in May 2011 by Mirzokhon Karimov. Two police officers were convicted of “malfeasance” for severely beating Mirzokhon Karimov during his detention in June 2009, and a forensic medical examination found that he had incurred a “closed-skull brain injury;” Karimov reportedly received no reply to his request for compensation.

39. Please indicate whether the 2011 Law on Amnesty stipulates statutory limitations, amnesties or prescriptions that would exclude or limit the right to a remedy for a victim of torture or ill-treatment under article 14 of the Convention.

40. Please indicate if the family of any conscript found to have been the victim of torture or ill-treatment has received compensation during the reporting period, and the amount thereof.

Article 15

41. In the light of the Committee’s previous concluding observations, please elaborate on the measures taken to review cases in which individuals were convicted of crimes solely on the basis of a confession, in the period since Tajikistan became party to the Convention. Please indicate whether article 88, paragraph 3 of the Code of Criminal Procedure, which the Committee understands would bar the use of evidence obtained through torture in criminal proceedings, has been applied in any case to date (para. 19). Please indicate the number of cases in which judges have ordered a criminal investigation into alleged torture or ill-treatment on the basis of a complaint by a defendant in criminal proceedings that he was subjected to torture or ill-treatment by the police for the purpose of obtaining a confession. Please describe what steps the Government has taken to ensure that article 88, paragraph 3 of the Code of Criminal Procedure is applied by courts in practice. Please also comment on the case of Ilhom Ismonov, who allegedly offered, during his first court hearing on 12 November 2010, to show the judge evidence of torture on his body. Despite this, the judge reportedly told Mr. Ismonov’s attorney to direct his client’s allegations to the police and disregarded them during the proceedings.

Article 16

42. Please describe the procedure by which a deceased conscript’s family may access documents relevant to an investigation. Please also inform the Committee of the steps the State party is taking to effectively prohibit forced conscription, whether any individuals were investigated and prosecuted for forced conscription during the reporting period, and what sentences were handed down, if any. Please also comment on the following cases, providing information on any investigation into the allegations:

(a) Anvarjon Muhammadjonov, a military conscript who died while serving with his unit and whose body allegedly showed signs of beatings, in contrast to the official report, which stated that the cause of death was exposure to electricity;

(b) Jurabek Hollov, who alleges that he was forcibly detained at a recruitment centre while he was on his way to university and held there incommunicado for five days, with no means of contacting friends or family.

43. Please indicate the measures the State party is taking to conduct prompt and impartial investigation into allegations of violence, harassment, arbitrary arrest, and torture, cruel, inhuman or degrading treatment against journalists and human rights defenders, and to prosecute and punish perpetrators. Please comment on the following cases:

(a) Khariullo Mirsaidov, a journalist against whom a criminal prosecution in the Supreme Court of Tajikistan was initiated in March 2012 by a Government official in the Internal Affairs Division of Isfara, allegedly in retaliation for Mirsaidov's publication of investigative reporting of torture by Government officials in detention facilities;

(b) Urunboy Usmonov, a correspondent with the BBC Central Asian Service, who was detained by officers of the SNCS on 13 June 2011 for meeting and interviewing several of members of Hizb-ut-Tahrir in relation to an assignment and not reporting his activities to the authorities; he was allegedly subjected to torture by authorities while in detention and convicted of charges against him in court.

(c) Hikmatullo Saifullozoda, Editor-in-Chief of an opposition newspaper, who was severely beaten outside his home in Dushanbe in February 2011, an act for which no one reportedly has been held accountable to date;

(d) Makhmadyusuf Ismoilov, a reporter for the weekly publication *Nuri Zindagi*, who was arrested and prosecuted for libel in November 2010 for publishing an article that criticized Government and law enforcement officials in Asht district for alleged corruption, abuse of office and mismanagement of funds; he was held in solitary confinement for nearly a year, banned from practising journalism for three years, convicted and fined in October 2011

44. What steps has the State party taken to abolish the death penalty in law and in practice (A/HRC/19/3, para. 90.22)?

45. What steps has the State party taken to prohibit corporal punishment of children in educational facilities, alternative care settings and in private, as recommended by the Committee on the Rights of the Child and the Human Rights Committee?

Other issues

46. Pursuant to the request of 25 April 2008 by the Rapporteur for Follow-up on concluding observations, please inform the Committee about the comprehensive measures taken in relation to specific concerns listed in paragraphs 7, 16, 17 and 19 of its concluding observations (CAT/C/TJK/CO/1) following the consideration of the initial report of Tajikistan.

47. Please also indicate if the State party envisages making the declarations under articles 21 and 22 of the Convention.
