**MONITORING OF THE HUMAN RIGHTS VIOLATIONS IN CONNECTION WITH THE SPECIAL OPERATIONS 24 JULY 2012 IN KHOROG GBAO**

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**INTRODUCTION**

This report is the result of joint efforts on the part of the Tajikistani civil society organizations Lawyers of Pamir Association, Bureau for Human Rights and Rule of Law, Independent Center for Human Rights Protection, Human Rights Center, Child Rights Center, and Public Foundation Nota Bene, with the support of the Helsinki Foundation for Human Rights (Warsaw, Poland). The report includes analysis of the special operation conducted by government bodies in Khorog, Gorno-Badakshan Autonomous Oblast (GBAO) in July 2012, and its consequences in terms of international human rights standards and national legislation.

From the beginning of the military operation in Khorog, there was much speculation about its causes and possible objectives. Some opposition leaders described the operation as an attempt at “ethnic cleansing” against the inhabitants of the region, called *Pamiris*. According to the official version, announced by security bodies in Dushanbe, the operation was aimed at criminals associated with militant groups in Afghanistan.[[1]](#footnote-1) A lack of access to reliable information during and after the operation contributed to a huge number of rumors and unfounded fears, including regarding the number of casualties among the local population and the security forces, which fluctuated, according to various estimates, from 18 to 200 people.

The main purpose of the present monitoring report is to support and assist the government of Tajikistan in taking a number of urgent measures in the field of politics, law, and human rights to ensure stability in GBAO and to prevent a repetition of the summer events of 2012.

The monitoring sought to investigate the following issues:

1. Access to information during and after the special operation;
2. Documentation of casualties during the special operation;
3. Access to medical care for the wounded and injured during the special operation;
4. Investigation into deaths during the special operation;
5. Damages;
6. Measures taken to restore the situation in the region.

The present document includes a number of recommendations to facilitate the government in resolving all of the human rights issues raised by the events of July-August 2012.

**METHODOLOGY**

On August 1, 2012 a memorandum of cooperation for joint monitoring of the situation in Khorog was signed between Lawyers of Pamir Association, Bureau for Human Rights and Rule of Law, Independent Center for Human Rights Protection, Human Rights Center, Child Rights Center, and Public Foundation Nota Bene.

Due to the complete lack of information regarding the events, a group of three people visited Khorog from 8 to 12 August 2012 for a preliminary analysis of the situation. Based on the results of this assessment a monitoring concept was prepared as well as the monitoring tools.

The monitoring was conducted in February-March 2013. Monitoring groups were sent to Khorog to meet and conduct interviews with representatives of state authorities, local residents, and representatives of the “Group of 20,”[[2]](#footnote-2) as well as the relatives of those killed during the special operation.

### In developing the monitoring concept, the monitoring group relied upon the basic principles and standards of human rights enshrined in international human rights instruments ratified by the Republic of Tajikistan, including the International Covenant on Civil and Political Rights, and the Set of Principles for the protection and promotion of human rights through action to combat impunity, particularly on the right to truth, justice and reparation, including restitution, compensation, rehabilitation, satisfaction, and guarantees of no recurrence of similar violations in the future.

For the purposes of the monitoring it was decided to choose a method of interviews with the population of neighborhoods that were hot-spots for hostilities (the victims and relatives of those killed and injured in the course of the special operation), representatives of the public (political parties, media, NGOs, and international organizations), representatives of the intermediary “Group of 20,” and representatives of local authorities (Hukumat or local government representatives, law enforcement, health care). Questionnaires covering the relevant issues were developed. A report summarizing media coverage of the events in July 2012 in the city of Khorog was also prepared.

Notification letters were sent to all relevant state bodies prior to the actual monitoring, including inquiries to the General Prosecutor's Office, Ministry of Internal Affairs, and the Government of the Republic of Tajikistan.

Total number of people interviewed:

1. Relatives of the victims (including killed and injured) – 25
2. Population – 33
3. Representatives of the “Group 20” – 9 persons
4. Representatives of political parties 3
5. Representatives of local executive body 1
6. Regional hospital 4
7. Cardiologic dispensary 1
8. Ambulance 1
9. Department of the Ministry of Emergency in GBAO 1
10. Department of Interior in GBAO 6
11. Mass Media 2
12. International organizations - 2
13. **CHRONOLOGY OF EVENTS, JUNE 2012, KHOROG CITY, GORNO-BADAKHSHAN AUTONOMOUS OBLAST**

Gorno-Badakhshan Autonomous Oblast (GBAO) is acknowledged as one of the most geographically isolated regions of Tajikistan. GBAO occupies 63,700 км2, which constitutes 44.5% from the total land area of Tajikistan’s territory. The population of the region consists of 206,000 people and accounts for 4% of the total number across the country. The administrative center of GBAO is Khorog city. The oblast consists of five districts, one city and 42 rural jamoats. The vast majority of oblast population are adherent to Ismaili branch of Islam. Residents of GBAO speak Shugni, Rushani, Yazgulami and Wakhi languages. Tajik is a state official language and also serves for an inter-communal communication.

Badakhshan is the least economically developed region of the republic. Due to a high rate of unemployment, scarce arable land as well as the lack of large industrial enterprises, a big segment of male population is forced to seek employment in Russian Federation as labor migrants.

**Military operation in Khorog: preconditions and main causes**

On July 24 2012, at approximately 03:40, law enforcement organs in cooperation with the Ministry of Defense launched a simultaneous assault on several microraions [neighborhoods]: UPD, Upper Khorog aka Barkhorog, and Khlebzavod. According to the testimony of witnesses, brief gunfire was audible in the region of the oblast hospital as well. The regions that came under fire were those where former field commanders – now informal community leaders – reside. These are Tolib Ayombekov (Khlebzavod), Imomnazar Imomnazarov (UPD), and Makhmadbokir Makhmadbokirov (Barkhorog). These actions of the government forces prompted the informal leaders to arm their supporters and fights back. After more than 16 hours of the gunfire the Government of Tajikistan had declared a cease-fire and guaranteed the safety of all persons who voluntarily laid down their arms[[3]](#footnote-3).

Military operation in GBAO commenced with the assassination of the head of provincial department of state committee for national security (SCNS), general Abdullo Nazarov. He was murdered on the evening of June 21, 2012, two kilometers far from the city of Khorog. According to SCNS, Nazarov died from stab wounds sustained in an attack by an unknown group. Law enforcement agencies accuse the men of the former warlord Tolib Ayombekov in assassination of the general.[[4]](#footnote-4)

As per some witnesses, on June 21, 2012, around 5 o’clock in the evening, general Nazarov was deadly wounded as a result of a brawl 2 km far from Khorog. However, people in Khorog consider illicit smuggling of tobacco products as the main cause of conflict between Nazarov and Ayombekov. The reason why the general was delivered to Khorog regional hospital around 8 p.m. i.e. three hours after the injury still remains unclear.[[5]](#footnote-5)

On June 22, 2012 a special commission was established to investigate the incident. The commission included the representatives of MoI, SCNS and the representatives of the Prosecutor General office. Law Enforcement Agencies have put forward demands for the extradition of persons allegedly involved in the murder of General Nazarov, including the very T. Ayombekov. According to security forces, during the preliminary negotiations, Ayombekov agreed to deliver over the persons involved in General’s murder. Although, when “Alfa” SWAT team arrived in Khorog by helicopters on July 22, 2012, Ayombekov refused to negotiate further, because he believed that troops have been deployed not for the sake of catching Nazarov’s murders, but to deal with all the former warlords[[6]](#footnote-6). Moreover, Ayombekov claimed that the suspects in this case are willing to surrender if a thorough investigation would be conducted.

Immediately after the assassination of SCNS General – Abdullo Nazarov on June 23, 2012 military forces of MoI and SCNS began to arrive in Khorog. In addition to these services, military divisions of the Ministry of Defense that took part in military exercises, entitled “Hivz 2012” also remained in the city. According to the press-secretary of the Ministry of Defense of the Republic of Tajikistan - Farudun Mahmadaliev, Khorog military garrison troops, divisions of state security forces deployed in GBAO, as well as the law enforcement officers participated in the military – tactical exercises “Hivz 2012”. The main task was to organize coordinated actions in conducting military operations on high-altitude conditions, and examination of skills of Khorog garrison soldiers and officers[[7]](#footnote-7). However, according to the local residents, around 3 thousand personnel of the Ministry of Defense, National Guard and Committee for Emergency Situations (CES) of the Republic of Tajikistan have been deployed to take part in GBAO exercises.

On August 3, 2012 the Center for Strategic Researches under the President of Tajikistan stated that the main reason for deployment of additional forces into the territory of GBAO was the fact that: “according to the government of Afghanistan, from 400 to 1 thousand militants are observed in Varsich gorge of Afghan Badakhshan, which are planning to destabilize the situation in the territory of GBAO. These specific factors served as a cause for upgrading the number of military forces in GBAO. In other words, the socio-political status-quo in the region along with the situation in the neighboring Afghanistan forced the Government to reinforce security measures in the region”.[[8]](#footnote-8)

The Minister of Defense of Tajikistan - Sherali Khairullaev, responding to questions about the reasons for the engagement of the army and the subsequent storming of Khorog, said that at the beginning, the whole operation was undertaken solely for the purpose of intimidation[[9]](#footnote-9).

On July 24th, 2012 at 3:00 am, the Deputy Attorney General along with other people were captures and taken away in an unknown direction. Presumably they were taken from their place of residence – Municipal Military Registration and Enlistment Office building, which has forced the defense minister to order the assault[[10]](#footnote-10). However, eyewitnesses claim that the Prosecutor General's Office employees were abducted by the residents of GBAO after the assault has been initiated. As they claim, when the shooting started in the area of Khlebzavod (bakery factory), several people broke into the building of the Municipal Military Registration and Enlistment Office in order to obtain weapons. At that time, the Prosecutor’s Office employees were there. As a result of the arisen conflict, one representative of the prosecutor's office was injured. Subsequently, they were driven back with their weapons to Barkhorog, where they were kept until the liberation.

As per the minister, the soldiers initially took aim and shot exclusively on mountains and cliffs. But when they realized that the local people began to resist, they began to shoot to kill.

The order for the assault was given directly by the Minister of Defense while the local population wasn’t evacuated during the operation. Defense Minister commented that, the Ministry of Defense did not consider it necessary to bother the civilians as nobody targeted them. As for the order to storm, from the words of the minister, he has the right to take such decisions independently.[[11]](#footnote-11).

In January 2013, Prosecutor of GBAO - Abror Muhamad said that the investigation of General Nazarov’s murder is completed and submitted to the court. According to the results of the investigation, two residents of GBAO - Okil Aembekov – brother of Tolib Aembekov and Hamza Gulnazar (Murodov) have been charged for the assassination of the General. Both defendants voluntarily surrendered to the authorities in August 2012.[[12]](#footnote-12).

**Communication cut with Khorog**

After the attack on July 24, 2013, communication with Khorog was cut off, including mobile, internet and landlines. According to Beg Zuhurov, head of the Communication Services of the Republic of Tajikistan, communication with Gorno-Badakhshan Autonomous Region was interrupted due to a bullet which hit the fiber-optical cable during the special operation in Khorog[[13]](#footnote-13). Zuhurov as well underlined that the Communication Services did not receive any directives from the top regarding communication cut[[14]](#footnote-14). Communication services with GBAO were restored on August 28, after almost a month.

**Murder of Imomnazar Imomnazarov**

Murder of Imomnazar Imomnazarov resulted in a huge resonance among the population of GBAO, who according to the version of the General Prosecutor’s Office of RT diseased at 4 a.m. on August 22 2012 as a result of explosion[[15]](#footnote-15). The General Prosecutor`s office brought official charge against Imomnazarov accusing him of drug smuggling, smuggling of precious stones, human trafficking, failure to return bank credit, organization of armed group and taking hostages. According to the version of minister of defense Sherali Khairulloev, people did not allow representatives of law enforcement agencies conduct inspection of the place, where the murder took place. Supporters of Imomnazarov disproved this statement of the minister. According to relatives and people close to Imomnazarov, inspection of Imomnazarov`s house was conducted and a video recording of this inspection exists, which was delivered to editorial office of “Asia plus” newspaper. The video shows that four men in military uniform are conducting inspection of Imomnazarov`s house after his murder.

**Mediation «Group of 20»**

The initiative group “Group of 20” established on July 25 2012 played active role in settlement of the conflict. One of the main objectives of this group was mediation between the government and local population. Members of the group were active representatives of society, religious leaders as well as representatives of different NGOs from GBAO. The group was dismissed on July 28, after heads of Aga Khan Institutions –head of AKDN Munir Mehrali and head of AKF Edgor Faizov joined the negotiation process. According to the representatives of Group of 20, on July 25, 2012 local residents started demonstrations demanding information on the reasons of fair opening against residents of the city. Representatives of Khukumat (local government structure) suggested that for negotiations 10-15 representatives of each microrayon (administrative divisions of the city) can enter the building of Hukumat. During the meeting, head of the GBAO K.Kosim made the decision to establish Group of 20 comprised of representatives of each micro district of the city.

Representatives of International Organizations and mass media were not present among the members of the group. Each member of the Group of 20 was selected by the head of GBAO. Some public activist insisted on including a journalist of Asia plus, Ramziya Mirzobekva to the group, the head of GBAO Kodir Kosimov was absolutely against her presence at the meetings of the group.

Members of the Group of 20 proceeded with their work during the second half of tah day on July 25, 2012. There was no document developed to regulate the activities of the group, however meetings of the groups were followed by meeting protocols.

Every question was discussed actively by members of the group and all decisions were made only after joint discussions. Representatives of the group were taking part in the negotiations on disarmament with informal leaders (Imomnazarov Imomnazar, Tolib Ayombekov) and as well were present during the disarmament process. According to the respondents, informal leaders were not against disarmament in exchange of guaranty of cease fire against civilians, impartial and objective investigation of the general Nazarov`s murder. Representatives of the group were not participating in preparation of the list of injured and evaluation of the damage caused by the special operation to the local residents. However, they knew all victims who died as a result of firing.

**Disarmament: facts and contradictions**

The situation in Khorog was normalized after delivery of the message of spiritual leader of Ismailis Aga Khan to the residents of GBAO on July 28, 2012, where he asked his followers to be calm and allow the government to settle the situation through its relevant structures. Also Aga Khan called upon his followers to cooperate in every possible way and support the structures in achieving peace and order.

For the purpose of barring further escalation of the conflict in the region, President of the country granted safety guarantee to all person, who voluntary handed over arms in accordance with the order of President of Tajikistan #2 from December 2, 1994 “On voluntary hand over of arms, ammunition and defense technology” Thus, through July 30- August 2, 2012 the hand over of arms was continuing in Khorog and its neighborhoods. According to the preliminary agreements, the handover of arms was anonymous and was carried out by the microrayon`s representatives. The disarmament process was tape recorded.

According to the statement of the Minister of Interior Ramazon Rahimov, persons who handed over arms will be free from criminal prosecution if they have not committed illegal acts prior to the start of the special operation (July 24, 2012). Right from the start, representatives of the groups who demonstrated resistance during the military operation were insisting that all relevant documents should be signed only with participation on the basis of guarantee of the OSCE office in Tajikistan. [[16]](#footnote-16)

**The disarmament process**

According to the disarmament protocols, the entire procedure was going on under the supervision of the head of Inquiries Department of the Ministry of Interior of RT Navjuvonov A, deputy head of RUVD of Rasht rayons (department of interior affairs in rayons) Iskandarov M, representatives of the State Security Committee as well as representatives of the Aga Khan Foundation, the UN World Food Program (was presented independent from the organization, personally) and public representatives, who signed all protocols. Furthermore, the act on fulfillment of the Presidential order on collecting arms throughout GBAO, approved by the Minister of Interior Ramazon Rakhimov from November 5, 2012 was received during the monitoring. This act as well was signed by all participants of the process of collecting firearms and ammunitions throughout GBAO from July 30 to August 2, 2012.

**Rally on July 23, 2012 protesting against sending troops to Khorog**

The rally started spontaneously and was not sanctioned by the authorities. There were 100-120 people at the rally and it lasted 5-6 hours. Many received information about the rally from their neighbors and relatives. The main demand of those involved in the rally was withdrawal of troops from the territory of GBAO.

The results of the monitoring showed that in the beginning no one from the representatives of local authorities went out to see the people involved in the rally. Later, mayor of the city went out to see the people. Representatives of government promised to satisfy the demands of the demonstrators. After reaching agreements, the demonstrators broke up. However, according to the respondents, government authorities did not satisfy the demands of the demonstrators afterwards.

According to the information received, law enforcement representatives were present at the square; however they were present there rather for securing the building of city administration than demonstrators’ safety. . During the rally on 23 July 2012 head of the Islamic Renaissance Party organization for GBAO Sabzali Mamadrizoev spoke very critically in front of the people about the government of the republic due to the socio-economic problems in the country. According to the information of Islamic Renaissance Party, right after the protests Mamadrizoev was arrested by the law enforcement structures and after 3 days his body was found not far from the Khorog frontier military base [[17]](#footnote-17). The leadership of the Islamic Renaissance Party called upon the government to conduct thorough investigation of Mamadrizoev`s death[[18]](#footnote-18)

**Rally on August 12, 2012, protesting against shooting of car at the checkpoint in Bidurd, which resulted in death of two civilians**

On August 2, 2012 at Bidurd checkpoint, shooting was opened at car make of Mercedes, with 5 people inside of the car. As a result of this incident two civilian passengers were killed and one female passenger was injured. According to the information of the representative of the regional department of internal affairs driver of the car heading for Khorog at high speed at first ignored the demand of the military people to stop the vehicle. After, a fire shot in the air was opened, after that a destruction faire was opened. According to the source, legal proceedings are instituted and investigation of the circumstances of this incident has started[[19]](#footnote-19). However, until today information on the process of investigation and its results are absent.

The results of the monitoring showed that there were 300-400 people at the rally. The meeting was spontaneously organized, without sanctions from the government authorities. The main demands of the demonstrators were withdrawal of troops, immediate investigation and punishment of those persons involved in the shooting of the car at Bidrurd checkpoint and restoring mobile communication with the region. Representatives of the regional administration and mayor of the city promised the demonstrators that in the nearest future the remaining troops will be withdrawn and law enforcement agencies will proceed with investigation of the shooting of the car and death of civilians.

**Rally on 21-22 of August 2012, protesting against murder of Imomnazar Imomnazarov**

The murder of one of the informal leaders, Imomnazar Imomnazarov resulted in huge resonance among residents of GBAO. According to the version of General Prosecutor`s Office of RT, Imomnazar Imomnazarov died at 4 a.m. on August 22, 2012 as a result of an explosion[[20]](#footnote-20).

Murder of Imomnazarov enormously exasperated the residents of Khorog. According to the witnesses, residents of Khorog started the rally, where about 3 to 5 thousands of people were present of the region population. The demonstrators blamed the authorities for involvement in the murder of Imomnazarov as well as breach of the agreement on voluntary hand over of arms and withdrawal of troops.

The rally started in the morning of August 22 and finished on August 23 late at night (around 12 at mid night) The main demand of the population was investigation of Imomnazarov`s murder and complete withdrawal of troops from Khorog. According to the respondents, it was decided at the rally to call for extraordinary session of the regional deputies. It was suggested for the Deputies of the city majlis (local government body) to make decision on giving sanctions for the rally. However, this proposal was rejected by the head of GBAO, who made reference to having emergence situation that time in the region and thus conduction of extraordinary session of deputies was considered impossible. Nevertheless, head of the region could not give a response on who announced the emergency situation.

In the course of this rally meeting of some representatives of the mahallas conducted with minister of defense of RT Sherali Khairulloev, representatives of the Ministry of Interior and Mayor of the Khorog city. As a result of negotiations between the law enforcement agencies, local leaders and the mitigation Group of 20 signed agreement which became the first written document from the beginning of the special operation on 24 of July in the administrative center of GBAO Eralier, all agreements were verbal.

Respondents claimed that safety of the people involved in rally was not secured by the law enforcement agencies. Moreover, the first day when residents of Khorog headed for main square with the body of Imomnazarov, representatives of law enforcement agencies opened fire both in the air and at people. As a result, about 6 people among the demonstrators received different types of leg injuries.

1. **REVIEW OF THE INTERNATIONAL DOCUMENTS IN THE FIELD OF HUMAN RIGHTS**

Human rights issues at the conflict situations are governed by different rules of international human rights law and humanitarian law, such as the International Covenant on Civil and Political Rights, the Geneva Conventions of 12 August 1949 and its Additional Protocols from 8 June 1977.

**International Covenant on Civil and Political Rights**

**Right to life.** According to article 6 (1) of the ICCPR “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life” . In its General Comment # 6 to the article 6 of the ICCPR the UN Human Rights Committee stressed the need to take appropriate precautions to limit the use of force, to the extent when it is absolutely necessary, and to investigate all cases of suspicious deaths, to make sure the death was not “arbitrary”.

The use of force and firearms must meet the following criteria: a) whether there is a reasonable and legitimate reason, and b) whether it is necessary and proportionate. The definition of “arbitrary use of force” should include not only the use of force as such, but also whether the government planned and carried out the operation properly with a minimum threat to the lives of its participants. If during the operation were failures which led to the application of force, such use of force can not longer be proportional.

The State has an obligation to conduct a detailed and independent investigation into every case of deaths, which includes the right to an effective remedies for human rights violations.

The obligation to conduct an effective investigation means not only getting the result, but the process of its implementation. “The law must strictly control and limit the circumstances in which a person may be deprived of his life. The severe consequences of the use of firearms as such for the exercise of one's right to life warranted at the very minimum a separate investigation of the potential involvement of the State party's security forces in that death. The burden of proof in such cases rests on the government considering that only the State has access to relevant information which has the duty to investigate in good faith all allegations of violation of the Covenant”. The very fact of the absence of the adequate investigation provides sufficient grounds for violation of the right to life[[21]](#footnote-21).

## *Basic Principles on the Use of Force and Firearms by Law Enforcement Officials*  (Adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, Cuba, 27 August to 7 September 1990)

Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) Exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) Minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) Ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment.

Law enforcement officials shall not use firearms against persons... In any event, intentional lethal use of firearms may only be made when strictly unavoidable in order to protect life.

Rules and regulations on the use of firearms by law enforcement officials should include guidelines that: (a) Specify the circumstances under which law enforcement officials are authorized to carry firearms and prescribe the types of firearms and ammunition permitted; (b) Ensure that firearms are used only in appropriate circumstances and in a manner likely to decrease the risk of unnecessary harm; (c) Prohibit the use of those firearms and ammunition that cause unwarranted injury or present an unwarranted risk.

Governments and law enforcement agencies shall establish effective reporting and review procedures for all incidents referred to the use of firearms and shall ensure that an effective review process is available and that independent administrative or prosecutorial authorities are in a position to exercise jurisdiction in appropriate circumstances. In cases of death and serious injury or other grave consequences, a detailed report shall be sent promptly to the competent authorities responsible for administrative review and judicial control.

Persons affected by the use of force and firearms or their legal representatives shall have access to an independent process, including a judicial process. In the event of the death of such persons, this provision shall apply to their dependents accordingly.

Important role in determining the basic standards of human rights in this regard is played by the **Set of Principles for the protection and promotion of human rights through action to combat impunity**, as well as the **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**, adopted by the General Assembly in 2005. The Set of Principles for the protection and promotion of human rights through action to combat impunity, states:

• **The right to the truth** - to establish the facts, causes of human rights violations, as well as those who are responsible for it;

**• The right to justice** - includes a human rights investigation and prosecution of perpetrators, as well as ensuring the effectiveness of national systems of justice;

**• The right to compensation** - providing effective remedies for victims of violations of human rights, including restitution, compensation, rehabilitation, satisfaction and guarantees of no recurrence of similar violations in the future.

Establishing the truth, ensuring the justice, reparation and guarantees of non-violations - are a set of measures that are interrelated and can reinforce each other when they are applied to overcome the legacy of massive abuses and violations of human rights. Overcoming the legacy of these violations is, first of all, giving strength to those standards in the area of human rights, which are systematically and grossly violated.

**Purpose of establishing the truth of initiatives in the field of justice and redress, and safeguards against violations**

**The Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-violations, Mr. Pablo de Greyffa in its annual report identified the following key objectives:**

**Recognition -** almost without fail, one of the first demands of victims is to obtain recognition of the fact that they have been harmed. What, however, is involved in such recognition?12 The sort of recognition at issue is complex. It is important but not sufficient to acknowledge the victims’ suffering and their capacity to endure: victims of natural disasters, for example, can share those characteristics. But violations are not simply akin to natural disasters. It is therefore fundamental to acknowledge that the victims have been wronged, which is possible only by appealing to norms.13 What is indispensable, and what transitional justice measures seek to accomplish, is to recognize that the victim is the holder of rights. This entails not only the right to seek for avenues of redress that can assuage suffering but also to restore the victim’s rights that were so brutally violated and affirm her or his standing as someone who is entitled to make claims, on the basis of rights, and not simply as a matter of empathy, or any other type of consideration.

Reparations provide the material form of the recognition owed by demonstrating a sufficiently serious commitment so as to invest resources and, in well-crafted programmes, by giving beneficiaries the sense that the State has taken their interests to heart. Finally, institutional reform, including vetting, is guided by the idea of guaranteeing the conditions under which individuals can relate to one another and to the authorities as holders of equal rights

**Trust -** trust in this context is meant to involve both trust between individuals and trust of the individuals in State institutions. Trusting institutions means knowing that its constitutive rules, values and norms are shared by its members or participants and are regarded by them as binding.

Judicial institutions, particularly in contexts in which they have traditionally been essentially instruments of power, show their trustworthiness if they can establish that no one is above the law. Truth-seeking can foster trust by responding to the anxieties of those whose confidence was shattered by experiences of violence and/or abuse, who are fearful that the past might repeat itself. Reparations can foster trust by demonstrating the seriousness with which institutions now take rights violations. Both recognition and trust are preconditions and consequences of justice.

**Reconciliation** – reconciliation should not be conceived as either an alternative to justice or an aim that can be achieved independently of the implementation of the comprehensive approach to the four measures (truth, justice, reparations and guarantees of non-recurrence). Reconciliationmeans that individuals under the jurisdiction of a given State are sufficiently committed to the norms and values that motivate their ruling institutions. , that individuals are sufficiently confident that those who operate those institutions do so also on the basis of those norms and values – including the norms that turn individuals into rights holders – and sufficiently secure about other individuals’ commitment to abide by and uphold these norms and values. Actually trusting institutions is something that requires an attitudinal transformation that the implementation of the measures, again, can ground but not produce. Such an attitudinal change calls for initiatives that target a more personal and less institutional dimension of a transition. Primary among these are official apologies which go beyond generic acknowledgments of responsibility and can play an important role in aiding the required attitudinal transformation.

**Strengthening the rule of law -** one of the aims of these measures is to promote the rule of law. As an illustration, virtually all truth commissions to date have used the concept both in an explanatory role (lack of respect for the principles of the rule of law is one of the factors leading to the rights violations under scrutiny) and as one of the objects of their work (their recommendations are intended to strengthen the rule of law).[[22]](#footnote-22). Criminal trials that offer sound procedural guarantees and that do not exempt from the reach of justice those who wield power demonstrate the generality of law; truth-seeking exercises that contribute to understanding the many ways in which legal systems failed to protect the rights of citizens provide the basis on which, a contrario, legal systems can behave in the future; reparations programs that try to redress the violation of rights serve to exemplify, even if ex post facto, the commitment to the notion that legal norms matter; institutional and personnel reform measures, even those basic reforms consisting merely of the screening and dismissing of those who abused their positions, increase the integrity of rule of law systems.

**International humanitarian law** requires the state to carry out a military operation to take all feasible precautions to avoid incidental loss of civilian life, injury to civilians and damage to civilian objects, or in any event to minimize them.

According to **art. 13 of the Additional Protocol II** “The civilian population and individual civilians shall enjoy general protection against dangers arising from military operations”.

The UN General Assembly in its Resolutions on **The respect for human rights in armed conflict in 1968** and **the Basic Principles on the Protection of Civilians in Armed Conflict 1970** calls upon States in the conduct of military operations, to make every effort to ensure to protect the civilian population from the ravages of war and take all necessary precautions in order to avoid physical suffering, loss of civilian life or damage caused to him.

All feasible precautions to protect civilians from the effects of weapons.

According to amendments to the art. 3 (10) of the **Protocol II to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (Convention on Certain Conventional Weapons), *the possible precautions*** are those precautions, “which are practicable or practically possible taking into account all circumstances prevailing at the time, including humanitarian and military considerations”

These circumstances include but not limited to the *measures for protecting civilians, by alerting and monitoring, the availability and feasibility of alternative systems,* etc.

The UN General Assembly Resolution 2675 on the **Basic Principles of the protection of civilians in armed conflict**s from 1970 calls for the following principles during armed conflict:

1. Fundamental human rights, as accepted in international law and laid down in international instruments, continue to apply fully in situations of armed conflict.
2. In the conduct of military operations during armed conflicts, a distinction must be made at all times between persons actively taking part in the hostilities and civilian populations.
3. In the conduct of military operations, every effort should be made to spare civilian populations from the ravages of war, and all necessary precautions should be taken to avoid injury, loss or damage to civilian populations.
4. Civilian populations as such should not be the object of military operations.
5. Dwellings and other installations that are used only by civilian populations should not be the object of military operations.

Medical staff dedicated solely to perform medical duties must be respected and protected in all circumstances.

Medical units and medical transports are at all times must be respected and protected and can not be the object of attack during armed conflict, according to **Art. 11 of Additional Protocol II**.

Under international humanitarian law, it is prohibited to use the means and methods of warfare likely to cause superfluous injury or unnecessary suffering.

**Amended Protocol II to the Convention on Certain Conventional Weapons (Article 3, paragraph 8)**, prohibits the indiscriminate use of weapons. Indiscriminate use is any placement of such weapons:

1. which is not on, or directed against, a military objective. In case of doubt as to whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling or a school, is being used to make an effective contribution to military action, it shall be presumed not to be so used; or
2. which employs a method or means of delivery which cannot be directed at a specific military objective; or
3. which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.

It is prohibited to use any weapon the primary effect of which is to injure by fragments which are found in the human body by X-rays, **Protocol I of the Convention on Certain Conventional Weapons**.

**REVIEW OF NATIONAL LAWS OF TAJIKISTAN**

The Constitution, while defining the status of the Gorno-Badakhshan Autonomous Region, gives the central legislative and executive authority a duty to coordinate certain activities with the local government. For example, it is prohibited to change the borders of Gorno-Badakhshan autonomous region without the consent of the local Majlis (congress) (Art. 81), the Majlis of deputies has the right of legislative initiative (Article 82).

According to Article 13 of the Constitutional Law of the Republic of Tajikistan “On the Gorno-Badakhshan Autonomous Region”, **the Chairman of Gorno-Badakhshan Autonomous Oblast is responsible** for the measures related to strengthening the rule of law and strengthening the fight against crime, **ensuring the safety of citizens, protection their rights and interests, the organization** of work in the other extreme ... **(emergency) situations.**

National legislation on the defense states that “conducting activities on civil defense on the territory of the Republic of Tajikistan or its particular areas starts with …… the actual outbreak of hostilities ...” and representatives of the local government authorities are responsible to **“ensure timely public notification of the occurrence of hostilities and dangers arising from the conduct of hostilities,** preparing safe areas and hospitals to accommodate the evacuated population**, the implementation of measures to evacuate the population …..** to safe areas, their placement, the deployment of medical and other institutions needed to ensure the basic needs of the affected population”[[23]](#footnote-23).

**The authority to declare a partial mobilization, and the beginning of military operations** by the state armed forces on the territory of the country or its certain areas belongs to the **President of the Republic of Tajikistan**[[24]](#footnote-24).

According to the Regulation of the Committee of Emergency Situations and Civil Defense under the Government of the Republic of Tajikistan, this agency is responsible for notification of the bodies of the Department of Civil Defense and informing the public about the threat and occurrence of military actions. In this connection, the Committee has the right to request and receive, as prescribed by law, the information required to make decisions on the issues fall in the competence of the Committee, is entitled for special vehicles, equipped with identification marks, light and sound signaling and communications.

Implementation of the operational-search measures for the prevention, detection, suppression ... is assigned to the national security bodies of the Republic of Tajikistan, which should coordinate their activities with other law enforcement agencies[[25]](#footnote-25). Overall coordination on the fight against crime of the enforcement bodies and security agencies, tax authorities, customs agencies and other law enforcement rests upon the prosecuting authorities[[26]](#footnote-26).

**The right to life and the use of force and firearms**

According to Article 18 of the Constitution, everyone has the right to life. The criminal law of the country provides for criminal responsibility for the killing, including killing by exceeding the limits of necessary defense or excessing of measures necessary to apprehend the perpetrator, as well as causing death by negligence duty improper performance of his or her professional duties, as well as causing death by negligence for two or more persons[[27]](#footnote-27).

The law provides for criminal liability for the abuse of power with the use of weapons or special items and for causing serious consequences[[28]](#footnote-28).

The Criminal Code defines as a crime the intentional violation of the norms of **international humanitarian law committed during the armed conflict**, including internal, which is defined as “an attack on the civilian population or individual civilians, indiscriminate attack affecting the civilian population or civilian objects and ...... resulting in death or serious bodily and mental harm to any person or caused large-scale damage” as well as “aimed against persons who are not taking part in hostilities, or do not have the means for self-defend "[[29]](#footnote-29).

The Law of RT “On Weapons” defines the general rules of carrying and use of weapons. For example, article 22 of the Law, “prohibits the use of firearms ... during the mass gatherings of people, which could cause injures among innocent persons, except the cases of attack, armed resistance, a group or armed attacks that threaten the lives of people. In every instance of using of weapons, entailed injury, the owner shall immediately, but **within a day** report to the police at the location the weapon was used”.

The Law of RT “On Internal Forces of the Republic of Tajikistan” **does not provide the exceptional nature of the use of force and weapons**, not to mention the proportionality of its application. While there are certain set of limits for use of special tools and weapons in the law the legislation does not provide any limits for the use of physical force.[[30]](#footnote-30) When using physical force, special means or weaponry the military representative should notify about his intention, provide sufficient time to fulfill the requirements and ensure pre-hospital care, as well as to report on his command, report to the prosecutor about the injury, death, according to the art. 19 of the law.

The Law of RT “On the Police” in Chapter 4, broaden the provisions of the previous law, while defining the use of physical force, special means and firearms, “based on the situation at the discretion of the police officer” in almost similar cases described in the previous law. Comparable provisions are also contained in the Law of RT “On National security” (article 21).

Legislation does not impose an obligation for conducting detailed and independent investigation into each case of injury and loss of life.

1. **MAIN RESULTS OF THE MONITORING**
2. **RIGHT TO TRUTH**
	* 1. **Informing the population on the launch of the special operation**

Population of Khorog city was not informed about the beginning of attacks of microrayons in the morning of July 24, 2012. After entry of the military subdivisions into the territory of Khorog city on July 22-23, 2012, population expected that militants will make an attempt to arrest those involved in the murder of general Nazarov. However, residents of UPD and Barkhorog microrayons did not assumed that military actions will be conducted in these microrayons. Majority of people woke up at 4 a.m. from the sounds of gun shot. Some of the respondents and their family members during the first hours of the shootings were certain that a war against residents of Khorog has begun.

In general, population learned about the special operation, conducted by law enforcement and security forces only around midday July 24, 2012 from mahalla leaders as well as from other unofficial sources.

Furthermore, the government authorities in GBAO were not informed about the conduction of the special operation. Representative of the regional government underlined weak position of the government in the region, where representatives of the republican law enforcement agencies, such as the State Committee on National Security, Ministry of Interior, General Prosecutors Office and Ministry of Defense of the RT decided to conduct special operation with involvement of military without relevant coordination with local governmental authorities.

During a month from the beginning of the special operation access to adequate means of communications was lacking, only three hot lines were operational, which were receiving more than thousand calls daily from the population and their relatives living outside of GBAO.

According to the Administration of the Department of Internal Affairs in GBAO, staff of the department immediately after murder of general Nazarov started the investigation and search operations jointly with investigative agency of prosecution office. During the investigation, those involved in the crime were identified. However, institution of criminal proceedings against these people became impossible by using the forces of law enforcement agencies of the region, since impeding the investigation process and institution of criminal proceeding was taking place. This fact was communicated to the higher level authority of Ministry of Interior and Office of the General Prosecutor. The request for assistance from Dushanbe was made in order to proceed with further investigation of the criminal offense and prior to the beginning of the special operation representatives of the General Prosecutor`s office arrived in Khorog.

Nevertheless, staff of law local law enforcement agencies did not possess information about the duration, location and scale of the special operation. Alike the rest of the local population, staff of the local law enforcement agencies did not have access to mobile and landline communication, only management of the GBAO Regional Department of Internal Affairs had means of communication, who were coordinating their work.

Representatives of Regional Hospital in Khorog, Regional Cardiovascular Hospital and First Aid Stationeries, TB Dispensary and GBAO Health Department were interviewed during the monitoring visit. According to the health workers of the regional hospital they were not informed about the start of the special operation, however on July 23 they received directives to dismiss patients from the hospital in order to make places available within the hospital.

One day prior to the start of the operation, (July 23, 2012) group of doctors-surgeons arrived in Khorog. Among them there was a neurosurgeon, anaesthetist and physicians. They had large amount of bandaging material, medicines, blood and other equipment for surgeries ( there is no blood bank in the region). Official version of their arrival was organizing consultations among local medical personnel. According to the respondents, the group of doctors themselves did not possess any information on the exact purpose of their arrival. A separate room was arranged for their living inside the premises of the hospital. According to the local medical personnel, doctors were stayed at the regional hospital 3 days supporting local doctors to carry out complex surgeries.

The medical personnel underlined that regional hospital was not provided with access to means of communication. They added that, only the head doctor had access to mobile communication. As a result, the monitoring group had an opportunity to talk to the head doctor of the regional hospital and he emphasized that he as well is the depute of the higher chamber of the Majlisi Milli of RT, therefore due to his status he was supposed to have access to mobile communication during the special operation.

Representative of the cardiological hospital of GBAO (UPD microrayon) likewise were not informed on conduction of the special operation. Prior to the start of the special operation, they had 25 patients in the hospital. Nevertheless, due to the atmosphere of tension in Khorog city on July 23 2012 majority of the patients were discharged from the hospital voluntary. One patient was not allowed by the medical personnel to leave the hospital due to his poor health conditions. Some of the doctors could not arrive at work on July 24, 2012 since heavy shootings were going on in this microrayon. Nurses, who could not come to work, were providing medical aid to population in the zones of special operation, domiciliary. Furthermore, one of the nurses was providing medical aid to one of the injured; however he died, since there was no possibility of taking him to hospital to take urgent measures for saving his life. Medical personnel leaving outside of Khorog had to stay within the premises of the hospital for three days.

During the special operation, means of communication with hospitals as well were cut; law enforcement agencies did not provide safety for the hospital. On July 23, 2012 3-4 military armed men came to the hospital, who searched the territory and premise of the hospital and then notified that post will be installed in the attic-floor room. Subsequently, no one was allowed to enter the attic-floor room.

Representatives of the GBAO Education Department were not informed on the planned operation. During the special operation, schools and other educational institutions were closed due to summer vacation.

* + 1. **Access of population to means of communication**

Close to midnight on July 23, 2012 (the night from 23 to 24) mobile, landline and internet connection was blocked, the road Dushanbe-Khorog as well was blocked. The landline connection was restored on July 28, 2012; from August 25 mobile connection with Khorog and Shugnan district was restored. Official version of the communication cuts was damage caused to the cable. According to the statement of Head of Communication Department under the Government of RT, Beg Zuhurov, “during the well-known events in Khorog, a bullet hit the cables, since cables pass through the air”[[31]](#footnote-31). However, the monitoring reveled that, mobile phones of the higher level representatives of law enforcement agencies, Hukumat of GBAO (local government) and some local residents, who were among the mediators in negotiations were connected by TCELL mobile company, which contradicts the official version of the damage caused to the cable. Nevertheless, majority of the region population, including representatives of local government did not have access to mobile services, at the same time heads of the local government had landline and mobile services without interruption.

Due to communication cut population did not have opportunity to receive any information about the on-going attacks in the city as well we communicating with relatives living outside GBAO. Consequently, residents of the region did not have access to adequate and reliable information, which resulted in huge amount of unreasonable rumors.

* + 1. **Mass Media**

From the start of the special operation in Khorog city, numerous internet resources were blocked, among them web site of the mediagroup “Asia Plus ([news.tj](http://news.tj/)), “RIA Novosti“, “Vesti“, [“CentrAsia”](http://www.centrasia.ru/), “Lenta.ru” and “Pamir vesti“. Despite the statement of the government on blockage of the web sites due to technical maintenance works, the main version of the blockage was coverage of Khorog events. For instance, video hosting YouTube and similar internet resource in tajnet TajTube were blocked after video from the demonstrations in Khorog, where local residents protested against entrance of additional military forces to Khorog appeared.

Local residents did not have access to official information on the number of victims, including number of killed and injured as a result of the conflict. All respondents replied that from July 24-27, 2012 they did not have access to means of communication (internet, landline, mobile).

According to the respondents, (22 out of 33) events of 24-28 of July 2012 had wide coverage in mass media, particularly through Russian channels, such as “RBK”, “NTV”, Kazakh channels “K+” and newspapers such as “Asia Plus”. Among all news sources, newspaper “Asia Plus” “Farag” and “Najot” of the IRPT (Islamic Renaissance Party of Tajikistan) were named as the most reliable. According to respondents, adequate information was delivered by channels “K+”, “RBK” and “Asia Plus”, special correspondent of the last was in the city from July 24, 2012.

Nevertheless, six respondents (6) underlined that some Russian TV channels were delivering inadequate information, especially regarding the number of victims and the exact reasons of operation in the region. Relatively negative reactions were towards state TV channels as well as local TV channel Badakhshon. According to respondents, these TV channels were having subjective coverage of the events in July 2012, with groundless criticism of some of the victims among civilians of Khorog. Four respondents said that after communication was restored, they were receiving information via internet.

* + 1. **Informing the population on the negotiations process**

Already on July 25, 2012, at the initiative of the head of the region, Kodir Kosimov a mediation group “Group of 20” comprised of local activities, deputies of city council and religious representatives was established, which played an active role in the negotiation process for settlement of the conflict. One of the main objectives of the group was supporting interaction among local authorities and residents. According to the group’s representative, every member of the group was selected by the head of region. According to the information received members of the group started their work on July 25, 2012 and after both sides of the conflict made an agreement on handover of arms on July 28, 2012 the group was dismissed. Nevertheless, according to the respondents, after some time members of the group resumed their work, since local authorities did not manage to come to establish dialogue with residents of the city.

One of the main reasons of dismissal of “Group of 20” was mentioned the fact that from July 28, 2012 representatives of the Aga Khan Foundation joined the negotiation process, who explained that the mission of Group of 20 is finished and further the negotiation process will be their duty. It is worth underlining that, other international organizations whose mandate is peaceful settlement of conflicts were not involved to the negotiation process.

The monitoring results showed that, majority of respondents did not have complete information about the negotiation process among government forces and local armed groups. Due to the communication cuts all information at that time was based on rumors. Only active public representatives had access to information about the negotiation process, since they were participating in all meetings of the process and thus had access to adequate information. The remaining respondents mainly received information from representatives of “Group of 20” during meetings and demonstrations, through their neighbors and relatives as well as through representatives of the Aga Khan Foundation (Edgor Faizov). Only two respondents mentioned that they received information from mass media via republican and local TV channels.

* + 1. **Evacuation of the population form the zone of special operation**

The city residents were not informed on the planned attack, subsequently could not evacuate on time, even from the microrayons where the main attacks of the government forces were targeted. Monitoring group was informed that civil servants, staff of educational institutions and preschool institutions were informed that they should not come to work on July 24, 2012.

According to unofficial information, one day prior to the attacks, on July 23, 2012 all foreigners, staff of international organizations working in the region were evacuated. Nevertheless, 40 people, foreign tourists managed to leave Khorog for Dushanbe only on July 27.

Local government authorities did not have any information on the scale of the opreationm thus the issue of evacuation of the population was not planned on time.

Representative of the Committee on Emergency Situations and civic defense of GBAO underlined that, this committee is member of evacuation committee both in the region and in the districts. Their committee was not informed about the planned special operation, however prior to the start of the special operation they were requested to provide information about the number of households in the zones of the planned operation. They said that, after staff of prosecution office were taken hostage, the law enforcement agencies started the operation against armed groups. According to the respondent, if they would have been informed beforehand about the time, date and exact location of the planned special operation, there committee would have had the opportunity to prepare for evacuation of the residents.

Consequently, local authorities did not announce evacuation of the population from the zones of active shootings. During the special operation on July 24, 2012, respondents and their family members remained in their houses since they did not have any possibility for movement in the city due to the heavy shootings. Moreover, according to respondents, throughout the city perimeter, where active military actions were taking place, snipers were located, who were shooting at civilians as well. Only after July 25, residents managed to leave their houses and move to temporary places, to the houses of their relatives and close ones.

Women and children living in microrayon Barkhorugh were exception, they managed independently leave the zones of active military actions on the day of special operation. This was possible due to the fact that the only road leading to Barkhorugh was blocked by local residents. Exactly this part of the road is used for leaving the city towards the direction of small city Hydro-power Station and nearby villages of Shugnan and Roshtkala districts. However, male residents of this microrayon could not leave due to the threat of being killed by snipers, who were located throughout the perimeter on both sides of the city, left and right banks.

1. **RIGHT FOR JUSTICE**

**4.2.1. Information about the persons, who dead during and after the special operation**

Almost a year after the operation, there is still no reliable information about the numbers of wounded and killed, either among the civilian population or among law enforcement and security agencies involved in the operation. The monitoring group submitted relevant requests to the state bodies for information, but not a single answer was received so far. According to the official information provided to the UN Committee on Human Rights, the Government states that “as a result of armed conflict and violence against the government representatives - the employees and military personnel of the law enforcement bodies, Security, the Ministry of Defense and the National Guard, 18 were killed and more than 45 injured.”[[32]](#footnote-32)

Representative of the local executive branch in GBAO stated that according to official data there were 45 persons killed during the special operation: 22 civilians and 23 law enforcement and military personnel. However, the representatives of the local government did not document the situation in the region.

In the course of a formal dialogue with the delegation of the Republic of Tajikistan on July 9, 2013, members of the Human Rights Committee also asked to provide information on the number of civilians that died during and after the special operation on July 24, 2012. The Deputy General Prosecutor of the country state that during the special operation in Khorog there were only two civilians casualties: one was accidently shot and the other died as a result of a heart attack.

According to the Minister of Defense, the majority of those who died on July 24 belonged to criminal groups and thus were killed in the course of resisting law enforcement agencies.[[33]](#footnote-33)

On July 3, 2013, during a preliminary Human Dimension Implementation Meeting in Dushanbe, a representative of the Ministry of Defense informed that two persons killed during the special operation in Khorog in July 2012 were military personnel.

According to local human rights organizations, there were 22 local residents killed in the course of the special operation, the majority of whom were civilians that were unable to evacuate the city due to the lack of information about the upcoming special operation. The monitoring group managed to interview the relatives of 15 victims who died in the course of and after the special operation.

***List of people killed during the special operation* (**documented details of the death cases are presented in the Attachment I)

|  |  |  |  |
| --- | --- | --- | --- |
| **№** | **Name**  | **DOB** | **District** |
| 1 | Mamadrizoev Sabzali – Chairman of the IRPT branch in GBAO | 1981 | UPD |
| 2 | Iskandarkhonov Rustam  | 1980  | UPD |
| 3 | Imomnazarov Sultonnazar Ogonazarovich | 1968  | UPD |
| 4 | Shirinbekov Zokir Gulbekovich  | 1987  | UPD |
| 5 | Abdulnazarov Alisher Sohibnazarovich  | 1982 | UPD |
| 6 | Mamaddodov Sobir Ayombekovich  | 1978  | UPD |
| 7 | Sultonazarov Safarbek Mirzonazarvich  | 1973  | UPD |
| 8 | Zokhirbekov Zokhirbek Mirzomamadovich | 1959  | UPD |
| 9 | Nizomiddionov Jaloliddin Somiddinovich  | 1972 | UPD |
| 10 | Bakhtuljamolov Toshbek  | 1948  | UPD |
| 11 | Mulkamonov Mamadasan Nazarovich  | 1967 | UPD |
| 12 | Karamkhudoev Bakhtibek Sultonmamadovih, has 2 handikaped children  | 1946 | UPD |
| 13 | Raisov Rais | 1985 | Barkhorog |
| 14 | Mamadibroimov Yormamad  | 1964 | Barkhorog |
| 15 | Gayosov Suraj Muravvatovich  | 1974 | Nivodak  |
| 16 | Sadonshoev Eraj Shirinovich  | 1971 | Khichordev |
| 17 | Pulodov Abdulnabi Tokhirovich  | 1996 | Bizmich  |
| 18 | Bakhtovarshoev Farid Komilshoevich  | 1992 | Bizmich  |
| 19 | Shodmonbekov Rashid | 1987 | Was shot on August 10, 2012 at the block post Barkhorog |
| 20 | Shodmonbekov Vohid  | 1991 | Was shot on August 10, 2012 at the block post Barkhorog |
| 21 | Imomnazarov Imumnazar  |  | Was killed on August 22, 2012 UPD |
| 22 | Mirzohasanov Pisarjon  | 09.07.1985 | Resident of the Murghab district, was shot on July 2, 2012 next to the burnt residential place of the Khorog State University  |

During the monitoring, it was discovered that most of the victims' families had no information about the circumstances of the death of their loved ones. Bakhtibek Karamkhudoev (born in 1946) was shot dead when he was trying to look out the window. In another case, Toshibek Bakhtuljamolov (born in 1948) died from a heart attack because his relatives were not able to take him to the hospital due to intense firefights. By the time they arrived at the clinic, Bakhtuljamolov was dead. As a result of blocking the road to the regional hospital in Khorog, relatives managed to take the body of the deceased to the hospital only on July 25, 2012.

Some of the victims were killed in the courtyards of their homes by sniper fire and the explosions of munitions. For example, Nizomiddionov Jaloliddin (born 1972) received a fatal wound in the heart area while next to his house at 5 am on July 24, 2012; Bakhtovarshoev Farid (born 1992) was fatally wounded by shrapnel from a mortar shell that struck his chest and head

In other cases (Shirinbekov Zokir, born 1987; Sultonazarov Safarbek, born 1973; Raisov Rais, born 1985; Mamadibroimov Yormamad, born 1964), relatives were notified of their deaths a day after the operation. The bodies of some victims continued to lie on the streets for two days. In other cases, bodies were delivered to the regional morgue by ambulance services.

The monitoring revealed that the deaths of civilians took place before and after the special operation:

**Sabzali Mamadrizoev.** During the protest rally on July 23, 2012, the Chairman of the Islamic Revival Party of Tajikistan (IRPT) Sabzali Mamadrizoev (1981) publicly and sharply criticized the government in relation to the social and economic situation in the country, which has forced much of GBAO’s working-age population to become migrant workers.

According to the IRPT, immediately after the rally Mamadrizoev was arrested by law enforcement agencies, and 3 days later his body was found near the compound of the Border troops in Khorog in a garbage dump.[[34]](#footnote-34)

Shortly after the operation, video clips were released on YouTube, including recordings of protest rallies of Khorog residents, ruined and burning houses, and images of some military actions. Among the latter was a video that shows men in military uniform debasing the body of a dead man by kicking and dragging it along the ground and throwing it into a garbage dump. IRPT officials linked this footage with the death of Mamadrizoev and urged Tajik authorities to conduct a thorough investigation into his death.[[35]](#footnote-35)

According to Mamadrizoev’s widow, law enforcement and medical agencies did not document the fact of her husband’s death, nor did they carry out a forensic examination of the body. According to her, there were bruises on Mamadrizoev’s body, including around the eyes and on his back in the form of red spots.

**The death of a teenager.** Despite the announced ceasefire, on July 25, 2012, underage Pulodov Abdul (born 1996) was killed by sniper’s bullet near his house. According to his family, early in the morning Pulodov left the house to go to the toilet. A few minutes later his father heard machine gun fire, and went out to find his son, who was hiding in the woods and was afraid to come out. When the teenager saw his father, he came out to meet him. At that moment he was shot by a sniper, who, according to the father, was located in an adjacent house at a distance of approximately 50 meters. The boy received a fatal wound in the liver and died on arrival at the hospital.

According to the victim’s father, authorities did not carry out a forensic examination of the body and did not document the death. To this day, relatives of the deceased still have not received the death certificate and law enforcement has still not launched an investigation into the incident.

**Shooting of cars**

On August 10, 2012 a Mercedes carrying five passengers came under fire at the military checkpoint Bidurd . Two passengers – Rashid Shodmonbekov (born 1987) and Vokhid Shodmonbekov (born 1991) – died and one was injured as a result. According to information provided by the relatives of the victims, the state bodies did not conduct a forensic examination of the bodies.

Immediately after the incident, relatives of the victims filed an appeal to the police for an official investigation into the deaths of their loved ones. According to information received thus far, the prosecutor's office in Shugnan district initiated a criminal case, however, despite the assurances of the authorities that there would be an immediate investigation into the incident, there still has been no information about a formal investigation.

**Imomnazarov Imumnazar** On August 22 at 04:00, one of the leaders of the Pamiri opposition Imomnazar Imumnazarov was killed by unknown persons, resulting in a substantial protest by citizens of the city of Khorog. Between 3000 and 5000 citizens participated in the protest.

**4.2.2. Persons with injuries and health care**

According to information received from the medical staff of the regional hospital in Khorog, in the first hours of fighting, injured people from among the civilians did not have access to the hospital, and therefore had to refer to other medical institutions, in particular to the TB hospital and district hospitals in Rushan and Shugnan districts. Only after the cease-fire, about 7 p.m. of July 24, 2012, the injured people began to seek medical care in the regional hospital, but due to the barricades built on the streets, timely delivery of persons to the medical facilities on the vehicles has been hampered.

Most injuries were received on the streets of stray bullets, sniper shots and explosions of shrapnel shells. Due to the fact that all the documented cases of emergency medical care to people with gunshot wounds were transferred to law enforcement officers, who were to conduct formal investigations, the majority of injured young people refused from hospitalization because of fear of prosecution by the law enforcement agencies.

Monitoring Group did not receive official information about the number of casualties among the representative of state bodies.

According to the results of the interviews, monitoring group had obtained and documented information on twenty-five (25) persons injured during the special military operation as well as at its end. Six (6) persons out of the 25 received injuries of varying severity.

As per the results of the interviews with representatives of health care facilities, monitoring group received a variety of data about the number of wounded people. However, due to the lack of specific personal information about these persons, the monitoring group did not include this information in the documented data (on 26 people) mentioned above.

Furthermore, due to an unexpected attack on the city, the health state of many residents worsened, especially among pregnant women and people suffering from hypertension. There have been several cases of spontaneous abortion among women living in the city during and immediately after the raid. One of the respondents noted that his mother died mourning over her grandson, who was killed during a special operation on July 24, 2012.

At the time of the interview, there were people with bullet wounds in the city. In the course of the monitoring, two cases have been reported, where the regional hospital doctors were unable to remove the bullet from the bodies of the victims. However, due to a fear of persecution by the authorities, these individuals still cannot travel outside the area for further treatment.

Despite the fact that the personnel of the Regional Department for Internal Affairs in GBAO did not participate in the special operation in conjunction with the armed forces of Ministry of Internal Affairs and the Ministry of Defense, two employees of GBAO Regional Department for Internal Affairs were injured: one officer received a minor gunshot wound, while the second one was severely injured in the hip joint, and subsequently underwent an operation for amputation of his leg. According to the representatives of GBAO Regional Department for Internal Affairs, the second officer received qualified health care and treatment in Dushanbe. According to the decree of the Minister of Internal Affairs, he also obtained the appropriate financial compensation and remained in the ranks of the Interior bodies for the continuation of service.

In order to provide emergency medical care, a number of unified groups have been set up from among the medical staff of the regional hospital, which also included surgeons, internists, anesthesiologists and neurosurgeon, which arrived from Dushanbe. For the next 12 days, doctors stayed in the hospital and provided medical assistance twenty-four hours a day to people in need.

According to representatives of the regional hospital, during the first day of fighting, 12 seriously injured persons were delivered to the department of emergency surgery, many of whom have been suffering from shrapnel wounds. Injuries sustained from exploding bullets were also recorded. According to a source, two out of 12 people died of the sustained wounds; the others have been successfully operated and transferred to other units. In total, 15 wounded persons were received at the regional hospital. Some of the wounded individuals refused from hospitalization due to a fear of persecution by the military. According to the doctors, all documented cases of emergency medical care rendered to people with gunshot wounds were subsequently handed over to law enforcement officials, who officially conducted the investigation. In particular, the names and nature of the injuries received by every individual were repeatedly handed over to the law enforcement authorities upon their request.

According to the medical staff, most wounds were received on the streets of stray bullets and sniper shots. In particular, a wound in the area of the loin (lower back) was received by a two-year old child, who was assisted by an emergency medical care. Persons with physical injuries have not been reported. Women with onset of preterm birth were delivered in maternity ward of the hospital, although no appeals of miscarriages were registered.

Basically, people from among the local population were delivered to the regional hospital, while the wounded and the dead from among the military officers were redirected to the military hospital of the Ministry of Defense, located within the military base on the outskirts of Khorog city and to the hospital of the Frontier Base of the State National Security Committee of the RT.

During the raid, unidentified corpses were also delivered to the hospital, which subsequently have been identified by their relatives and collected for burial. Respondents noted that the morgue within the regional hospital was in disrepair, and therefore no conditions were available there for the storage of corpses.

According to respondents from the regional hospital, there were no problems with medication supply for the first 2 days. Medical supplies and drugs that were available in the hospital stock were mainly used. Due to the fact that there are no blood banks in the hospitals, close relatives and volunteers donated their blood, and besides, doctors used the plasma, which was brought in from Dushanbe. However, on the third day, according to doctors from the traumatologic department, there was a lack of anesthetics, which later had to be taken from the warehouses of the international organization - Aga Khan Foundation .Respondents noted that in the case if the special operation was prolonged for some time more, the hospital would not have been able to provide further medical assistance due to the completion and lack of supplies of medicines for the provision of immediate emergency assistance for the incoming wounded men.

According to the respondents, at the time of the raid there were no restrictions on the supply of water and electricity, as they are served centrally. Moreover, the conditions at the hospitals allow providing electricity and water supply independently, as the hospital is equipped with a power substation and pump on an artesian well.

Respondents also indicated that the hospital security was not provided during the raid. However, it should be noted that there was no pressure imposed on the medical staff of the hospital, and none of the doctors was injured. After the raid, GBAO Regional Office of Health expressed gratitude to all the staff of the regional hospital.

*GBAO Cardiology hospital* is situated in the neighborhood of UPD area, where active hostilities took place, and therefore access of the population to the hospital was restricted. According to the hospital personnel, one of the residents of homes that are located at a very close proximity to the Cardiology Hospital, died of a heart attack on July 25, 2012. However, due to lack of communication and intensive shelling of the area, the relatives could not call an ambulance and it was not possible to deliver him on time to the hospital.

During the first 3 months after the raid, no one referred to the hospital for help, as the majority of the patients are the residents of GBAO Districts, who feared to refer to the cardiology hospital due to the last – year events.

All 3 teams of the ambulance station were operating on July 24, 2012. During the period of the raid, ambulances delivered 7 wounded persons to the regional hospital. Other wounded persons were transported to the TB hospital and the hospital of Roshtkala district. There was a young guy among the injured people, who had a wound in the groin, and both of his legs were shot. Two children from one family, who were in the house at the moment, got injured by shrapnel. According to one of the respondents, there was a military ambulance service operating along with ours, which collected the wounded and dead soldiers. None form among the personnel was injured. All the employees were at work, and participated in the delivery of health care.

The first call for help was received at Khorog ambulance station in the afternoon of July 24th, when a young man was shot in the back in the neighborhood of the UPD area, where the highest number of people affected by bullet wounds was registered. While visiting the location, the ambulance came under fire, causing the car left with two bullet holes. According to the respondent, the shots were not targeted, but warning. Upon visual inspection of one of the ambulances by the representative of the Monitoring Group, a hole was discovered on the driver's door, presumably from the firearms (see photo attached).

Military men did not impede the movement of ambulances. On July 25th information about a group of women (about 25 people) was received, which went out to the streets holding white flags to collect the dead bodies. After the arrival of the ambulance, women rejected their assistance, expressing frustration that they had come too late. However, women directed the emergency medical technicians to the yard of one of the houses, where five corpses were stacked. Residents wanted to lay down the bodies in a mass grave and bury it. However, the chief physician of the station managed to persuade them to take the bodies to the morgue to subsequently produce a burial in compliance with the traditions and customs. People at that moment were in a state of shock and did not express any emotions, not even crying.

The first aid medical station received information that there are also multiple corpses on the territory of the city Bakery (Khlebzavod). During one of the visits, the ambulance workers detected several corpses, including two dead bodies of the soldiers, which were taken to the regional hospital. According to the respondent, they could not identify which corps branch or military troops they were pertinent to, and thus they were taken to the hospital. After completion of the main phase of the special operation, ambulances transported bodies from the morgue and handed them over to their relatives.

During the raid, the entire medical personnel of GBAO TB clinic remained on duty, including doctors from other hospitals that were unable to get to their work stations in other health care facilities of Khorog city, as well as the individuals obtaining medical education (nurses, laboratory assistants, etc.).

The first wounded began arriving at the clinic at 9:00 a.m. on July 24, 2012. In total, over the two days’ course of the special operation, the clinic received 25 people. Of these, two were seriously wounded and later died. One of them was seriously wounded in the head and chest, and the second one had a perforating wound in the neck area.

Others casualties had bullet wounds in the legs and shrapnel wounds in the back. Medical personnel mainly rendered first aid by bandaging the wounded and providing analgesic medication and injections. The wounded individuals remained in the clinic for no more than 2 hours, after which their relatives took them away to the district medical facilities.

One of the wards was vacated to receive the wounded patients. All medications were provided from a shipment of accumulated humanitarian aid. City residents also handed their personal medication over to the hospital. It was not possible to register the persons arriving with injuries because the accompanying people were in an excited state or in a state of shock and did not allow recording the personal details of the wounded.

There were 40 patients (both adults and children) in the hospital during the events. After the end of the special operation, all the patients went home, but 15 days later they returned to the hospital and proceeded with their treatment. Exacerbation of diseases was not observed. During the special operation food supply wasn’t ensured and the medical institutions managed to cope with their own supplies.

Only on the fifth day after the raid GBAO administration expressed concern about the provision of Khorog medical institutions with medical supplies. After the events of July 24, 2012, the representatives of the Red Crescent distributed individual first aid kit with a set of medicines among the each member of the personnel. They also provided sheets and blankets in the amount of 30 pieces upon request. State National Security Committee has also provided assistance in the form of 80 kg of meat and 2 jars of honey.

Gratitude was expressed only to two members of the hospital personnel through GBAO Department of Health. No pressure was imposed upon the staff. It is worth noting that the hospital staff had never received any special seminars on how to act during the emergencies and armed conflicts, and hence, the doctors are still in a state of shock.

Since the special military operation was conducted during the summer vacation, casualties in the educational institutions could be avoided. However, according to GBAO Regional Education Department, a change in the behavior of the children is observed after the raid. They have become more withdrawn and uncommunicative. This situation lasted for almost five months. Presently, the situation has normalized. GBAO Regional Education Department was part of the commission for prevention and awareness-raising among the public masses in Khorog. There is an urgent need for psychological assistance for children in the region. According to the respondent, the only psychologist available in the oblast is working for the Presidential Lyceum.

**4.2.3. Conducting effective investigation into the events on 21-24 July 2012 in the city of Khorog, the facts of deaths and injuries.**

***Human rights violations during a special operation by law enforcement agencies***

The majority of respondents reported that the servicemen involved in the military operation did not use acts of violence against them, their families or neighbors. Twelve (12) of the thirty-three (33) respondents reported that they had been subjected to violence which basically include foul language, insults and raise our voice, and in two cases the men were searched under gunpoint. One (1) of the respondents said that while they were held hostage in his home, his cousin at gunpoint was forced to announce to his relatives that they are very well treated by the military men and do not have any complaints

The monitoring revealed several instances of entry into homes and occupations of positions by the law enforcement representatives. Three respondents reported that during a firefight in the morning of July 24, 2012 people in uniform (according to the respondents, they were representatives of the group “Alpha”) had broken to their houses and took them in hostage. According to one respondent, the military kept them in hostage, while using them as human shields, saying that “as long as the hostages with them, no one would dare to shoot at this position”.

In the second case, the military took in hostage the whole family (respondent, his wife and two children) which were kept in the same room until July 25 and were only allowed to go to the toilet. The hostages had no opportunity to go out to the kitchen for eating or preparing meal because the military was not allowed to go out. In both cases, from 24 to 25 July (during the fighting) the military did not allow the hostages to eat and drink.

On the very day of the operation the military did not prevent the residents to leave from the city. Only on the second day, on July 25, there were checkpoints established in particular, near the city's power plant and in Bidurd, where the military occasionally stopped and checked the residents, who were returning back to their homes.

In one case, the respondent informed that a few days after the special operation he had been beaten by the 20 military men in a result of brawl between him and the military. The young man was taken to a regional hospital with a concussion.

The results of the monitoring demonstrated that the victims among the local population in most cases did not go to the police regarding the alleged violations of their rights by the military and police representatives. According to the respondents, the population has lost faith in the fair consideration of their claims.

***Surrender of weapon***

In accordance with the statement made by the Ministry of Interior Ramazon Rahimov, all persons who voluntary laid down the weapons would be released from liability, with the conditions that they had not committed any other unlawful activities before July 24, 2012[[36]](#footnote-36).

From July 30 to August 2 2012 in Khorog and its neighborhoods started the process of laying the weaponry with the participation of the representatives of the Ministry of Interior, Aga Khan Foundation, representatives of the UN World Food Program[[37]](#footnote-37), and civil society. According to the preliminary agreements, the surrender of weapons was anonymous and conducted with the participation of the districts representatives. The whole process was documented and filmed on video.

Despite all these documents in January 2013 the General Prosecutor of Tajikistan during the press conference announced completely different numbers of the collected weapon in GBAO, which considerably exceeds the amount mentioned in the protocols[[38]](#footnote-38) (please refer to Attachment 2). At the same time the General Prosecutor mentioned that all persons who voluntary laid down the weapons from July 25 to December 20, 2012 would be released from liability[[39]](#footnote-39).

***Ensuring a fair and impartial investigation into the events***

According to the official statement of the Ministry of Internal Affairs and the GKNB, the crime was committed by an organized criminal group led by Tolib Ayombekov, a former field commander and member of the opposition during the civil war, who until July 21 this year held the position of deputy chief of the Ishkashim Border Guard.

On July 22 2012, a special commission for investigation of the incident was formed, consisting of representatives of the Ministry of Internal Affairs, GKNB, and representatives of the general prosecutor office. Without conducting any investigative activities whatsoever, the representatives of the law enforcement services put forth demands that certain people who had allegedly participated in the murder of General Nazarov give themselves up. These people included Tolib Ayombekov himself and his close relatives.

Soon, the authorities also brought charges against the former warlords Yodgor Shomussalamov, Muhammadbokir Muhammadbokirov Imomnazar Imomnazarov in smuggling drugs, precious stones, tobacco, non-repayment of bank loans and trafficking. The Agency for Drug Control has published the dossier, in which all four leaders were accused in the supply of heroin from Afghanistan to Kyrgyzstan and other countries[[40]](#footnote-40). Currently Ayombekov, Shomussalamov and Muhammadbokirov are in Khorog under house arrest.

***Investigation into the civilian deaths July - August 2012***

Relatives of the victims in an interview with the members of the monitoring group pointed the lack of information on the progress of the investigation into the deaths of civilians during the events of July 2012. They mentioned that the state bodies did not conduct forensic examination of the bodies, and in some cases did not document the facts of death of their loved ones. Several families of the victims have not been issued a death certificate.

Monitoring results showed that to date there is no single investigation initiated by the authorities into the civilian deaths occurred during the events of July 2012. Relatives of the victims have no information whether a criminal case and whether these cases with be investigated.

***Arrests and detentions***

According to the official statements of the GKNB and Ministry of Interior, during the operation 40 people were detained and sent to Dushanbe. Law enforcement bodies claimed there were also citizens of Afghanistan among the detainees. The monitoring group recorded only one case of a person who disappeared – the Chairman of the city branch of the [opposition] Islamic Renaissance Party Sherali Karamkhudoev, who was later found in the detention facility of the State Committee for National Security and was sentenced to 14 years in prison (see next section for more detail). Monitoring results also showed that during the special operation four citizens of Afghanistan were detained. These were men who worked as mechanics at a local service station, with legal status on the territory of the Republic of Tajikistan. According to the owner of this station, his workers were beaten by the police (OMON) and representatives of the Ministry of Interior. They also took the workers’ money and mobile phones. In addition, he said, the men were forced to wear military clothing, given weapons, and photographed. Later, these photos were used by local media who presented the arrested Afghan citizens as *mujahideen*. According to information received from the employees of the station, few days later their Afghan colleagues were released and deported to Afghanistan.

Despite all guarantees promised by the authorities to all participants of the July 2012 events in Khorog, law enforcement agencies appear to continue to persecute some individuals who allegedly participated in confrontation against the government forces in July 2012.

Thus in October 2012, media reported that during the visit of the Head of the State Committee for National Security Saymumin Yatimov to Khorog, he received numerous complains from the residents of Khorog regarding the “unjustified persecution” of citizens by law enforcement agencies. According to Radio Ozodi, Yatimov confirmed the fact of questioning 30 people. However, the Head of GKNB said that the interrogations were conducted solely for the purpose of verifying information.[[41]](#footnote-41)

The Department of Interior in GBAO also confirmed the detention of persons suspected of involvement in the commission of crimes and participation in illegal armed groups. Detentions were conducted on the basis of written orders of investigation and prosecution. According to the respondents, interrogations of the detainees were not carried out in the premises of the Department of the Ministry of Internal Affairs in GBAO, as required by law, but in the office of the city’s Military Commissariat, supposedly because the population insisted they be carried out there. The interrogations were carried out by the representatives of the investigative bodies of the General Prosecutor's Office.

According to the respondents, the detainees were interrogated not more than 3 hours in accordance with the laws of the Republic of Tajikistan, only during the daytime and in the presence of a lawyer (an employee of the Lawyers of Pamir Association Nozir Navdjuvonov) or the relatives of the detainees. After the interrogation, the detainees were released and allowed to go home.

The respondents stated that by the decision of the Government of the Republic of Tajikistan, all participants in armed resistance were granted amnesty and they are currently exempt from criminal liability.

In the course of the research, the monitoring group received information that law enforcement agencies are maintaining a list of people who allegedly resisted the security forces on July 24, 2012. One of the victims who was wounded during the operation mentioned that when his wife applied for monetary compensation for his injury to the city government, she was asked to bring a certificate from the Division of the Ministry of Interior in Khorog stating that her husband was not involved in the actions against the government and was injured as a result of the special operation. On 07.02.2013 the Division of the Ministry of Interior in Khorog issued a certificate #6/185, which states that the respondent was injured on 24.07.2012 in the course of the special operation, and was not resisting the security forces. Police officers have denied the existence of any official lists of persons suspected in participation in armed conflicts.

***Criminal processes against the participants of the events of July 2012***

In January 2013 the GBAO Prosecutor’s Office stated that the investigation into the murder of General Nazarov had been completed and the case had been submitted to the court. According to the results of the investigation, two residents of GBAO **Okil Ayombekov** (the brother of Tolib Ayombekov) and **Hamza Murodov** (Gulnazar) were charged in the murder. Both defendants voluntarily surrendered to authorities in August 2012. On February 28, 2013 the trial was completed and Ayombekov was sentenced to 17.5 years and Murodov to 16.5 years in prison for manslaughter, theft of weapons, and the use of violence against public official.[[42]](#footnote-42)

The trial was held behind closed doors, which did not allow the monitoring team to observe the process. According to lawyers and relatives of the defendants, the process was conducted with a number of violations of procedural rules. In addition, relatives of prisoners did not agree with the court sentences, especially in the case of Murodov Hamza, who is charged only for “not reporting” the crime.

On April 5, 2013 the Supreme Court began the trial against Sherik Karamkhudoev and Dimon Ashurov (Davlatbekov Davlatbek), who were charged with organizing and participating in confronting government forces on July 24, 2012.

**Sherik Karamkhudoev.** The chairman of the city's branch of the Islamic Revival Party of Tajikistan (IRPT) Sherik Karamkhudoev went missing as a result of the special operation on July 24, 2012. That same day, the IRPT issued a statement about the disappearance of their representative. Two weeks later, the State Committee of National Security announced that Karamkhudoev was in the custody of the Committee in Dushanbe. Only on September 17, 2012 was Karamkhudoev’s mother allowed to visit him. During the visits, she noticed injuries on his head and body, which indicated that he had been tortured.[[43]](#footnote-43) At the request of Karamkhudoev’s lawyer Zebo Kasymova, on October 4, 2012 in the detention facility SCNS, in the presence of representatives of the National Security Committee of Tajikistan and the Prosecutor General's Office, there was a forensic examination of her client. The results of the examination did not confirm use of torture and concluded that the marks on his body were “the result of a fall.”[[44]](#footnote-44)

Karamhudoev was charged under Articles 187 (organization of a criminal group) and 195 (illegal purchase, transfer, sale, storage, transportation or carrying of weapons, ammunition, explosives) of the Criminal Code of RT.

**Dimon Ashurov (Davlatbek Davlatbekov)** was arrested in August 2012 for allegations of fraud, but while in detention allegedly jumped from the second floor of the Khorog Interior Department. As a result Ashurov broke both legs, and was then taken to the regional hospital in Khorog, where he underwent several surgeries. According to law enforcement agencies, during treatment in the hospital (August-December 2012) Ashurov remained under police escort. In December 2012 the media reported that Ashurov had fled to China. According to his relatives he needed surgery for his legs, as there was a danger of gangrene. On January 8, 2013 Dimon Ashurov was arrested at a clinic in the Chinese city of Urumqi, and extradited to Dushanbe, where he was placed in a detention facility of the National Security Committee. Initially Ashurov was accused of fraud and escape from custody, however, after he was taken to Dushanbe, Ashurov was charged under Article 187 (organization of a criminal group) and 188 (participation in mass disorders), Article 328 (violence against a representative of authorities), and section 365 (escape from custody) of the Criminal Code[[45]](#footnote-45).

Ashurov and Karamkhudoev were tried together in a case assigned a security classification, and therefore held in closed session. The defense reported a number of procedural violations; in particular, that the court without any justification rejected defense motions to call on key witnesses, including state authorities in charge of the military operation in Khorog in July 2012.[[46]](#footnote-46)

At the same time, according to media reports, a total of 61 victims testified in court against Ashurov and Karamkhudoev in connection with the events of July 2012. These were mainly relatives of dead soldiers who had no direct relationship to the events in Khorog and did not witness the events that took place there. Dimon Ashurov’s mother Zebo Mamadnazarova reported that during the hearings on April 11, 2013 the court received testimonies of 10 witnesses. She believes that these testimonies are “not fair” because, according to her, some of them accused Dimon Ashurov and Sherik Karamkhudoev of killing soldiers of government tropps during a special operation in Khorog.[[47]](#footnote-47)

On May 10, 2013, the Supreme Court of the Republic of Tajikistan convicted Karamhudoev and Ashurov on charges of organization of criminal groups, illegal possession of weapons, and participation in mass disorders and sentenced them to 14 and 12 years, respectively. The defense lawyers learned about the court decision from the relatives of the clients.

1. **RIGHT TO COMPENSATION**

***4.3.1. Property damage as a result of the special military operation***

The special operation conducted in the city of Khorog in July 2012 caused great physical damage to the city and its population. According to official information, “public property, as well as private property of the residents of Khorog, received damage in the amount of 1,901,226.57 TJS”[[48]](#footnote-48) (approximately $400,000).

During the monitoring, it was revealed that representatives of the security forces involved in the special operation took up positions in private buildings, including on the roofs of houses and shops. Eleven (11) out of the thirty-three (33) respondents reported incidents of property damage or seizure of personal property for the needs of soldiers during a military operation. Ten (10) respondents had the walls and roofs of their houses struck by fire and windows shattered. Three (3) respondents reported theft of property and valuables. One respondent reported that his house was occupied by military men for eight days, from July 24 to August 2. During their stay, the military broke furniture (while looking for weapons), and took gold, camera gear, a blood pressure cuff, shoes, and clothes. According to the respondent, houses that were next door (his sister's house, and the respondent’s parents house) were also looted, as well as two shops that belonged to the family of the respondent that are located nearby. In addition, according to the respondent the military men took money in the amount of 9000 TJS ($1900).

In another case, the military damaged the attic, windows, doors, kitchen sets, and mattresses, and also ate all the food supplies and stole linens, a laptop, telephone, camera, and jewelry, as well as money in the amount of $1200. According to the respondent, the total damage was estimated at 18,000 - 20,000 TJS ($3775-4195)

In a third case, windows, doors, and roof were damaged, and a digital camera, two cell phones, kitchen utensils, and materials for public events were stolen. Total damage was estimated in the amount of $4000.

One respondent stated that soldiers had fired on the store of his brother. They removed all the food from the store. The shopkeeper officially appealed to authorities to investigate this case, but so far there have been no results.

There were also several private vehicles affected in the course of military operations. However, to date the government has not allocated any funds for compensation to the owners of these vehicles. One respondent said that in the course of military operations after the search of the house the military blew up his Tangem-model car. According to the respondent, the car was new and had been purchased for $6000.

Some of the respondents filed applications to the prosecutor regarding damage and theft of property by military and law enforcement officials, but to date have not received any responses.

***4.3.2. Compensation***

*Private sector.* In accordance with the Presidential Decree of August 2012 a National Commission consisting of representatives of state structures was established to evaluate the damage incurred to the local population as result of the military operation in July 2012. The question of proportionality of losses suffered to compensation offered at the present moment continues to be quite sensitive, as the commission of evaluation included only representatives of state structures.

According to the representative of the Department of the Committee for Emergency Situations and Civil Defense in GBAO (which was responsible for assessment of the damage and subsequent payment of the compensation), the Commission visited all households to identify residential buildings affected during the operation. According to him, the main obstacle for the work of the commission was the fact that 50% of the population had left their homes and were absent for a long time. Therefore, examination of these houses was carried out only from the outside.

According to the respondents, in each case, the property assessment was conducted in the form of a visual inspection and was based upon the market prices for certain item of the property in GBAO. For example, if a square meter of glass cost 53 TJS, the victim was paid 60 TJS, which also included payment for the installation of glass as well. Compensation was paid in cash and the process was attended by representatives of local bodies of executive authority and the Agency for Financial Control and Combating Corruption.

In total, according to the Committee for Emergency Situations, 740 households received compensation amounting to 1,274,000 TJS ($267,000).

According to information received from local residents who suffered as a result of a special operation, the Commission did not carry out a detailed assessment of property damage. Respondents believe that the assessment was carried out visually and in most cases, compensation was paid partially. Many respondents indicated that they had to sign a pay-sheet for the compensation received without any protocols concerning the results of the assessment. The average amount of the compensation paid was approximately 400-500 TJS (U.S. $100-120). However, according to respondents, the money was only enough for buying a bag of flour and a bit of food. One of the respondents mentioned that the roof repair cost him around 3,800 TJS ($800).

According to the information of the Committee for Emergency Situations, in the course of the special operation 34 private vehicles were damaged. The total compensation for the damaged vehicles amounted to 276,000 TJS ($58,000). The representative of the Committee stated that at present there only 5 owners of the damaged cars left without compensation. He added that ​​a decision to compensate the owners had already been made, and in the near future they may receive compensation.

The majority of respondents were not able to specifically answer who provided compensation for damages. Some referred to the representatives of the local government, some to the "Group of 20," and some were not able to answer. None of the respondents has receipt or copy of the receipt of the amount, but they all signed a common pay-sheet.

According to information received from a representative of the local executive body the funds for repaying the damage caused by the special operation were provided from the republican budget. The Government of the Republic of Tajikistan sent a large caravan of humanitarian aid to GBAO.

In addition, according to the Committee for Emergency Situations, using the reserve funds of the agency they had provided assistance in providing food to the most disadvantaged families of the city in the form of flour, sugar and 20 liters of oil.

Humanitarian aid was also distributed by the international organization “Focus”, which provided assistance to 150 affected households in the form of construction materials and food products, as well as by the office of the Red Crescent in the form of hygiene kits and food provided to 1600 families.

Besides, according to the respondents many residents were provided assistance from the funds collected by the Pamiries diasporas in Russian Federation, USA, Canada and other countries.

*The public sector.* The special operation caused damage to 31 state institutions for a total of 704 thousand Somoni. In particular, a dormitory of the Khorog State University, a type of “Finnish houses” (wooden structure) was burnt. According to witnesses, the present building was shelled with mortars on July 24, 2012. All residents of the dormitory were able to evacuated to a safe place at the time of firing.

The University was paid the balance value of the building from the state budget. The dormitory residents were moved temporarily into the free spaces. Each family member, that reside at the dormitory received compensation in the amount of 11, 900 Somonis. Only one resident, who was able to provide proof of his property possessed before the fire in quantitative and qualitative terms, as well as the purchase price of the property in the form of checks, receipts and photographs received additional compensation in the amount of 20 thousand Somoni.

**4.3.3. Compensation for the death and injuries among the population**

The issues of investigation into the deaths and injuries among the civilian population, and the subsequent payment of compensation did not fall within the competence of the National Commission and have remained unresolved. To the present date, no compensation was paid on the fact of the death among the civil population. Only in one case, the family received 500 Somoni for burial. According to information obtained from the relatives of the victims, many families did not apply for compensation, since they lost faith in the fair investigation into the deaths of their loved ones.

Most persons injured in the course of a special operation, also have not received compensation and received the treatment at their own expense. Alike the situation with the persons whose relatives died during the special operation, many persons that were injured refuse to address the public authorities for the compensation, for fear that they might be blamed in participation in armed groups that provide resistance to government forces.

According to available information, only in two cases the state bodies provided partial compensation to the persons injured during a special operation. According to information obtained from the relatives of one of the victims, while applying for the compensation they were asked to present a statement from the city police department (OMVD) that the victim was not involved in the actions against the authorities. Without the provision of this document, state authorities refused to pay any compensation[[49]](#footnote-49).

**MAIN CONCLUSIONS AND RECOMMENDATIONS**

The results of the monitoring of the human rights violation in the course of the special operation on July 24, 2012 in the administrative center of GBAO demonstrated the during and after the special operation certain rights and freedoms of the civilian residents of Khorog were violated.

1. First of all the government did not observe ***the right to truth,*** guaranteed by the **Set of Principles for the protection and promotion of human rights through action to combat impunity**; as well as the **Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law**, adopted by the UN General Assembly in 2005. Almost a year after the operation in Khorog on July 24, 2012, there is still no access to information about:
* Main causes and targets of the special operation; наименовании и количестве правоохранительных и силовых органов, принявших участие в специальной операции, а также ее ходе;
* the exact number of victims among the civil population and representatives of state agencies, died and injured during and after the special operation;
* conducting investigation of all cases of deaths and injuries;
1. The monitoring groups considers that during the operation standards of right to life and right to information were violated in connection with the following:
* ***Lack of notification and evacuation of the civil population.*** The country’s legislation of the county imposes obligation over the public authorities for timely warning of the citizens about the beginning of hostilities and adoption of measures for evacuation of people from war zones. However, the authorities did not take any measures to evacuate people from areas of the special operation. At the same time, the local population was not informed about the beginning of a special operation, and therefore was not able to evacuate from the conflict zones, which led to casualties among the civilian population.
* ***Lack of access to information.*** During the special operation for almost a month mobile and landline connections with Khorog, as well as internet were shut off , the entry to and exit from Khorog was limited, with complete restricted access to information. For the period July-August 2012 access to several online resources that actively covered the events in the city of Khorog was blocked.
* ***Disproportionate use of force and firearms.*** International standards of human rights provide clear requirements of proportionality and the need to use force and firearms, as well as planning any special operations in a way to minimize the danger to the lives of its participants. National legislation does not provide for exceptional use of force and weapons, and does not contain requirements for the proportionality of its application.
1. One of the most important elements of the right to truth is ***to determine the exact number of casualties and identify victims***. Until now, there was no official statement about the number of casualties among civilians, government forces and armed groups in Khorog. According to some reports, during the special operation there were 22 persons killed among the local population and from 18[[50]](#footnote-50) to 23[[51]](#footnote-51) representatives of the law enforcement that took part in the raid. There is no reliable information on the number of casualties among the local population.

1. The State officials failed to conduct ***an effective investigation into deaths and injuries during and after the special operation July 24, 2012 in Khorog***. In the event of a crisis that led to the death of civilians the government should conduct a prompt, effective and impartial investigation of all cases of deaths and injuries created by independent groups to investigate and establish the truth in line with its international commitments. The country's legislation provides for notification of the prosecution of each case of the use of force and firearms that led to person’s death, but does not require the duty to investigate all facts of deaths. There is no information about any groups or commissions established for investigating the events of July 2012 in Khorog and the results of such investigation. Most of the victim’s families do not have information about the circumstances their relatives died, as well as whether there were criminal cases initiated, and the progress of the investigation. There was not forensic examination of the bodies conducted. In some cases, the facts of death were not documented and the relatives of the victims still have not received the death certificate.
2. The monitoring group has documented some issues related to ***compensation for damage*** caused to civilians by military operations. The special operation conducted in the city of Khorog in July 2012 caused great physical damage to the city and its population. According to official information, “public property, as well as private property of the residents of Khorog, received damage in the amount of 1,901,226.57 TJS”[[52]](#footnote-52) (approximately $400,000). In accordance with the Presidential Decree of August 2012 a National Commission consisting of representatives of state structures was established to evaluate the damage incurred to the local population as result of the military operation in July 2012. In total, according to the Committee for Emergency Situations, 740 households received compensation amounting to 1,274,000 TJS ($267,000). To date, no compensation was paid to the relatives of the killed; there are few cases of compensation payments to injured persons during the operation.
3. The monitoring group considers that the government has not made sufficient efforts to identify and bring to justice officials responsible for the planning and implementation of the military operation that resulted in 22 people were killed, and civilians suffered heavy damage.

**The monitoring revealed a number of serious problems in the field of human rights during the special operation last year. The following guidelines defines some basic steps that must be urgently taken by the government and other concerned agencies in order to respond effectively to these challenges and to ensure that such human rights violations are not repeated in the future.**

* Prompt and impartial investigation of all civilian deaths that occurred during the special operation of July 24-25 in the city of Khorog;
* Impartial punishment of those responsible for the deaths of civilians in the city of Khorog;
* Take political, socioeconomic, and legal steps to support the restoration of trust, mutual relations, and cooperation among the parties, in order to prevent a return to conflict;
* Work with the population through meetings and creation of dialogue between central and local authorities as well as actively involve the society in discussion of the urgent issues and conducting joint events;
* Provide psychological support to the residents of Khorog, especially women and children, and ensure the presence of qualified psychologists in each health centers of the city;
* Provide access to official information for the residents about the situation in Khorog as well as all ongoing political developments and decisions in the field of criminal justice and ensuring the security in connection with the events of 2012;
* Ensure the observance of the rule of law among the law enforcement agencies in the decisions making process;
* Support the independence of courts and impartiality of sides in the decisions making process.

**Attachment 1. Information about the victims**

**Victim # 1:Mahmadrizoev Sabzali, born 1980**

Respondent is the widow of the victim. According to the respondent, Mahmadrizoev Sabzali, 32 years old, died on July 24, 2012 under mysterious circumstances. The body of the deceased was found in an area called “Tirchid” near the compound of the Border troops in Khorog in the garbage dump. The cause of death was a gunshot wound. Emergency medical care was not possible.

The respondent stated that the fact of the death of S. Mahmadrizoev not been documented by law enforcement and medical services, and thus there was not forensic examination conducted. Relatives managed to hold a mourning ceremony and to bury the deceased Mahmadrizoev. According to the respondent Mahmadrizoev had bruises around the eyes, on his back there was a hematoma in the form of red spots.

The respondent received the death certificate of her husband. Relatives did not filed a statement for conducting investigation into the death of Mahmadrozoev and yet there was not official investigation carried out. Respondent has not received any compensation for the death of a relative.

**Victim #2: Underage**

The 16 years old underage (1996) (relative refused to give the victim’s name) was the son of the respondent and was killed at the morning of July 25, 2012 next to his house when he went to the toilet. On that day a ceasefire was announced. A few minutes later the father heard machine gun fire, and went out to meet his son, who was sitting behind the woods and was afraid to come out.

When the teenager saw his father, he went out to meet him. At that moment he was shot by the sniper, who, according to the father, was located in the next house at a distance of approximately 50 meters. The boy received a fatal wound in the liver and there was a need for urgent medical care. The boy's father took his son to the nearest hospital by car, which is also under fire along the way.

According to respondents, the hospital was open, but there were no doctors available. Relatives and friends had to bring the doctors to the hospital. By the time the doctors arrived, they said they are powerless to help, since the fatal wound severely damaged the liver.

The fact of the death was not documented by the state bodies. Up to the present moment nobody visited the family from the Hukumat and did not show any interest is this case. A forensic examination has also not been carried out. The relatives of the boy were able to take his body from the hospital however were not able to immediately carry out the burial ritual, as the territory was cordoned off by the military. Burial was made at the closest neighborhood which was more stable.

The respondent mentioned that did not receive a death certificate. He did not file application about the investigation and does need legal assistance as he believes such actions useless. According to the respondent, an official investigation was not carried out. He did not received any compensation and does not want to receive any.

**Victim # 3: Bakhtovarshoev Farid born 1992**

The victim was the respondent nephew and died on July 27, 2012 in results of thee received wounds. Bakhtovarshoev was wounded on July 24, 2012 from shrapnel and mortar shell fragments near the house: two fragments strike his chest and one in the head. The body was found next to the house. .

There was a need for urgent medical care but was not provided in time. The respondent said that when the explosion occurred everybody thought that the young man is already died. However, later it became clear that he still alive, and one of the neighbors took him to the hospital.

The respondent does not know whether the death was documented by the authorities. Examination was not carried out.

The respondent stated that the body was taken from the hospital, but was buried in the old cemetery, as it was not safe conduct the ceremony at the new one.

The respondent does not know whether his parents received a death certificate. Also, the respondent does not know, if the parents of the deceased filed statement about the investigation. The respondent was not able to answer the other questions.

The parents of the deceased young man refused to meet with the members of the monitoring group due to the strong emotional state.

**Victim #4 Rahsid Shodmonbekov, born in 1987, date of death: 12.08.2012.**

On August 10, 2012, Shodmonbekov was returning from Tang village, where he works. He was a passenger in a car. On the way, after they passed the State Auto Inspection (SAI) post on the Bidurth-Khorog road, the militants started fire at the car from behind. As a result he received a gunshot wound.

Shodmonbekov was in need of an emergent medical aid. Right after the incident the driver took all the wounded people to the regional hospital, where the wounded was operated on. Shodmonbekov died on 12.08.2012 without recovering from the two-day long coma.

None of his relatives know whether or not his death was registered by the law enforcement organs, as no one from these organs was interested in this case.

No judicial medical examination was conducted. Right after death announcements the relatives could take the body of the dead man for burial. There were no other signs of violence on his body besides the gunshot wound. The relatives received a death certificate after his death.

After the incident, the relatives of the victim have appealed to the law enforcement agencies asking for an official investigation. According to the information the relatives received, the prosecutor’s office of the Shughnan District started a criminal investigation case. The relatives also filed an appeal with in the Military Prosecutor’s office of the Khorog garrison, but they still have not received any information about the official investigation of the case. The family members were not recognized as victims of the case and thus no legislative procedures of criminal case were applied to the members of the family.

Even though the relatives made several applications to obtain information about the progress of the investigation, none of them have yet received any response. They do not have access to any documents, including the materials of the criminal case, either.

The relatives did not receive any compensation for the death of Shodmonbekov. They only received a burial allowance of 500 Somoni. On 18.02.2013 late Shodmonbekov’s wife gave birth to his daughter, who is now dependent on her mother.

**Victim #5 Shodmonbekov Vohid, born in 1991, date of death: 10.08.2012.**

V. Shodmonbekov was also returning home from Tang village on 10.08.2012. He was a passenger in a car. On the way, after they passed the SAI post on the Bidurth-Khorog road, the militants started fire at the car from behind. As a result he received a gunshot wound in his neck.

After the shootings the driver took all the wounded to the regional hospital. V. Shodmonbekov, too, was in need of medical emergency, but the wound was fatal and the doctors could not save his life.

Relatives of the victim do not know if the law enforcement organs documented the death case. No judicial medical examination was conducted to find out the type of the wound and the reason of death. Right after the death announcement the relatives could take his body for burial. No other signs of violence, except for the gunshot wound, were seen on the body of the murdered man. The relatives still have not received his death certificate.

Shodmonbekov’s relatives have not filed any appeal for official investigation, but they would like to have a lawyers assistance in preparing an official appeal for conducting an investigation of the incident.

As the relatives have not filed any appeals, they do not know whether a criminal case has been started to investigate the shooting or at which stage the criminal case, if any, currently is. Shodmonbekov’s relatives do not have access to any documents or materials on the investigation.

The victim’s family is needy and lives in a deteriorated house with a lack of basic living conditions. The family had two children. Shodmonbekov was the only son in the family, where the mother is the only bred-earner. He was a sophomore student in the polytechnic university. At the time of the incident he was on vacation.

**Victim #6, born 1963 - died July 24th, 2012**

On July 24th, 2012, the gunfire was heard at 4 am. Mamadibrohimov got away in the direction of Upper Khorog at 6 a.m. and did not come back home after. Next day (25 August, 2012), his body was found in district “Chinak” in the area of microdistrict “Bar Khorog” along the road and his body was brought home back.

Mamadibrohimov was killed by sniper rifle. In accordance to the relatives, his death cause was not officially documented. Medical examination was not conducted.

As a gunfire continued until the evening (24 of August, 2012), relatives did not have an opportunity to take the body either after the wound or death. Except of the ballistic wound in the heart area, none of other wounds were identified. Relatives received the death certificate, but they did not appeal to the law enforcement bodies to conduct investigation.

Relatives pointed out that they do not need any legal assistance or aid as they do not believe that the investigation will be conducted carefully, and guilty persons will be punished.

After the incident, criminal investigation was not conducted, relatives were not recognized as victims, respectively, procedural actions were not taken.

Relatives did not appeal to any institutions, and do not have adequate information whether the criminal case was initiated, investigation was conducted or in which phases of the investigation is the case.

Family did not get any compensation, even the family appealed to the Khorog city’s executive body to get allowance for burial. The former mayor Gozibekov replied that none of the victims would get any compensation or allowance for burial. Thus the family did not get any allowance for burial.

Mamadibrohimov’s family was revolted at the fact that after completion of the operation representatives of state bodies, including the President during his visit to GBAO, did not apologize or expressed condolences to the member of families whose member died or were wounded. They also pointed out that if the head of the country did not support, there was no sense to expect help from other officials.

**Victim #7 – Rais Raisov, born 1985 – died 27 August, 2012**

Relatives do not have adequate information about circumstances that led to Raisov death, but they know that he was killed by sniper rifle on July 24th, 2012 in “Chiinak” area of the microdistrict “Bar Khorog”. The body was found on Julyth, 2012 along the road and was delivered to his relatives for burial.

Relatives do not have any information whether the death was documented by state bodies. Medical examination was not conducted due to identify injuries and causes of death.

Relatives have not received the death certificate yet. They even did not appeal to conduct investigation. The respondent noted that she did not want any defence counsel to made requests to any institutions as she did not trust in justice.

In accordance to Raisov’s relatives, criminal investigation was not conducted, no one has been recognized as a victim and procedural actions were not conducted. Raisov’s family was not granted to any compensation, even allowance for burial.

Raisov’s father was killed during the civil war in 1992 and Rais was the only son. Nowadays, emotional state of Raisov’s mother is bad. Until July, 2012, she was working as the cook in border detachment hospital. The death of her son, burial and her health state did not allow her to continue her work. After one month, she returned to her working place, where she was informed that the chairperson of the security intelligence Yatimov has requested to fire her. She believes that the illegal termination of labour contract is connected to the fact that she is a sister of informal leader Mamadbokir Mamadbokirov.

**Victim #8 – Safarbek Sultonazarov; born 1973 – died August 24th, 2012**

Sultonazarov went out around 8 a.m. and headed to the centre UPD (*upravlenie pamirskih dorog*) in order to help evacuating women and children from dangerous zone, where gunfire took place. The car was fired by the military close to café “Varka”, in the centre of UPD. As the result Safarbek was injured two times . He died immediately. The body was found next day in the car. Two wounds were found in his body, other injuries were not found. The death was not documented by state bodies as well as medical examination was not conducted.

Safarbek’s relatives received the death certificate, but did not make any requests about conducting investigation. They do not want any defence counsel as it is not possible to raise him from the dead and they do not believe that accurate investigation will be conducted. Respondent pointed out that any official investigation was not conducted, the family was not recognized as a victim and none of the procedural action was held. Relatives do not have any access to case files, if they exist.

Relatives did not get any compensation and allowance for burial from the places of their work.

**Victim #9, Zoir Shirinbekov; born 1987 – died July 24th, 2012**

On July 24th, 2012, at around 6 pm Shirinbekov’s sister and mother have been evacuated to the safe place. Right after that Shirinbekov headed to the centre UPD, where his grandparents lived in order to help them. Next day (July 25th, 2012) his mother and sister came back home and the body of Shirinbekov was delivered to their house in hour after they returned home.

It has been found that on July 24th, 2012, Shirinbekov was wounded while he was going to his grandfather. After the shot, local people brought him to tuberculosis dispensary, but emergency health care was not able to provide because there were no specialists to deal with such serious wound. There was no chance to call to emergency because of gunfire. Anaesthetic was used to relieve pain, but it could not save his life. He died in the dispensary.

Relatives are not aware whether the death of Shirinbekov was documented. Medical examination was not conducted. Except wounds on the neck area, other injuries were not found. Relatives have not yet received the death certificate.

Shirinbekov’s family did not make any requests about the circumstances of the death, but they expressed their consent to have defence counsel to prepare request to the state institutions to conduct accurate investigation and to punish guilty persons. As the relatives did not appeal, official investigation was not conducted as the result family was not recognized as a victim and procedural actions were not taken. Relatives did not get any compensation. Moreover, they were not granted to burial allowance.

**Victim #10 – Bahtuljamolov Toshbek born 1948**

Farhod Bahtuljamolov is a respondent. He is a son of the victim

«When gunfire has been started on July 24th, 2012 at 4 a.m., my father has started to feel bad. It was dangerous to get out from the house as there were sniper rifles. Nevertheless, I took my father to the hospital. Doctors were not at the hospital, and we decided to come back home. His state was bad and on 25th of July, 2012 at 1 a.m. he died from heart attack. The death was not documented and examination was not conducted. We buried him with other dead people. Later, the death certificate was provided by Register Office. We did not make any request to investigate, as we do not trust to justice. Official investigation was not conducted. I do not know about any type of compensation, I need to ask my mother, but I think she does not know, otherwise, I would know about it”

**Victim # 11**

Respondent did not name itself

“On August 22nd, 2012, early morning around 4 am, I woke up because I have heard the bang and run in the direction of my relative’s house. In the center of the room, I found one dead and two injured persons. My relative died from the shot in his heart area. Ambulance documented the death and left. We did not take him to the hospital, examination was not conducted. Investigation was not conducted. We did not appeal, but when the chairperson of the security intelligence of GBAO, Yatimov, visited our district, we brought his attention to this case. He did not reply anything. The death certificate was received in September. We do not want to make any requests as there is no sense to do that as nothing will be returned back and nothing will be done. The Government did not provide any assistance. We received a help from countrymen living outside the country.”

**Victim # 12**

Respondent did not name itself

«Early morning on July 24th, 2012, my son was coming home from work. While he was driving, the car was fired by military. I do not know who these people were exactly, as I was not there. There were 3 passengers in the car, except my son. My son and two others died, the forth was wounded. My son did not die immediately, his leg was wounded, and he run into the one house, where people banged his leg. After that he decided to come home and when he got out he was fired three times to his back. His body remained whole day in the street, as military did not allow to take his body. Next day women took white flags and got out due to take bodies from the street. My son was wounded and he was in need of the health care, but it was not possible to get the hospital. Peopl helped him. I am not aware whether the death was documented or not. His coworkers brought food later. Examination was not conducted and the death certificate was provided by the Registry Office. I do not need any legal counsel, as it is not possible to return him. I did not get any compensation from the Government. ».

**Victim #13**

Respondent did not name itself

«On 24th of July, 2012, around 7 a.m. during the fire of Jamoathona (preaching house), which emerged as the result of the gunfire, my father glanced out of the window to see what has happened. My father was fired by military and one of the bullets struck him at his eye. Father died immediately. The body was taken by the ambulance to the dead house only on the following day. After six hours since he was taken by the ambulance we brought him back home and buried. His death was documented, later we have received the death certificate. I did not make any requests and do not want, because I do not believe that guilty person will be punished. There was no official investigation as well as no compensation was granted.

**Victim # 14**

Respondent did not name itself

«On July 25th, 2012 at noon, my father’s corpse was brought to home. According to witnesses, on July 24th, 2012 my father was shot through the face and back. There was the burn scar on his face. How and where he was killed is unknown. He was brought home, we saw him for a while and my father was immediately buried. I was shocked and could not understand what has happened. I do not want to appeal as I know there is no sense. Compensation was not provided by the Government.”

**Victim #15**

**Respondent did not name itself, name of the victim Zoirbek Zoirbekov**

 «On July 24th, I was at work. According to neighbors, Zoirbek went out and was shot close to his house. He died of wound in the heart area. Shot scar was very big. I do not know why. His corpse was in dead house, how and who brought him there, I do not know. We found out about his death on the following day (25th of July) at noon. We were informed that his body was in the dead house all the time. On July 25the, 2012 we buried him. We did not find any other violence scars in his body. Examination was not conducted, the death certificate was not provided, as we did not make any request. Investigation was not conducted. There is no sense to do it. Compensation was not provided.”

**Victim # 16 – Jaloliddin Nizomiddinov, born 1972**

Respondent is Ainiddin Nizomiddinov, older brother of the victim

«On 24 of July, 2012 at 5:10 a.m. my brother went out to wash his face, while wash up he was shot through the heart. We could not drive him to the hospital as there was gunfire and it was dangerous. It was impossible to call to ambulance because of the absence of the cell phone network. The corpse of my brother laid at home one and half day as there was no opportunity to bury him because of ceaseless fire. State bodies did not document his death. The death certificate was provided. I want defense counsel to help us. My brother left his wife and his children. We are very poor, for this reason we want the Government to provide death benefit. Until now we did not get any redress. After six-month investigation, there are no any results. Prosecutor office replies that the investigation is still going on”.

**Annex 2. Information about the wounded**

**Respondent #1**. Man, born in 1966

On July 24the, 2012 at 6 a.m. a relative of the respondent was killed (shot). At approximately 11 a.m. the respondent went home of his relative after he had heard that he died. On the way, he was requested to stop by the military in the UPD district nearby the café “Varka”. The respondent explained that he was civilian and was going to funeral ceremony of his brother-in-law. However, the military has opened the fire toward him and injured his leg; he kept running from the military as the latter has continuously fired him. As the consequences, the right hand of the respondent was wounded. He had fallen unconscious. He sobered later and run again. While he was running, military opened fire again; consequently, fragments hit his back. Hence, respondent got fragmentation and ballistic wounds.

The respondent was in state of a medical emergency. He went to the tuberculosis dispensary as it was impossible to get regional clinic because of ceaseless gun fire. He received the emergency medical service at the hospital. Afterwards the respondent visited the regional hospital three times for further treatment, but he was denied to have medical care. He decided to get medical treatment at the hospital in rural community “Dekhbasta” (Navobod). At the “Dekhbasta” hospital the respondent has treated 2 months, after a while he continued treatment in the regional hospital. He paid for the medical treatment himself. Nowadays, the respondent is in need to continue his treatment, as he has still shell fragments in his body, and injury of his right hand is still not hilled.

After July events, he was announced a disabled person of the third group, but he does not have any information whether the injury was documented or not. Notwithstanding that he is a disabled person, he was not granted to the disability benefits.

After the incident, he reported both to the tuberculosis dispensary and several times to the police office about the incident. Unfortunately, investigation was not initiated against perpetrators. 1000 somoni (about 200 US Dollars) was provided to the respondent as a compensation for injuries he received, but this amount is not enough to cover all his medical treatment expenses. He signed some compensation documents, but copies of these documents have never been given to the respondent.

Respondent is in need of surgery for removal of fragments and health resumption, but he is not able to cover them. Disability pension is not still granted. He does not know where he has to address his concerns. Respondent made requests to the city and regional executive body several times, but except 1000 somoni, aforementioned institutions did not provide any other compensation.

**Respondent #2. Man, 56 years old**

After cessation of fire on August 25th, 2012, respondent decided to join the people gathered in the square. On the way in the Chinak area (microdistrict Bar Khorog), he was fired by sniper rifle and the bullet ricocheted and wounded him. The respondent was in need of the emergency medical assistance. He reached tuberculosis dispensary, where he was provided with the emergency medical treatment. He did not continue his medical treatment as he was scary that law enforcement bodies will prosecute him. Therefore, he must to treat at home. At the time of the questionnaire, he was not in need of any further medical aid.

In the tuberculosis dispensary, his contact information was taken and the ballistic wound was recorded, which he believes that this fact is a documentation of his wound.

The respondent did not appeal to state bodies to conduct investigation. It was important for him that the fire ceased and he did not express any interest to make requests to the law enforcement bodies. The respondent did not get any compensation.

**Respondent # 3. Man, 46 years old**

On July 24th, 2012, respondent was at barricade together with other people of the microdistrict in Chinak area. Respondent was not armed. At approximately 5-6 p.m. military opened a fire from two sides towards the group of people. They have started running, but the military has continued to shot. As the result, respondent was wounded in his leg. He was in need of emergency medical aid. Young people took him to the tuberculosis dispensary, where he received medical treatment. He left the hospital later and continued his treatment at home.

By the time of questionnaire, respondent was not in need of the further treatment. The injury was not documented and he was not recognized as a disabled person. Respondent did not make any requests to the state bodies to conduct investigation. He pointed out that he does not want to appeal to the law enforcement bodies as well as to have a lawyer. Respondent expressed his lack of inconfidence in the law enforcement bodies and does not believe that appropriate investigation would be conducted. He did not get any compensation.

**Respondent #4. Man, 54 years old**

On July 24th, 2012, respondent was wounded. The respondent was in need of the emergency medical assistance. He reached tuberculosis dispensary, where he was provided with the emergency medical treatment. For further medical treatment, respondent went to the hospital of the rural community “Dekhbasta”. The medical treatment expenses was covered by him.

By the time of questionnaire, respondent was not in need of the further treatment. The injury was not documented and he was not recognized as disabled person. Respondent did not make any requests to the state bodies to conduct investigation. He did not get any compensation. Respondent added that there is no sense to support the Government, which shots its own civilians, including women and children.

**Respondent # 5. Born in 1983**

On July 24th, 2012, respondent went out and was shot by the sniper rifle in the microdistrict Bar Khorog.

The respondent was in need of the emergency medical assistance. Inhabitant of the microdistrict made an effort to take him to the regional hospital, but there was no access. At the end, they took him to the tuberculosis dispensary. The dispensary did not have specialists, respondent was taken to the Deshbasta hospital, where he received medical treatment.

Respondent remained at the hospital 15 days and covered all expenses himself. He spent 400 US Dollar. He was questioned whether he is in need of further medical treatment, he answered that he was not able to assess the damage. Wound was not documented and he was not recognized as disable person.

Respondent did not make any requests to the state bodies to conduct investigation, but expressed his intention to have a lawyer in order to appeal to the law enforcement bodies. He did not get any compensation.

**Respondent #6. Born in 1985**

On July 24th, 2012, respondent was wounded when he went out in microdistrict Bar Khorog. The respondent was in need of the emergency medical assistance. He reached tuberculosis dispensary, where he was provided with the emergency medical treatment. However, afterwards he left the hospital as he found out that the military was coming to the tuberculosis dispensary and he was under apprehension of his life and security.

A friend of the respondent found out about the incident and took him to the Dekhbasta hospital, where respondent took the medical treatment. By now, the bullet is still in the body of the respondent. The treatment expenses was covered by the respondent. According to doctors, the bullet is not considered as life-threatening, but respondent reported that after physical exercises pains emerged in abdominal area. Compensation was not granted and he was not recognized as disabled person. Removal of the bullet from his body will depend on his medical travel to Dushanbe, but he believes that it is not possible while he worries to leave GBAO.

**Respondent #7. Man, born in 1961**

This respondent was under treatment from drug-addiction (supervised methadone treatment) at the dispensary in Khorog. On July 24th, 2012, at approximately 11 a.m. he headed together with other patience to the centre of microdistrict UPD for getting methadone. ON the way, they were shot by the sniper rifles. As the result, respondent has received exit wound of his right hip.

He was in need of emergency medical treatment. However, it was impossible to take him to the hospital because of gunfire. His fellow left him due to call for emergency. Respondent laid there one day (25th of July) until he heard the voice of children and called them to help him. Teenagers helped him to get the main road, and he was provided with car, which took him to the regional hospital. IN the regional hospital he was operated and continued his treatment one month. Respondent covered his medical expenses by his own, except transfusion of blood. Besides, he received 1000 Somoni from the city administration. By the time of questionnaire, respondent was in need of follow-up treatment; he moves with crutches. Nowadays, respondent is in a great necessity of the artificial leg. Respondent was recognized as 2 group of disabled person

Wound was documented by the state bodies. Later, his wife appealed for redress to the city Khukumat, the latter asked her to provide inquiry from department of internal affairs (DIA) stating that her husband did not act against the Government and was wounded during the special operation.

On February 7th, 2013, the Khorog DIA issued the inquiry №6/185, which states that respondent was wounded on July 24th, 2012 during the special operation and he did not conduct against defense and law enforcement bodies.

Respondent did not appeal to conduct investigation. As he mentioned, he made a request to the city and regional Khumat to provide compensation as the investigation was not as important as his health state. Nowadays, he cannot walk and he is in need of the medical treatment and prosthesis. He pointed out that he was in need of the lawyer to appeal to conduct investigation.

With regard to the compensation, responded reported the following: while he was the first time in the hospital, he was granted to 1000 Somoni. As this amount of money was not sufficient to cover all expenses, respondent made a request to the regional Khukumat for getting additional compensation. With reference to the decision of the Chairperson of the regional Khukumat from December 19th, 2012 №368, respondent was granted to additional 1000 somoni. On February 2013, respondent asked for compensation in the amount of 200 Somoni after the inquiry of the Khorog DIA was submitted.

The Main Financial Department of the GBAO replied to respondent on January 17th, 2013, №02-6/27 saying that because of the beginning of the budgetary year, granting compensation is not possible to proceed. In general, respondent received 2200 somoni for his medical treatment.

On January 22nd, 2013, the Regional Health Department of the GBAO issued an inquiry of the Medical Consultation Commission #5. The inquiry states that respondent is referred to the National Centre of Health of Tajikistan (NCH) (located in Dushanbe) for examination and treatment as well as his travel has to be accompanied. On January 30th, 2013, the Health Department of the GBAO issued referral to treatment and examination to the NCH.

Besides, there is a reply from the Health Department of GBAO from 10th of December, 2012, №231, which states that the travel expenses Khorog – Dushanbe-Khorog will be covered by the regional Health Department. There is no information whether the travel expenses of accompanying person will be covered as well as other travel expenses within Dushanbe, including expenses for accommodation and food for respondent and his accompanying person.

**Respondent #8, born in 1972**

Respondent was wounded on the territory of microdistrict while was helping to population to hide from gun fire. Respondent was in need of emergency medical treatment, but there was no opportunity as all hospitals were closed. The aid was provided by his neighbor. As the respondent reported the treatment was covered by him and he needed a surgery to take out fragments from his leg and follow-up medical treatment. .

Respondent informed that the wound was not documented by state bodies or medical institutions as well as he did not appeal to conduct investigation. He added that often those who were wounded during the operation did not appeal to any institutions as they worried that they could be subjects of prosecution for their involvement with illegal armed groups. Respondent wantsto have a legal counsel to initiate investigation as he is confident that the investigation will be conducted in appropriate manner. Respondent did not get any compensation.

**Respondent #9, born in 1970**

On July 24th, 2012 respondent received fragment wound during the defense of the bridge, not so far from his house. Respondent noted that he was not in need of the emergency medical treatment and treated himself with no outside help. However, later his leg has been operated in the local hospital. He covered all medical treatment expenses himself. As respondent said that the main reason of his inability to go to the hospital was that Khorog was not accessible in July. Respondent is not in need of follow-up medical treatment. Wound was documented by the regional security intelligence department. Respondent did not appeal to initiate investigation as well as he does not want to have a lawyer to make a request as he does not think that it is necessary. He said that as he knows there was no official investigation.

Respondent did not get any compensation. Most of his expenses were covered by his relatives and countrymen from Moscow, Russian Federation.

**Annex 3. Table of the voluntary surrender of weapons**

**Remarks:**

\*surrendered weapon – in accordance with signed protocols from July 28th and August 2nd, 2013

\*\*According to the data of the Prosecutor Office – Information about the quantity of surrendered weapon provided by the General Prosecutor Office on July 25th, 2012

|  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- |
| **Title** | **UPD** | **Hlebzavod** | **Verkhnii Khorog** | **Porshnev** | **Surrendered weapon** | **The General Pros. Office data** | **Difference** |
| Kalashnikov – different modification  | 16 | 16 | 3 | 5 | **40** | **105** | **65** |
| Kalashnikov magazine carrier | 11 |  |  |  | **11** |  |  |
| Magazines for Kalashnikov | 85 | 11 | 3 |  | **89** |  |  |
| Zinc boxes with patrons | 8 |  |  |  | **8** |  |  |
| Patron with different calibers for Kalashnikov  | 7840 | 643 |  |  | **8483** |  |  |
| Подствольник к АК | 1 |  |  |  | **1** |  |  |
| Body Armour |  |  | 3 |  | **3** |  |  |
| Different modification of the machine rifle Kalashnikov LMG, Colt Machinegun  | 2 | 3 |  |  | **5** | **12** | **7** |
| Streamers for Colt M.  | 5 |  |  |  | **5** |  |  |
| Patrons for Colt M. | 500 |  |  |  | **500** |  |  |
| HMG, DShK |  | 1 |  |  | **1** |  |  |
| Patrons for HMG DShG in zinc box  |  | 2  |  |  |  |  |  |
| Patrons for HMG DShG in streamer |  | 134 |  |  |  |  |  |
| Shooters of foreign manufactures  | 1 |  |  |  | **1** |  |  |
| Magazines for Shooters of foreign manufactures  | 1 |  |  |  | **1** |  |  |
| Makarov Gun | 1 | 1 |  | 2 | **4** | **118** | **114** |
| Magazines for TT pistol |  | 1 |  |  | **1** |  |  |
| Patrons for TT pistol  |  | 8 |  |  | **8** |  |  |
| Patrons for Sechkin pistol (5, 45) SP |  | 24 |  |  | **24** |  |  |
| Grenade dispenser of different modification RPG-18, RPG – 22, RPG -7V  | 3 | 2 |  |  | **5** | **10** | **5** |
| Shots for different Modification of RPG: RPG-18, RPG – 22, RPG -7V | 27 | 4 |  |  | **31** |  |  |
| Grenades of different modification | 1 | 20 | 3 |  | **24** | **190** | **166** |
| Free rocket |  | 1 |  |  | **1** |  |  |
| TNT block (pack) |  | 2 |  |  | **2** |  |  |
| TNT block (pieces) | 1 | 11 |  |  | **12** |  |  |
| Mortar | 1 |  |  |  | **1** |  |  |
| Sniper rifle |  | 2 |  | 1 | **3** |  |  |
| Five-chambered carabine |  | 2 |  |  | **2** |  |  |
| Attachment for bulleted blank |  | 1 |  |  | **1** |  |  |
| Mobile radio set |  | 8 |  |  | **8** |  |  |
| Blasting fuse  |  | 1,4 meter |  |  | **1** |  |  |
| Fulminate cap  |  | 1 |  |  | **1** |  |  |

**ABBREVIATIONS**

**АКDN** – Aga Khan Development Network

**AKF** – Aga Khan Foundation

**GBAO** – Gorno Badakhshan Autonomous Oblast

**SCNS** – State Committee for National Security

**HPS** – Hydro power station

**SAI** – State Automobile inspection

**ME** – Ministry of Emergency

**ICCPR** – International Covenant on Civil and Political Rights

**NGO** – Non-Governmental Organization

**NHC** – National Health Center

**OSCE** – Organization for Security and Cooperation in Europe

**UN** – United Nations

**SWAT** - A squad of special police

**DIA** – Department of Interior

**IRPT** – Islamic Revival Party of Tajikistan

**RT** – Republic of Tajikistan

**DDIA** – District Department of Internal Affairs

**SIZO** – Pretrial detention facility

**USA** – United States of America

**MIA -** Ministry of Internal Affairs

**CC** – Criminal Code

**CPC** – Criminal Procedure Code

**CSR** – Center for Strategic Researches

1. ЦСИ при президенте Таджикистана выступил с заявлением по событиям в Хороге, Avesta.Tj, 03.08.2012, <http://www.avesta.tj/goverment/13452-csi-pri-prezidente-tadzhikistana-vystupil-s-zayavleniem-po-sobytiyam-v-horoge.html> [↑](#footnote-ref-1)
2. The mediating «Group 20» was formed July 25, 2012 from local activists, deputies of the city council, and representatives of the spiritual community to support engagement between the authorities and the local population. [↑](#footnote-ref-2)
3. [↑](#footnote-ref-3)
4. Tolib Ayombekov – former warlord that was integrated into governmental military forces after the subscription of the peace accord. T. Ayombekov obtained a rank of colonel and was assigned as a chief of frontier military base in Ishkashim district. It was the territory of the very district that general Nazarov was inspecting at the eve of his death. [↑](#footnote-ref-4)
5. Source: htt://www.facebook.com.groups/321227944638873/permalink/322431571185177/ [↑](#footnote-ref-5)
6. *Азия-Плюс.Тёмные тучи над Хорогом.см: http://news.tj/ru/newspaper/article/temnye-tuchi-nad-khorogom* [↑](#footnote-ref-6)
7. <http://centralasiaonline.com/ru/articles/caii/newsbriefs/2012/07/11/newsbrief-11?change_locale=true> [↑](#footnote-ref-7)
8. <http://news.tj/ru/news/tssi-tadzhikistana-obyasnil-vvod-pravitelstvennykh-sil-v-gbao> [↑](#footnote-ref-8)
9. *Азия-Плюс. Министр обороны: «Мы хотели только устрашить…». см: http://news.tj/ru/newspaper/article/minister-oborony-my khoteli-tolko-ustrashit* [↑](#footnote-ref-9)
10. # Министр обороны рассказал об операции в Хороге, Рамзия Мирзобекова, Азия плюс, 05.09.2012 <http://news.tj/ru/news/ministr-oborony-rasskazal-ob-operatsii-v-khoroge>

 [↑](#footnote-ref-10)
11. *Азия-Плюс. Министр обороны: «Мы хотели только устрашить…». См*: *http://news.tj/ru/newspaper/article/minister-oborony-my khoteli-tolko-ustrashit* [↑](#footnote-ref-11)
12. *Радио Озоди. Прокуратура завершила расследование убийства Абдулло Назарова, см.:http://www.rus.ozodi.org/articleprintview/24879081.html* [↑](#footnote-ref-12)
13. *Vecherka New Newspaper of Dushanbe,. Stupid bullet disconnected communication with Khorog See:: ru.ozodagon.com/n/tj/3495-2012-07-26-12-01-23* [↑](#footnote-ref-13)
14. *Informational agency Ozodagon B.Zuhurov :We did not receive any directives regarding communication cuts in GBAO See: http://ru.ozodagon.com/n/tj/3495-2012-07-26-12-01-23*  [↑](#footnote-ref-14)
15. *Asia Plus. Khorog: Death of Imomnazar and new rally, See: http://news.tj/ru/newspaper/article/khorog-smert-imumnazara-i-novyi-miting* [↑](#footnote-ref-15)
16. *Pamir is coming back to peace, but in Tajikistan there is a fear of country fracture RIA Novosti http://ria.ru/analytics/20120731/713687993.html#ixzz2K7l25tqm,,,,, http://ria.ru/analytics/20120731/713687993.html* [↑](#footnote-ref-16)
17. <http://www.islamnews.ru/news-135565.html> [↑](#footnote-ref-17)
18. <http://news.tj/ru/news/pivt-prizyvaet-provesti-tshchatelnoe-rassledovanie-ubiistva-lidera-partii-v-gbao> [↑](#footnote-ref-18)
19. <http://ria.ru/world/20120811/721051207.html> [↑](#footnote-ref-19)
20. <http://news.tj/ru/newspaper/article/khorog-smert-imumnazara-i-novyi-miting> [↑](#footnote-ref-20)
21. См. Уметалиев против Кыргызстана. Комитет по правам человека. Сообщение № 1275/2004, приняты 30 октября 2008 года [↑](#footnote-ref-21)
22. См., например, доклад Совету Безопасности под названием "От безумия к надежде: двенадцатилетняя война в Сальвадоре: доклад Комиссии по установлению правды в Сальвадоре", S/25500, глава V; Truth and Reconciliation Commission, "Institutional Hearing: The Legal Community" in Truth and Reconciliation Commission of South Africa Report (London, Macmillan Reference Limited, 1998), esp. vol. 4, chap. 4; Comisión de Verdad y Reconciliación of Peru, "Los factores que hicieron posible la violencia", vol. VIII,

No. 2, in Informe Final (Lima, Comisión de Verdad y Reconciliación, 2003), esp. chap. 1, part 4. [↑](#footnote-ref-22)
23. See art. 11 of the Law “On Civil Defense” [↑](#footnote-ref-23)
24. See art 7 of the law of RT “On Defense” [↑](#footnote-ref-24)
25. See art 15 of the Law of RT “On the National security bodies” [↑](#footnote-ref-25)
26. See art 10 of the constitutional Law of RT “On the Prosecutor's Office of the RT” [↑](#footnote-ref-26)
27. Статья 108 УК РТ, предусматривает наказание в виде лишение свободы сроком от двух до пяти лет [↑](#footnote-ref-27)
28. Часть 3 статьи 316, предусматривает наказание в виде лишения свободы сроком от пяти до десяти лет [↑](#footnote-ref-28)
29. art. 403CC RT [↑](#footnote-ref-29)
30. Article 21. The use of special funds

Forbidden to use special means against women with obvious signs of pregnancy, persons with disabilities and visible signs of molestation, except in cases of armed resistance, an attack that threatens the life and health of people.

Article 22. The use of weapons. Use of weapon without warning is allowed in repelling an armed attack, using the military equipment, vehicles, aircraft and sea vessels, in case of prison break with the use of a weapon or by means of vehicles and aircraft, as well as the escape in a conditions of reduced visibility and during the escape from the vehicle while driving. Weapons must not be used against women, persons with disabilities and minors when age is obvious, except in cases of armed resistance or attack that threatens the lives of people. [↑](#footnote-ref-30)
31. # B. Zuhirov: One stupid bullet hit the cable, therefore communication is damaged with Khorog, Azia Plus, 26.07.2012 <http://news.tj/ru/news/b-zukhurov-odna-pulya-popala-v-provoda-poetomu-s-khorogom-net-svyazi>

 [↑](#footnote-ref-31)
32. Смотрите пункт 12 Информации относительно вопросов, которые будут затронуты в связи с рассмотрением второго периодического отчета Таджикистана по Международному пакту о гражданских и политических правах (МПГПП), принятого Комитетом в ходе 108 сессии, 11-28 марта 2013 года. CCPR/C/TJK/Q/2/Add.1. 13 июня 2013 г. [↑](#footnote-ref-32)
33. #  Министр обороны рассказал об операции в Хороге, Азия плюс, 5.09.2012 <http://news.tj/ru/news/ministr-oborony-rasskazal-ob-operatsii-v-khoroge>

 [↑](#footnote-ref-33)
34. <http://www.islamnews.ru/news-135565.html> [↑](#footnote-ref-34)
35. <http://news.tj/ru/news/pivt-prizyvaet-provesti-tshchatelnoe-rassledovanie-ubiistva-lidera-partii-v-gbao> [↑](#footnote-ref-35)
36. #  Памир возвращается к миру, но в Таджикистане опасаются раскола страны, <http://ria.ru/analytics/20120731/713687993.html>

 [↑](#footnote-ref-36)
37. According to the WFP representative he was acting on personal capacity while in all document he is documented as UN WFP representative [↑](#footnote-ref-37)
38. Генпрокурор: Операция в Хороге - урок для всех преступных группировок, Азия плюс, 9.01.2013<http://news.tj/ru/news/genprokuror-operatsiya-v-khoroge-urok-dlya-vsekh-prestupnykh-gruppirovok> [↑](#footnote-ref-38)
39. #  Там же.

 [↑](#footnote-ref-39)
40. #  АКН выложило досье на четырех лиц, стоящих за событиями в ГБАО, Азия плюс, 30.07.2012 <http://www.news.tj/ru/news/akn-vylozhilo-dose-na-chetyrekh-lits-stoyashchikh-za-sobytiyami-v-gbao>

 [↑](#footnote-ref-40)
41. #  Матери в Хороге обеспокоены допросами своих детей, Радио Озоди, 10.10.2012 <http://rus.ozodi.org/content/article/24735195.html>

 [↑](#footnote-ref-41)
42. <http://rus.ozodi.org/content/high-court-sentenced-17-years-prison-killers-general-nazarov-/24914940.html> [↑](#footnote-ref-42)
43. <http://notorture.tj/news/eksperty-ne-podtverdili-fakt-primeneniya-pytok-v-otnoshenii-sherika-karamhudoeva> [↑](#footnote-ref-43)
44. #  Таджикистан: сторонники видного исламиста заявляют о пытках.. <http://www.bbc.co.uk/russian/international/2012/11/121112_tadjikistan_islamist_detention.shtml>

 [↑](#footnote-ref-44)
45. <http://news.tj/ru/news/v-sekretnom-dele-dimona-ashurova-poyavilis-novye-obvineniya> [↑](#footnote-ref-45)
46. В Душанбе видный исламист получил 14 лет тюрьмы <http://www.bbc.co.uk/russian/mobile/international/2013/05/130510_tajikistan_court_islamists.shtml> [↑](#footnote-ref-46)
47. <http://rus.ozodi.org/content/dimon-sherik-court-tajikistan-/24955096.html> [↑](#footnote-ref-47)
48. Смотрите пункт 12 Информации относительно вопросов, которые будут затронуты в связи с рассмотрением второго периодического отчета Таджикистана по Международному пакту о гражданских и политических правах (МПГПП), принятого Комитетом в ходе 108 сессии, 11-28 марта 2013 года. CCPR/C/TJK/Q/2/Add.1. 13 июня 2013 г. [↑](#footnote-ref-48)
49. From the interview with the victim’s relatives in the course of the monitoring, conducted by the local human rights organizations (February-March 2013) [↑](#footnote-ref-49)
50. Смотрите пункт 12 Информации относительно вопросов, которые будут затронуты в связи с рассмотрением второго периодического отчета Таджикистана по Международному пакту о гражданских и политических правах (МПГПП), принятого Комитетом в ходе 108 сессии, 11-28 марта 2013 года. CCPR/C/TJK/Q/2/Add.1. 13 июня 2013 г. [↑](#footnote-ref-50)
51. Из интервью с представителем местных органов исполнительной власти [↑](#footnote-ref-51)
52. Смотрите пункт 12 Информации относительно вопросов, которые будут затронуты в связи с рассмотрением второго периодического отчета Таджикистана по Международному пакту о гражданских и политических правах (МПГПП), принятого Комитетом в ходе 108 сессии, 11-28 марта 2013 года. CCPR/C/TJK/Q/2/Add.1. 13 июня 2013 г. [↑](#footnote-ref-52)