



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

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Committee against Torture

**Information received from Tajikistan on follow-up
to the concluding observations on its third
periodic report***

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* The present document is being issued without formal editing.



Interim information on implementation of the recommendations contained in paragraphs 10, 18 and 46 of the concluding observations on the third periodic report of Tajikistan (CAT/C/TJK/CO/3)

I. Introduction

1. The Committee against Torture considered the third periodic report of Tajikistan (CAT/C/TJK/3) at its 1663rd and 1636th meetings, held on 4 and 7 May 2018, and during its 1645th and 1646th meetings, held on 14 May 2018, and made recommendations following consideration of the report.
2. In order to implement the recommendations, the Government Commission on International Human Rights Obligations drafted and, on 24 January 2019, adopted a national action plan on implementation of the recommendations of the Committee against Torture for the period 2019–2022.
3. The present report has been prepared by the secretariat of the Commission on the basis of information provided by the country's ministries and departments. The secretariat held frequent consultations with civil society during preparation of the report. A draft of the report was circulated to representatives of civil society for discussion, and recommendations were received from the State authorities and civil society institutions concerned. These recommendations were taken into account in preparation of the final version of the document.

II. General legal and legislative frameworks

4. The 2019–2022 National Action Plan on Implementation of the Recommendations of the United Nations Committee against Torture, adopted on 24 January 2019, envisages detailed actions to implement the recommendations of the Committee against Torture, lays down timelines and identifies the government agencies responsible for implementing specific recommendations. The draft document underwent extensive consultation with civil society institutions and government agencies. The National Plan has been posted on the website of the Government Commission on International Human Rights Obligations (www.khit.tj) and widely distributed among government agencies and civil society institutions.
5. On 19 April 2019, the Programme of Judicial and Legal Reform in the Republic of Tajikistan for 2019–2021 was adopted in order to ensure fair and objective consideration of cases in criminal proceedings, to specify and determine the time limits for consideration of criminal cases by courts, to provide practical qualified legal assistance to detainees, suspects, accused persons and defendants, and to improve other procedural rules.

III. Investigation of acts of torture

Follow-up information relating to paragraph 10 of the concluding observations

6. Under criminal procedure law (article 161 of the Criminal Procedure Code of the Republic of Tajikistan), criminal cases under article 143 (1) of the Criminal Code of the Republic of Tajikistan establishing liability for torture are to be investigated by investigators of the procuratorial agencies, whose independence is also guaranteed by the Constitutional Act on the Procuratorial Agencies, in addition to article 39 of the Criminal Procedure Code.
7. In line with the requirements of the Criminal Procedure Code, the Office of the Procurator General has developed and adopted internal instructions for procuratorial agencies that provide mechanisms for prompt response to and effective investigation of torture. These regulations lay down a specific list of questions to be answered when verifying and investigating allegations of torture, as well as measures for ensuring the safety of witnesses

and victims of torture, suspending alleged perpetrators to prevent them from obstructing the investigation or putting pressure on victims and witnesses, conducting a thorough inspection of the scene of the crime, questioning all suspects, witnesses, detention facility staff, medical personnel, conducting the necessary medical and psychological tests, etc.

8. Under article 145 of the Criminal Procedure Code, the agency conducting the initial inquiry, the investigator and the procurator are obliged to accept, register and consider a statement or communication about any crime that is being prepared or committed or that has been committed and, within no more than three days after receiving the statement or communication, to decide whether or not to institute criminal proceedings. A copy of the decision made shall be sent to the procurator within 24 hours, so that its lawfulness and validity may be examined. Moreover, evidence of torture or ill-treatment is subject to verification, regardless of the victim's statement.

9. A striking example of effective investigation and prosecution of perpetrators is the verdict of the Sughd garrison court of 19 June 2018, whereby police officers Latifjon Yuldashev and Shuhratjon Shamsiddinov and security officer Muhammad Naimov, who illegally detained and beat citizen K. Khojanazarov, were found guilty under article 143 (1) (3) (b) (Torture entailing serious consequences) and article 358 (1) (Illegal detention or imprisonment) of the Criminal Code and sentenced to 13 and 12 years' deprivation of liberty, respectively.

10. As can be seen from the data in the statistical report, in the period from 2013 to 2018, national courts considered five cases against six people who were sentenced to deprivation of liberty under article 143 (1) of the Criminal Code.

11. A body analogous to a national preventive mechanism capable of carrying out continuous inspection of places of detention was set up under the Office of the Commissioner for Human Rights, in the form of a monitoring group. The group (established in February 2014) is composed of representatives of government agencies and of non-governmental human rights organizations that are members of the Civil Society Coalition against Torture and Impunity. One of the monitoring group's tasks is to examine the question of ratifying the Optional Protocol to the Convention against Torture.

12. During monitoring, all areas of the institutions in question are checked, including accommodation blocks, canteens, infirmaries, baths and other communal facilities, and their upkeep and provision with supplies are verified. In addition, surveys are carried out of the staff and the inmate population. It is important to note that the monitoring group submits an annual report on its visits to closed institutions and presents recommendations for action on the basis of the report.

13. On 6 August 2013, a working group for visiting and monitoring places of detention was established by order of the Commissioner for Human Rights. The working group includes representatives of the Commissioner for Human Rights, government agencies, including the Executive Office of the President, parliament and the judiciary, as well as representatives of academia and civil society and members of the Coalition against Torture.

14. The 2019–2022 National Action Plan on Implementation of the Recommendations of the United Nations Committee against Torture envisages such activities as studying the practices of other countries and preparing recommendations for the creation of a separate independent mechanism for investigating torture; making amendments and additions to national legislation on an independent and effective mechanism for investigating torture; and taking steps to introduce a mechanism for investigating torture, including the selection and training of personnel, technical equipment, etc.

IV. Legal safeguards

Follow-up information relating to paragraph 48 of the concluding observations

15. It should be noted that, under article 16 of the Act on Conditions of Detention of Suspects, Accused Persons and Defendants, internal regulations lay down the procedure for the medical examination to be carried out by a prison medical officer when a suspect, accused person or defendant is admitted to a place of detention.

16. Under article 24 of the Act, curative, preventive and sanitary/epidemiological work in places of detention is carried out in accordance with legislation on the protection of public health. The authorities administering detention facilities must comply with public health and hygiene requirements in order to ensure that the health of suspects, accused persons and defendants is protected.

17. The procedures for providing medical care, including psychiatric treatment, to suspects, accused persons and defendants, as well as the procedures for their custody in medical institutions and for involving the personnel of these institutions in their care, are determined by the country's health, justice and national security bodies.

18. The internal regulations of remand centres under the Ministry of Justice's Central Penal Enforcement Department provide for a mandatory medical examination upon admission of suspects and accused persons to a remand centre, to be carried out by a board that must include medical workers.

19. A medical officer conducts a preventive medical examination of all new detainees in a remand centre within the first 24 hours after admission, in order to identify persons suspected of carrying infectious diseases that could pose a risk to those around them and patients in need of urgent medical care.

20. If the health of a suspect, accused person or defendant deteriorates or if he or she exhibits physical injuries, an examination is conducted promptly by the medical staff of the detention facility. The results of the medical examination are duly recorded and communicated to the injured suspect, accused person or defendant. At the request of the suspect, the accused person, the defendant or their counsel, they are given a copy of the findings of the medical examination. When the facility director or the official or body dealing with the case so decides or the suspect, accused person, defendant or his or her counsel so requests, the medical examination may be conducted by the staff of another medical establishment. If such an examination is refused, an appeal may be lodged with the procurator or in court.

21. In 2015, pursuant to the Istanbul Protocol, an educational module was developed on "Features of medical examinations and forensic and psychiatric assessments of persons subjected to torture and other ill-treatment, and effective documentation of torture in accordance with international standards".

22. The educational module is delivered by organizing and conducting training sessions and round-table discussions in all correctional facilities in the country with the involvement of physicians and staff of the Ministry of Health and Social Welfare, voluntary associations and the Office of the Commissioner for Human Rights.

23. It should be noted that all correctional facilities in the country have medical units, and there is also a central hospital and a branch of the central hospital, where both inmates and staff of the penitentiary system receive the necessary medical care.

24. With the financial support of the Global Fund, a tuberculosis unit was built in the central hospital of the penitentiary system, consisting of a three-story building for the treatment of tuberculosis patients, equipped with a modern digital X-ray machine.

25. Also in 2015, a digital fluorography machine was installed in Remand Centre No. 1 in Dushanbe, where all incoming detainees under investigation undergo a fluorographic examination.

26. With the support of Project HOPE, two correctional facilities installed digital fluorography machines to detect tuberculosis in inmates.
27. As a result of the measures taken, and by acquiring modern medical equipment and installing it in the medical units and hospitals of correctional institutions, the number of cases of diseases detected has tended to decrease.
28. Thirty-four inmates are currently being treated, including 28 in the DOTS programme for multidrug-resistant tuberculosis.
29. Screening for tuberculosis and HIV/AIDS among inmates is conducted on an ongoing basis for the purposes of detection and timely medical response.
30. In cooperation with the non-governmental organization Human Rights Centre, the “Procedure for the organization of medical care for persons serving sentences in detention facilities and prisoners in custody” has been developed. This is intended for internal use by medical personnel and aims to improve the medical conditions of prisoners in terms of access to high-quality medical care, in particular training physicians in documenting torture and ill-treatment according to the standards of the Istanbul Protocol.
31. In line with the Procedure, a form for the medical examination of convicted persons has been drawn up.
32. In order to identify the causes and factors underlying the emergence and formation of terrorist and extremist views and their prevention, and to improve the professional skills and qualifications of law enforcement officers by training them and ensuring their strict compliance with the basic legal guarantees of freedom from torture and other forms of ill-treatment, the staff of the Office of the Commissioner for Human Rights, together with the Office of the Representative of the Commissioner for Human Rights in Gorno-Badakhshan Autonomous Oblast, organized and held meetings and round-table discussions on 11–19 March 2019 with managers and staff of units of the Ministry of Internal Affairs in Darvaz, Vanj, Rushon, Shugnan, Rotkal’a, Ishqoshim and the city of Khorog, as well as with the Internal Affairs Authority of Gorno-Badakhshan Autonomous Oblast, on “The rights of detained persons, prevention of torture, terrorism and extremism”.
33. Also, in order to raise the awareness of young police officers, the Office of the Representative of the Commissioner for Human Rights in Sughd Province organized a national academic conference on 19 March 2019 at Faculty No. 4 of the Academy of the Ministry of Internal Affairs on “Raising the legal awareness of young people concerning responsibility for involvement in extremist activities”.
34. As part of moves to strengthen procedural safeguards in order to prevent torture and ensure respect for citizens’ rights during detention, significant amendments and additions were made on 14 May 2016 to the Code of Criminal Procedure and the Act on Procedures and Conditions for the Custody of Suspects, Accused Persons and Defendants.
35. Police officers in charge of arrests must inform detained persons of the reason for their arrest and their rights at the time of the actual arrest. These rights include immediate communication with a close relative, immediate access to a lawyer, and refusal to testify.
36. The amendments also provide for mandatory registration in detention documents of the identity of all officials and all other persons involved in the detention, as well as the inclusion of information about the circumstances of notification of the family and the exact time and form of their notification.
37. The amendments further provide for a mandatory medical examination to be carried out before a suspect is placed in a temporary holding facility.
38. For the purposes of prevention and public information, the first television channel “Tojikiston” and the State TV channel “Safina” broadcast the weekly news programmes “Nabz” and “Sipar”, which report on the criminal situation in the country, crimes committed, including those involving torture, and wanted and missing persons.
39. The Ministry of Internal Affairs also has a 24-hour hotline (+992 37 221 21 21) and a “Help Service – 1919”, where citizens can file complaints and report unlawful acts by internal affairs officers.

40. Both medical staff in the health system and physicians in the penal system (penitentiary doctors) have been trained in standards of medical examination in accordance with the recommendations of the Istanbul Protocol. They have the knowledge and skills to carry out this activity in a way that respects the principle of physician independence.

41. In order to increase knowledge in the field of criminal procedure, classes were held on 12 November 2018 and 8 April 2019 for the permanent staff of the Academy of the Ministry of Internal Affairs to study the Criminal Procedure Code. During these classes, explanations were given of the provisions in the Criminal Procedure Code regarding prohibition of the use of violence during an investigation, as well as legal measures aimed at eliminating the use of torture, such as the mandatory participation of a lawyer, the right to appeal against actions and decisions in court, and a mandatory medical examination before placement in a temporary holding facility. Also on 9 April 2019, a similar session was held at the Academy of the Ministry of Internal Affairs for trainees taking advanced training courses (which included the staff of correctional institutions). The purpose of the classes was to emphasize the inadmissibility of using violence or torture or carrying out humiliating or demeaning acts during investigative and procedural actions, as well as the sanctions available, in particular the prosecution of perpetrators.

42. In their work, the employees of the Drug Control Agency under the President in practice follow the instructions of 29 May 2000 on the procedures for organizing the work of the duty unit and the protection and escort of suspects and defendants, and on the procedures for the work of a temporary facility for holding suspects and defendants and its internal regulations, as well as the instructions of 3 March 2012 on the procedures and conditions for the custody of suspects, accused persons and defendants. The material, welfare, medical and sanitary arrangements of temporary holding facilities are properly organized in accordance with international laws and regulations, and the conditions for the custody of detainees and accused persons are checked and monitored by the responsible persons, the supervising procurator and the management of the Agency. In order to prevent adverse events and strengthen control in the Agency's building, video surveillance cameras have been installed.

43. Since 2013, the Ministry of Health and Social Welfare has had a working group tasked with applying the recommendations of the Istanbul Protocol in medical practice.

44. In February 2019, based on the outcome of the work done by the working group, a round-table discussion was held, at which the results of the monitoring of medical institutions' application of the "Protocol on medical examination of detainees", developed in accordance with the recommendations of the Istanbul Protocol and approved by the Ministry as a unified standard for the examination process, were presented. The results of analysis of the objective situation of the forensic medical service were also presented, including identification of the main problems faced and recommendations for solving them.

V. Hazing, ill-treatment and torture in the armed forces

Follow-up information relating to paragraph 46 of the concluding observations

45. In order to prevent, detect, record and investigate violations of the rules governing irregular relations between military personnel in the absence of between¹

46. The leadership of the Medical Department of the Ministry of Internal Affairs constantly monitors the registration of complaints from military units about torture and cruel treatment. In this regard, the Central Military Medical Commission of the Medical Department of the Ministry of Internal Affairs has organized a relaxation room, where psychological relaxation of victims is conducted and, if necessary, consultations with a psychologist is held.

¹ *Translator's note: Sentence incomplete in Russian original.*

47. The military units of the Ministry of Internal Affairs have organized separate offices for working with new recruits. Military units are equipped with video cameras to monitor the behaviour and discipline of military personnel, which reduces the risks of hazing in the army.

48. In response to torture, violence and unlawful actions in military units, medical examinations of soldiers are carried out daily by doctors and medical workers of sanitary units of the Department of Internal Troops. Also, in line with the plan drawn up by the Medical Department of the Ministry of Internal Affairs, psychologists of the Central Military Medical Commission have organized psychological work among service personnel.

49. The Ministry of Defence holds regular meetings and discussions among personnel on combating prejudice and the problems of hazing and ill-treatment of conscripts in individual units and troops of the Armed Forces. In particular:

- Military units and individual subdivisions of the Ministry of Defence have set up boxes in order to receive complaints and petitions from service personnel and citizens, including soldiers, about cases of hazing and provide lists of telephone hotlines with the numbers of the Office of the Military Procurator, the Minister of Defence and the State Committee of National Security, as well as the website of the Ministry of Defence and the email address of the Minister of Defence.
- In accordance with the directive of the Minister of Defence of 7 November 2015 on organizational and educational work to strengthen military discipline and law and order in the armed forces, the Statute of the Armed Forces of the Republic of Tajikistan, the manual on “Planning educational work in formations, military units and sections of the Armed Forces” and current legislation, explanatory, educational and preventive work is done with cadets and soldiers, from call-up to military service onwards, in order to cultivate patriotism and love of the motherland, fidelity to the military oath, respect for national treasures and historical values, and defence of the motherland.
- Every year, in order to inform the parents of military personnel, meetings with the local committee and the parents’ committee are held in military units, at which participants freely express their thoughts and opinions about military service. These meetings are shown on all national television channels.

50. It is worth mentioning that the Commissioner for Human Rights, together with public organizations in military units and military sections of the Ministry of Defence, conducts monitoring and holds round-table discussions on issues of respecting the rights of service personnel during military service.

51. Unannounced inspections and physical examinations of soldiers are also conducted to prevent and stop beatings, torture and other bodily injuries. In cases where such actions are discovered, official investigations are conducted, the perpetrators are disciplined and prosecuted, and they are dismissed from the Armed Forces in accordance with the Regulations on the Procedure for Military Service.

52. In order to improve the legal and political knowledge of military personnel, methodological exercises for officers, independent training, national forums and meetings with prominent public figures and representatives of law enforcement agencies are constantly held, in accordance with the curriculum.
