



COALITION OF THE CIVIL SOCIETY AGAINST TORTURE AND IMPUNITY IN TAJIKISTAN

(Annual Results: 2023)

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This Report has been drawn up on the basis of information provided by organizations – members of the Coalition of the Civil Society against Torture and Impunity in Tajikistan.

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LIST OF ABBREVIATIONS

DCA – Drug Control Agency under the President of RT

ODIHR – Office for Democratic Institutions and Human Rights

GBAO – Gorno-Badakhshan Autonomous Oblast

SCNS – State Committee for National Security

MDRJ MOJ RT – Main Directorate for Reformatory Justice, Ministry of Justice of RT

LAU – Legal Assistance Unit

URTV – Unit for Rehabilitation of Torture Victims and/or their family members

EU – European Union

RT – Republic of Tajikistan

MM – Mass Media

FME – Forensic Medical Examination

HRC – Human Rights Committee

PWD – Person with Disabilities

MOI – Ministry of Interior

MFA – Ministry of Foreign Affairs

ICRC – International Committee of the Red Cross

MOD – Ministry of Defense

IPO – International Public Organization

IPHR – International Partnership for Human Rights

PRI – Penal Reform International

MOJ – Ministry of Justice

NGO – Non-Governmental Organization

NPM – National Preventive Mechanism

PO – Public Organization

OSCE – Organization for Security and Cooperation in Europe

DMOI – Department of the Ministry of Interior

UN – United Nations

PF – Public [Non-Governmental] Foundation

UNDP – United Nations Development Program
RRS – Region of Republican Subordination
PTDF – Pre-Trial Detention Facility
IP – Istanbul Protocol
TNU – Tajik National University
OSI AF – Open Society Institute – Assistance Fund
THF – Temporary Holding Facility
EO PRT – Executive Office of the President of the Republic of Tajikistan
CF – Correctional Facility
UNHCHR – United Nations High Commissioner for Human Rights
CPC – Criminal Procedure Code
UPR – Universal Periodic Review
HRO – Human Rights Ombudsman
OPCAT – Optional Protocol to the Convention against Torture
CA – Central Asia
UNDEF – United Nations Democracy Fund
UNICEF – United Nations International Children’s Emergency Fund

Abbreviations in English Language

USD – United States’ Dollars
DCAF – Geneva Centre for the Democratic Control of Armed Forces
DFID – Department for International Development
ABA/ROLI – American Bar Association/Rule of Law Initiative
NED – National Endowment for Democracy

INTRODUCTION

Coalition of the Civil Society against Torture and Impunity in Tajikistan has been formed in September 2011 to engage the civil society in concerted action against torture and impunity in the Republic of Tajikistan. Since that time, the Coalition has developed into a well-coordinated functioning structure of the civil society, which is recognized at national and international levels. The Coalition is an important platform and safe environment for all its members, in which one can gain support, be professionally advised, improve professional skills, pool together efforts and stand together, to have more efficient impact on decision makers, victims and donors. Transparency and professional ethics are crucial principles in the Coalition's activity.

Members of the Coalition are leading human rights NGOs with a long-term experience that receive support from international organizations, have the opportunity to keep dialogue running with the country's authorities, strengthen ties with mass media, and play a key role in promotion of action against torture and impunity. The Coalition has had facilitated the initiation of public discussion regarding torture, and has a good idea of situation at individual (direct work with torture victims and their relatives) and political (policy review, policy promotion activity) levels, and has been efficiently using regional and international mechanisms to promote its own recommendations.

The Coalition has its own website: www.notorture.tj, and pages in social media, which are comprehensive information tool regarding torture and cruel treatment in Tajikistan, where one can find relevant articles, policy documents, analysis and research findings, interviews and other necessary information.

Pages of the Coalition in social media:

Facebook: <https://www.facebook.com/notorture.tj>

Twitter: <https://twitter.com/NoTortureTj>

Soundcloud: <https://soundcloud.com/notorture-tj>

Youtube: <https://www.youtube.com/channel/UCWfjfabt9tacFgj-rcJZqtW>

Odnoklassniki: <https://ok.ru/group/54476259131498>

Telegram: <http://t.me/notorturetj>

Instagram: [notorture.tj](https://www.instagram.com/notorture.tj)

In 2023, general activity of the Coalition has been supported by the European Union, Siegfried Rausing Trust Fund, OSCE Program Office in Tajikistan, UN Voluntary Torture Victim Support Fund, UNDP, Swiss Cooperation Office in Tajikistan, UNDEF, International Partnership for Human Rights (IPHR), etc.

A project of Siegfried Rausing Trust Fund has been co-financing the current activity of organizations – members of the Coalition, and has been supporting new areas of activity that enables prompt and efficient response to emerging challenges and exploiting opportunities for promotion of freedom from torture. The project also pays particular attention to institutional development of the Coalition, building capacity of its members, as well as ensuring safety and security, and wellbeing of its partners.

1. GOALS AND PRIORITY AREAS OF ACTIVITY

1.1. The Coalition establishes the following goals:

- Join together efforts and requirements to public authorities to shape a “zero tolerance” policy against torture in Tajikistan;

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- Having based on international standards for freedom from torture, focus efforts to improve legislative and regulatory compliance practices.

1.2. Priority Areas of Activity:

Priority areas of the Coalition's activity are:

- Promote the creation of an efficient system of response to torture and cruel treatment incident reports, and of an independent torture investigation mechanism in Tajikistan
- Promote Istanbul Protocol standards in legislation and in practice, including the creation of an independent forensic medical examination institute
- Promote the creation of a public control institute to control places of detention and deprivation of freedom
- Promote the improvement of efficient damages recovery schemes in favor of torture victims and their family members, including fair and adequate compensation, as well as make better use of convalescent and/or treatment facilities.

In 2023, the Coalition continued carrying out the following activity:

- Website of the Coalition: www.notorture.tj.org – due to suspension of the activity of Media Group, was inoperative from February till December 2023.
- Provision of legal assistance to victims of torture, conducting strategic law suits, recording cases of torture and cruel treatment. Recording torture cases will enable the Coalition to receive direct information on situation with torture in the country, and conducting strategic law suits – achieve the sustainable practice in the application of statutory regulations on protection of victims of torture, as well as practice in the recovery of damages to victims of torture and their relatives in accordance with international standards.
- Monitoring the implementation of recommendations of the Committee against Torture, Human Rights Committee, and the UN Special Rapporteur on Torture based on the results of rapporteur's visits to Tajikistan.
- Preparation of analytical documents and alternative reports to the UN agencies, as well as in the framework of intergovernmental dialogues on human rights.
- Taking active part in the promotion of a national policy in the field of freedom from torture: creating an institute for independent monitoring of the places of detention and deprivation of freedom, improving legislation, and strengthening mechanisms and procedures for recovery of damages to victims of torture and cruel treatment.
- Conducting trainings and educational activities, regarding the freedom from torture, for practicing lawyers and legal profession members.

2. STRUCTURE OF THE COALITION

The Coalition comprises the representatives of human rights organizations of the Republic of Tajikistan and individuals carrying out activities on combatting torture and cruel treatment, and acts in accordance with agreed **Rules and Principles of Participation in the Coalition of the Civil Society against Torture and Impunity in Tajikistan, and Strategy.**

Members and partners of the Coalition (as of December 31, 2023) are:

- Public Organization “Huquqi Dastras” (“Affordable Law”)
- Public Organization “Himoiyai Huquq Tibqi Qonun” (“People’s Safeguarding”)
- PO League of Women with Disabilities “Ishtiroq”
- PO “Duniyoi Huquq” (“World of Law”)
- Public Organization “National Consultants of the Republic of Tajikistan”
- Public Organization “Ibtido” (“Initiation”)
- Public Organization “Najoti Kudakon” (“Save the Children”)
- Public Foundation “Nota Bene”
- PO “Solimii Jamiyat va Huquqi Inson” (“Public Health and Human Rights”)
- PO “Otifa”
- PO “Daftari Ozodihoi Shahrivandi” (“Civil Liberties Office”)
- Public Foundation “Tashabbusi Huquqi” (“Legal Initiative”)
- PO “Center for Human Rights”
- Askar Tursunov, Lawyer
- Zoir Razzakov, Medical Expert
- Nargis Hamrabaeva, Journalist
- Oinihol Bobonazarova, Independent Expert
- Umed Niyazov, Lawyer
- Shuhrat Saidov, Legal Expert

Dilafuz Samadova, Lawyer, since 2023 she is member of the Coalition within PO “Himoiyai Huquq Tibqi Qonun” (“People’s Safeguarding”).

PO “Association of Pamir Lawyers” and PO “Independent Center for Protection of Human Rights” are not members of the Coalition due to winding-up.

Abdurahmon Sharipov, Lawyer, and Fazliddin Khodzhaev, Journalist, have withdrawn from the Coalition at their own request.

2.1. Working Groups and Steering Bodies:

Board of the Coalition – all incumbent members and partners of the Coalition

Coordinator of the Coalition – Nurmahmad Khalilov, PO «Center for Human Rights»

Analytical Center – Nigina Bakhrieva, Public Foundation «Nota Bene»

Unit for Monitoring of Places of Detention and Deprivation of Freedom – Farhod Boboev, PO «Center for Human Rights»

Legal Assistance Unit – Gulchehra Kholmatova, PO «World of Law»

Unit for Rehabilitation of Torture Victims and/or their family members – Gulchehra Rakhmanova, PF «Tashabbusi Huquqi» (acts in accordance with the Strategy)

Media Group – In connection with decision of court, as of January 26, 2023, on the liquidation of Public Organization “Independent Center for Protection of Human Rights” – member of the Coalition, in 2023, the activity of Media Group was suspended.

3. MAJOR RESULTS OF THE COALITION’S ACTIVITY FOR 2023

In 2023, pressure on public organizations was continued that had a negative impact on the activity of the Coalition. Yet another organization – member of the Coalition – “Independent Center for Protection of Human Rights” (ICPHR) was liquidated by court ruling, as of January 26, 2023. Liquidation of the organization brought to a standstill the activity of the Coalition’s Media Group, which was coordinated by ICPHR during the last 10 years, as well as resulted in quitting from the Coalition of two individual partners related to the activity of this organization.

According to official data of the Ministry of Justice of Tajikistan, in the first half of 2023, there were liquidated 240 organizations, with 15 NGOs liquidated by court ruling, and the rest closed

down “on their own accord”. Altogether, over the last one and half year, **in the country there have been liquidated more than 700 NGOs**¹.

As a result of these events, organizations-members of the Coalition had to suspend some areas of their activity. In the period under review, there has decreased the number of recorded cases of torture and cruel treatment, and this is also due to the fact that many victims and their relatives do hesitate to report on crime incidents in their fear of retaliation and pressure by law-enforcement bodies. In addition, many criminal cases related to alleged practice of torture are marked as “classified documents”, and lawyers are forced to sign a non-disclosure agreement regarding cases they work on, and this will restrict public access to information on the progress of legal investigation.

Nevertheless, organizations-members of the Coalition continued their activities by promoting issues of freedom from torture both, at legislative level and in practice. One of the important achievements in promotion of improvement of legislation on freedom from torture is the entry into force in July 2023 of new **Civil Code of the Republic of Tajikistan** containing provisions on compensation for moral harm with regard to torture cases. According to new provisions, torture will constitute a basis for a claim to compensation for moral harm and tangible damage, and defendants on trials for the said compensation, in the event of human rights violation, are public authorities (and not public individuals). Thus, so far, the legislation of Tajikistan complies in the main with international standards for protection from torture.

Yet another plus point is the adoption on August 5, 2023 of **National Human Rights Strategy for the period until 2031**, and the first Plan of Action for its implementation. Foundation of this Strategy was laid in 2017, and a process included close interaction between a governmental Working Group responsible for its development and organizations-members of the Coalition. Actually, many of recommendations provided by the Coalition’s members in the process of development were included in the final document. Priority areas of the Strategy include the development of an efficient system of prevention, investigation, founded prosecution and protection from torture and cruel treatment, as well as provision of efficient damages recovery schemes, including compensation and rehabilitation for victims of torture and cruel treatment, and their family members.

Key accomplishments of the Coalition in 2023:

- Increase in the number of strategic cases under the Article 143 Note 1 (“Torture”) and Article 316 (“Exceeding Official Powers”) of the Criminal Code of the Republic of Tajikistan.
- Increase in the number of legal proceedings, during which persons implicated in practice of torture were brought to trial. In the period under review, there were initiated criminal cases against 5 law-enforcement officers under the Article 143 Note 1 (“Torture”) of the Criminal Code of the Republic of Tajikistan. All the accused persons were found guilty, convicted and sentenced to various terms of deprivation, with enduring punishment in maximum security penal colony.
- The Coalition has made real progress in the improvement of legislation on combatting torture. Thus, according to provisions of the new **Civil Code**, torture will now constitute a

¹ <https://www.asiaplustj.info/en/news/tajikistan/society/20230817/almost-700-ngos-have-been-liquidated-in-tajikistan-why-is-it-bad-and-where-are-we-going>

basis for a claim to compensation for moral harm, and the new version of the **Criminal Code** of the Republic of Tajikistan has increased the legal liability for cases of practice of torture. In particular, persons, who committed acts of torture, cannot be exempted from criminal liability due to active repentance, and no prescription can be used as concerns the crime related to torture.

- As from 2004, for the first time, the Coalition has managed to gain access to custodial institutions to conduct independent monitoring, as well as the Coalition has made a significant contribution to development of strategic documents on reforming the penitentiary system of the Republic of Tajikistan.
- Legal Assistance Unit of the Coalition has documented 16 torture and cruel treatment incident reports, among which 5 – from women, and 2 – in relation to minors. Retained lawyers protected the interests of torture victims in the course of investigation and legal proceedings with regard to 8 cases, of which three are carried over from the previous year.
- There have been conducted 7 **legal process monitoring surveys** with regard to torture cases.
- **Rehabilitation** services have been provided to 21 people, among which 12 men (including 3 minors) and 9 women. Of the total number of victims, 11 are direct victims of torture and cruel treatment, and 10 are relatives of victims of torture and/or cruel treatment.

In 2023, **Monitoring Unit** successfully carried out a set of activities, in particular, training workshops and study tours, which facilitated skills building and raising awareness of its members. For example, from June 27 till July 4, 2023, in Warsaw, there was arranged a capacity building workshop for members of Monitoring Unit. This workshop, held by experts of Polish Helsinki Human Rights Foundation, provided in-depth training of members of Monitoring Unit for careful monitoring of situation in prisons and psychiatric facilities of Tajikistan. This initiative will assist in promotion of human rights and improvement of confinement and incarceration conditions in these institutions in the Republic of Tajikistan.

PROMOTION OF ISSUES RELATED TO ACTION AGAINST TORTURE AT INTERNATIONAL LEVEL

During reporting period, the Coalition, in collaboration with International Partnership for Human Rights (Belgium), prepared a report containing List of Questions to the UN Committee on the Elimination of Discrimination against Women (CEDAW) for 87th Pre-Sessional Meeting of Working Group held from May 30 till June 2, 2023. The report was dedicated to issue of torture and other cruel and inhuman treatment of women in Tajikistan. It gave the review of situation with torture and cruel treatment, highlighted specific problems that women were faced with, and provided cases and stories of Tajikistan's women who became a victim of abusive and brutal treatment by law-enforcement officers. Also, the report touched upon stigma and discrimination, widely spread in the Tajik society, which often prevent the victims of police abuse and brutality from establishment of justice. In addition, representatives of the Coalition participated in Pre-Sessional Meeting of CEDAW Working Group where they presented the report and answered the additional questions of the Committee's members.

In 2023, the Coalition continued the vigorous activities on promotion of issues of freedom from torture on various platforms, including the Human Rights Dialogue between the EU and Tajikistan that took place on December 14, 2023 in Dushanbe. In collaboration with

International Partnership for Human Rights (IPHR), the Coalition prepared a briefing² dedicated to situation with torture and cruel treatment, as well as incarceration conditions in custodial institutions, in order to attract attention to serious human rights violations and create a foundation for wider discussion and taking measures for improvement of situation.

Members of the Coalition were also involved in official briefing for NGOs prior to dialogue, as well as in the work of a EU-Tajikistan workshop for civil society that was dedicated to issues of strengthening cooperation between civil society organizations and public institutions in Tajikistan, where also raised issues of joint efforts for elimination of torture and cruel treatment in Tajikistan. In particular, in his speech about cooperation with ministries and departments in the promotion of efficient investigation of torture cases and monitoring of custodial institutions, Nurmahmad Khalilov, Head of the Coalition against Torture and Impunity, emphasized the importance of having dialogues and holding roundtable meetings to discuss topical issues in this field. He has noted the Coalition has been vigorously dealing with improvement of legislation and conducting of information campaigns to protect the rights of key population groups. Despite this, the Coalition is being up against such problems as the lack of permanent dialogue platforms and difficulties in interaction with public authorities, particularly in regions. Nurmahmad Khalilov has called for a more efficient dialogue and cooperation system that would assist in more efficient addressing human rights issues.

INTERACTION WITH PUBLIC AUTHORITIES

The Coalition continues the active interaction with various public authorities regarding the implementation of international obligations in the field of prevention of torture and other forms of cruel treatment and punishment. This includes trainings and workshops for representatives of public authorities, review and improvement of legislation, as well as holding joint roundtable meetings and conferences.

Promotion of Cooperation with the Ministry of Justice

The Coalition continues to develop cooperation with Main Directorate for Reformatory Justice of the Ministry of Justice of the Republic of Tajikistan (hereinafter: MDRJ MOJ RT). From February 27 till March 3, 2023, there was held a study tour for representatives of MDRJ MOJ RT and members of Monitoring Unit to penitentiary facilities of the Republic of Poland. As a result of this tour, there was achieved an agreement on the development of cooperation in the field of improvement of penitentiary system between relevant public authorities and civil society of the Republic of Tajikistan and Republic of Poland.

Educational activities are part of a strategic approach to issues of penitentiary system, which change the situation with regard to respect for and protection of human rights in places of detention and deprivation of freedom.

- There are carried out activities on the development of educational programs and modules on the rights of persons deprived of freedom and penitentiary system management based on international human rights standards and advanced prison management practices.
- As part of educational activities on staff capacity building and training of Penal Enforcement System of the Republic of Tajikistan on the matters of international standards, in 2023, there were held master classes for as many as 100 custodial servants. Workshops were dedicated to comprehensive rehabilitation and reintegration of convicted and sentenced persons.

² <https://iphronline.org/wp-content/uploads/2024/01/iphr-submission-hrd-2023-torture.pdf>

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- There were conducted psychological rehabilitation sessions in correctional facilities for as many as 400 convicted and sentenced persons, including 200 women.

There is ongoing cooperation of the Coalition with the Ministry of Health and Social Protection of Population of the Republic of Tajikistan. Since 2022, the Coalition has gained access to psychiatric facilities of the Republic of Tajikistan to conduct monitoring of situation with the observance of the rights and safeguards for persons of unsound mind spending time in Prisons and Custodial Facilities (PCF), in particular, right to freedom from torture, right to lawful institutional placement in PCF, right to provision of everyday routine services, right to therapeutic nourishment, right to proper confinement / incarceration conditions, and situation with PCF staff activity management.

In 2023, there were carried out educational activities on capacity building for Monitoring Unit members, for the purpose of monitoring the compliance with psychiatric assistance and human rights standards in psychiatric facilities.

Cooperation of the Coalition with the Union of Lawyers of the Republic of Tajikistan: The Coalition has been carrying out educational activities for practicing lawyers and legal experts. In 2023, for 60 lawyers (among which, 50 men and 10 women), there were conducted trainings on documenting the acts of torture and cruel treatment in accordance with Istanbul Protocol standards. Also, 20 lawyers completed training on issues of compensation for moral harm due to victims of torture and their relatives.

3.1. INTRODUCTION OF REHABILITATION SYSTEM FOR VICTIMS OF TORTURE AND CRUEL TREATMENT

The purpose of Unit for Rehabilitation of Torture Victims and/or their family members (URTV) is to provide maximum possible assistance to victims in restoring personal autonomy, physical, mental, social and professional capacities, as well as their full social integration and community involvement.

URTV is carrying out activities in close cooperation with Legal Assistance Unit (LAU) of the Coalition. After having received a crime incident report on alleged practice of torture and/or cruel treatment and its documentation by LAU, with the consent of alleged torture victims and/or their family members, they are referred to URTV to receive rehabilitation services.

Rehabilitation of Persons Who Survived Torture and/or their Family Members

During reporting period, there have been admitted 21 people, among them 12 men (of which, 3 minors) and 9 women. Of the total number of victims, 11 people are direct victims of torture and cruel treatment, and 10 are their relatives. Among 21 persons who survived torture and/or their family members, 6 are those who have undergone the repeated course of rehabilitation.

Medical Assistance

Diagnostic examination has revealed the following disorders and injuries in victims and their relatives: increase in arterial blood pressure, pain in the region of heart, pain in the spinal column, increase in blood sugar level, brain concussion, pain in knees and legs, pain in urination, pain in thoracic cage, severe dyspnea. Following the examination by therapist, neurologist, cardiologist, orthopedist, trauma surgeon and endocrinologist, there have been given recommendations in terms of outpatient and inpatient treatment.

Medical assistance was provided to 21 persons, as follows (13 cases):

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- Outpatient treatment – 20 persons
 - Inpatient treatment – 1 person
 - Medical examination – 21 persons
 - Physiotherapy and massage – 4 persons
 - Medicines – 21 persons
 - Health resort treatment – 2 persons

Psychological Injuries resulting from Torture

Torture resulted in that victims were in constant state of anxiety and fear due to reminiscence of traumatic events associated with investigative torture, and they run into psychological problems: unsociability, being of retiring/solitary disposition, sleep loss or sleep disruption, nervousness, anxiety, aggressiveness, irritable temper, self-depreciation/low self-esteem, emotional neglect, loss of appetite, forgetfulness, easy crying, distrust in people, apathy. Also, there is inner mental /psychic tension with extended period, fleeing the society/shrinking from society.

Psychological Assistance was provided to 17 persons who survived torture and/or their family members (13 cases):

- Primary assessment – 17;
- Conclusion on psychological status – 17;
- Psychological sessions –17;
- Preparation of psychological conclusions before and after rehabilitation – 17;
- Repeated course of rehabilitation – 5;
- Legal advice on psychological expert examination for moral harm assessment – 1

Social Assistance

Social assistance was provided to 21 persons who survived torture and/or their family members (13 cases).

- Making primary assessment with victim and identification of needs – 21;
- Drawing up an individual plan of work with victim and coordination with other specialists – 15;
- Case management of victims and/or their family members – 21;
- Provision of social welfare assistance to victim (employment, education, pension, allowances, etc.) – 10;
- Individual case management – 21;
- Convening a council of physicians / multidisciplinary case management team meeting and taking minutes for each case – 21.

3.2. LEGAL ASSISTANCE

Activity of Legal Assistance Unit (LAU) is aimed at promotion of creating a system of efficient response to incident reports on torture and cruel treatment, and an independent torture investigation mechanism in Tajikistan, as well as at coordination of activities on provision of practical legal assistance to torture victims and their relatives.

Major objectives of LAU are:

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- Identify the prevalence of torture and cruel treatment;
 - Define procedures and mechanisms to record torture and cruel treatment, provide legal assistance to torture victims and/or their relatives, conduct strategic legal proceedings;
 - Develop rules and conditions for cooperation with lawyers to provide legal assistance to torture victims and/or their relatives;
 - Coordinate the activities of organizations – members of the Coalition, to provide legal assistance to torture victims and/or their relatives;
 - Promote the creation of efficient mechanisms to respond and investigate torture.

Legal Assistance Unit includes organizations – members and partners of the Coalition, dealing with provision of legal assistance. LAU's members assist each other in capacity building with regard to documenting torture, developing strategies and procedures for protection of torture victims, provision of legal assistance to individual vulnerable groups, as well as in exchange of successful practices. Legal Assistance Unit includes the following organizations:

- PO «Duniyoi Huquq» («World of Law»);
- PF «Tashabbusi Huquqi» («Legal Initiative»);
- PO «Huquqi Dastras» («Affordable Law»);
- PO «Daftari Ozodihoi Shahrivandi» («Civil Liberties Office»);
- PO «Center for Human Rights»;
- Partners of the Coalition (Umed Niyazov, Askar Tursunov)

Secretariat of LAU consists of Coordinator, two documentation specialists.

In 2023, the activity of LAU was supported from the following sources:

1. Program Office of Organization for Security and Cooperation in Europe (OSCE) in Tajikistan under Program "Support to the Coalition of the Civil Society against Torture and Impunity in Tajikistan", from August 1 till November 30, 2023
2. Siegfried Rausing Trust Fund, from January 1 till July 31, 2023

In 2023, LAU continued its activities aimed to:

- Documenting cases of torture and cruel treatment, providing legal assistance to torture victims suffered from domestic violence, conducting strategic legal proceedings. Documenting torture and domestic violence cases will allow the Coalition to receiving direct information on situation with torture and cruel treatment in the country, and conducting strategic legal proceedings will allow to achieving the sustainable practice in the application of statutory regulations on protection of torture victims, as well as practice in the recovery of damages to torture victims and their relatives in accordance with international standards;
- Preparation of documents to international human rights structures in collaboration with Analytical Group of the Coalition.

3.2.1. Documenting Circumstances of Torture and Other Cruel Treatment

For the period from January 1 to December 31, 2023, the Secretariat of Legal Assistance Unit and organizations – members of the Coalition have had documented 16 applications regarding practice of torture and cruel treatment, among which there are 5 applications from women and 2 from minors. Underway was the work on 3 cases from the past years.

	Regions				TOTAL
	Dushanbe	RRS	Khatlon Oblast, GBAO	Soghd Oblast	
Total, documented	2	0	7	7	16
Lawyer is retained	1	0	6	1	8
Legal support	1	0	1	2	4
Monitoring of lawyers' performance	1		1	2	4
Refused legal assistance at the documenting phase			3	1	4
Provided legal consulting services, drawn up documents	Conducted 30 legal consulting meetings with lawyers Given 83 verbal legal advices Drawn up 65 written documents				

Major Human Rights Violations during Detention and Investigation: arbitrary and illegal detention; physical abuse/assault by way of bodily blows, torture by passing the electric current; threats of rape directed against victim and/or victim's family members; intimidation by potential taking into custody.

Investigative torture and cruel treatment were practiced to extract confessions / procure confessionary evidence / secure false confessions, punish for committing certain actions, or as a repression measure, and a measure to humiliate human dignity.

Age Groups of Victims:

- < 18: 3 persons
- 19-34: 2 persons
- 35-45: 7 persons
- 46-60: 5 persons

Applications for practice of torture and cruel treatment were filed to the following **public authorities:**

- MOI – 15
- SCNS – 1

Legal Consultations

Torture Documenting Specialists: In LAU, there are three current hotlines: across Soghd Oblast (987873333), across Khatlon Oblast (987876666), across Dushanbe City and RRSs (987087676). Telephones are accessible for 24 hours, including weekends and public holidays.

In total, there were provided 83 verbal legal advices, held 30 meetings with lawyers, and provided 4 legal support documents to General Prosecutor's Office, Executive Office of the President of RT, Office of Human Rights Ombudsman, and Internal Affairs Department of the Ministry of Interior. There were drawn up 65 written service documents.

Monitoring of Court Sessions

Monitoring of Judicial Proceedings: During reporting period, there were conducted 7 monitoring surveys of court sessions for 2 (two) cases.

Main Conclusions:

In general, during court sessions, procedural rules and regulations were observed, and parties to legal proceedings acted within the law. Nevertheless, there have been revealed the following violations:

- Majority of judicial proceedings started with a delay. Five of 7 court sessions started with a delay of up to 30 minutes, and 2 – with a long delay of 1.5-2 hours. The cause of a delay has not been explained in many cases.
- Judges often deflected attention away with phone calls and talks to other court staff that had nothing to do with the current processes.
- For persons with disabilities, access to courthouse is limited: there are no wheelchair ramps and elevators, with only available stair approach and exit. Toilet rooms are closed for visitors, and there is no drinking water.
- Judges held over to next sessions a decision upon a number of lawyer's applications thereby contravening the procedural law and international standards.
- In court premises, there are no normal conditions: in winter time, rooms are not heated, and in summer time – not cooled.
- Observers have revealed the inequality of participants of legal processes: government representatives and police officers could use their cellphones, while the rest parties to a court case were unreasonably searched, with their cellphones and gadgets seized. Bags of lawyers were also subjected to examination.

Consultation Meetings

LAU has been regularly holding consultation meetings with various groups, and namely with:

- Lawyers who conduct the affairs of the Coalition;
- Experts on a variety of issues related to LAU's affairs;
- NGOs, including district and designated organizations that are engaged in re-referral of victims of torture and cruel treatment to the Coalition;
- Lawyer's offices, including remote regions;
- Centers for provision of free legal assistance set up under MOJ RT.

During 2023, there were conducted 30 consultation meetings with lawyers to discuss strategies at various phases of criminal legal proceeding with regard to LAU's cases.

Also, there were organized information working meetings in regions with lawyers and civil society representatives to identify torture cases and consider the possibility of further cooperation with lawyers of Soghd Oblast, and other cities and districts. Participants of meetings were informed on priority areas of LAU's activity under the Coalition and discussed the possibility of cooperation with lawyers, including their participation in torture and cruel treatment cases. Participants received handouts, including regulatory collection, LAU's leaflets and visit cards.

Monitoring of Mass Media

During reporting period, there was conducted monitoring of the following mass media and social media: website of “Radio Ozodi”, website of independent information agency “Asia-Plus”, social media Facebook, as well as websites of government agencies, and other resources. The purpose of monitoring was to trace publications on circumstances of torture and cruel treatment:

- A. Roziqov³, document specialist has recorded information on subjecting A. Roziqov to torture, and lawyer has been retained with regard to this case.
- Sharifbek Shahbozi, resident of Vahdat City, has published a video⁴ complaining about cruel treatment of his mother, grandmother and himself by officers of Jamoat, local executive authority and local police inspector. These persons made a draft raid and took his brother to army, with severe beating of his close relatives. Document specialist has got in touch with journalists of “Radio Ozodi” and obtained contact information about alleged victims of cruel treatment. Despite that the specialist attempted to get the alleged victims on the phone, the provided phone numbers were shut off.
- Khikmatullo Nadzhotov, resident of Muminabad District, has complained in social media against some actions of the local DMOI officers⁵. Document specialist has promptly responded to this information by approaching the journalists of “Radio Ozodi” and obtained contact information on the victim’s relatives. Relatives have been offered legal assistance, but later they have stopped responding to phone calls of LAU’s officers.
- Female resident of Khujand, Shahlo Davlatova, stated in an interview with “Radio Ozodi”⁶ that investigator of DMOI of the city demanded “30 thousands USD” for her exemption from legal liability, and then raped her. Document specialist met with I. Bobokalonov, Lawyer, who informed that at the session of Khujand City Court, on 02.12.2022, S. Davlatova did not mention about rape or practice of torture by police officers. Also, as the inquiry progressed, he met with her on two occasions in PTDF-2 of Khujand City, but she did not report about rape or practice of torture.
- During the monitoring of mass media, website of “Asia-Plus”⁷ published information on resident of Penjikent City who committed suicide after his interrogation in law-enforcement bodies. During the process of registration by document specialist, relatives declined legal assistance.
- On 03.09.2023, in social media, there appeared information on the sudden death of one of persons suspected of killing a banker⁸, but relatives refuted this information. On 05.09.2023, General Prosecutor of Tajikistan, Yusuf Rahmon, stated that the suspected person was actually arrested and placed in investigation cell, and that reports on his death were based on flimsy evidence.
- On 02.12.2023, in social media Facebook, there was published a video displaying that a young man applied a stun gun against a teenager⁹. Document specialist has found out that

³ <https://www.google.com/amp/s/rus.ozodi.org/amp/32205494.html>

<https://www.google.com/amp/s/rus.ozodi.org/amp/32220830.html>

<https://asiaplustj.info/ru/news/tajikistan/laworder/20230113/delo-abdukahhora-rozikova-protiv-odnogo-iz-treh-militsionerov-vozbudili-ugolovnoe-delo>

<https://asiaplustj.info/news/tajikistan/laworder/20230104/zhiteli-kulyaba-trebuyut-nakazat-vinovnih-v-gibeli-rodstvennika-mvd-prichina-smerti-peredozirovka-ot-amfetamina>

⁴ <https://ds5x1xuqdxo1.cloudfront.net/a/32665915.html>

⁵ <https://www.instagram.com/p/CzvK0YpKMEG/?igshid=MzRIODBiNWFIZA==>

⁶ <https://www.ozodi.mobi/a/32414007.html>

⁷ <https://www.facebook.com/groups/centralasianews/permalink/2474746946007148/?mibextid=Nif5oz>

⁸ https://l.facebook.com/l.php?u=https%3A%2F%2Frus.ozodi.org%2Fa%2F32576563.html%3Ffbclid%3DIwAR1p6rnDHjdC-8kvz5pwRjnv79BVsfkyX2jEBsomGhSFAISoX_qQR2WRPIk_aem_AXooPpPaJWIkffZhfmZnlhy4rayJB2bu543shABSXKL4vfrMjM_EacDWovr4wkgAGtQ&h=AT1khyrHDWPIW4GFcuRMYPTb8QIErrJabIErg6stwrKeLOFfdWH9pDygiENynS_CH9W1LlVuoycliySzpPfOjP1I6KWei0jhLUhEzpmQvvyHBUZB09OdyymKgyUci7AA&s=1

⁹ <https://www.facebook.com/groups/mikrofoniozod/permalink/3687788471449784/>

DMOI of Dushanbe City has launched an inquiry into the case of Firdaws Kudratullozoda, resident of Dushanbe, who has applied a stun gun.

Publications:

1. There have been prepared animated graphics on the subject “Role of Lawyer in Criminal Legal Proceeding”, subsequently published on the website of the Coalition: <https://notorture.tj.org/photo/rol-advokata-v-ugolovnom-sudoproizvodstve>
2. There have been prepared press releases with regard to K. Yodgorov’s case on receiving compensation for moral harm, with regard to M. Gadozoda’ case, as well as with regard to A. Roziqov’s case (these materials have not been published on the website of the Coalition due to suspension of the activity of Media Group).

Underlying Problems:

- During reporting period, LAU faced facts of denial of further appeal against unlawful actions of law-enforcement officers by victims of torture and their relatives at different criminal investigative phases.
- Lawyers are deprived of having immediate access to their defendants, as administration of PRDF demands an official written permission from investigator.
- Detained persons are misinformed or deceived as concerns the forthcoming release in case of giving a confession.
- Compelled incrimination [compulsory self-incrimination] contrary to the Article 12 Part 5 of the Criminal Procedure Code of RT.
- Petitions of lawyers for provision of records from surveillance cameras, data from medical cards of accused persons and information from detainee log files are disregarded in the course of judicial proceedings and often remain unanswered, following which they are dismissed.
- There has been observed ungrounded delay in preliminary investigation into practice of torture.
- Investigators regularly disregarded the petitions of lawyers on carrying out additional investigative actions.
- No security of victims of torture and key witnesses has been provided.
- Lawyers are required to sign a Non-Disclosure Agreement concerning information obtained in the course of preliminary investigation, with reference to Article 177 of the Criminal Procedure Code and Article 361 of the Criminal Code, and this is illegal. Such an agreement will prevent from providing full and unbiased information for monitoring of documented cases.
- In some cases, lawyers dealing with torture issues do avoid displaying sensible initiative, even if they have the right to doing so according to law, fearing potential pressure by investigative authorities.

3.3 MONITORING OF CUSTODIAL INSTITUTIONS

In the beginning of 2023, there has been formed Monitoring Unit comprising 7 persons (3 women and 4 men), representatives of organizations-members of the Coalition against Torture and Impunity in Tajikistan, and partners of the Coalition, in particular:

1. PO “Center for Human Rights” – P. Navruzova and M. Kholmurzaev

2. PF “Nota Bene” – A. Navruzova
3. PO “Ibtido” – Kh. Rakhimova and F. Fuzailov
4. Association of Psychologists and Psychotherapists – Z. Safarova
5. Daler Ghaibullaev, Lawyer

Study Tour to Poland

In 2023, Monitoring Unit had successfully carried out a set of actions, in particular, training workshops and study tours that facilitated the skills building and raising awareness of its members. So, from February 27 till March 4, 2023, representatives of the Main Directorate for Reformatory Justice of the Ministry of Justice of the Republic of Tajikistan and members of Monitoring Unit for places of detention had visited Poland within the framework of a study tour. Organizers of the visit were Helsinki Human Rights Foundation in Poland and the Coalition of the Civil Society against Torture and Impunity in Tajikistan. The purpose of the visit was to assist in implementation of Strategy for the Republic of Tajikistan’s Penal Enforcement System reform for the period until 2030. Participants of the Tajik delegation visited various institutions, including NPM under Human Rights Ombudsman of the Republic of Poland, Correctional Facility in Warsaw, as well as held meetings with heads of Department of MFA of Poland for Central Asia and other specialists in the field of penitentiary system of the Republic of Poland. The visit resulted in achieving an agreement on development of cooperation in the field of penitentiary system between relevant public agencies and civil society of the Republic of Tajikistan and Republic of Poland.

Training Workshop in Warsaw

From June 27 till July 4, 2023, in Warsaw, there was held a training workshop for members of Monitoring Unit for penitentiary and psychiatric facilities. Experts were officers of Helsinki Human Rights Foundation. The workshop refined upon monitoring tools. Henceforth, experts of the Foundation continued consulting the members of Monitoring Unit in the course of their carrying out monitoring operations.



Trainings for Custodial Servants of Correctional Facilities and PTFD of MDRJ MOJ RT

In September-October 2023, PO “Center for Human Rights” held a set of training events, in collaboration with the Main Directorate for Reformatory Justice of the Ministry of Justice of the Republic of Tajikistan, for officers of the Penal Enforcement System of the country.

Training events were delivered on September 29-30 in Khujand City, on October 23-24 in Dushanbe City, and on October 26-27 in Bokhtar City. The following specialists acted as trainers: Abdurahmon Vahobzoda – Deputy Director of the Center for Islamic Studies under the President of RT; Madina Sharipova – Psychologist, Assistant Professor of Psychology Faculty of the Tajik National University; Farida Khudoidodova – Physician, Officer of the Ministry of Health and Social Protection of Population; Takhmina Dzhuraeva, Madina Usmanova, Nargis

Zokirova – Experts of PO “Office for Human Rights and Rule of Law”, and Shahnoza Nasriddinova – Expert of PO “Center for Human Rights”.

The event involved penitentiary system officers, and namely heads of organizational units, field and custodial servants, correctional education workers, health workers, as well as psychologists.

3.4. MASS MEDIA COVERAGE OF TORTURE ISSUES

On January 26, 2023, by I. Somoni District’s court ruling, there have been discontinued the activities of PO “Independent Center for Protection of Human Rights” – Coordinator of Media Group, for which reason the work of Media Group has been suspended. Media Group of the Coalition of the Civil Society against Torture and Impunity in Tajikistan is one of the key groups, and the website of the Coalition acts as the primary source for provision of quality and unbiased information, which regards the freedom from torture, to other mass media of Tajikistan.

In 2023, there has been observed a drastic decrease in the amount of information on torture and/or cruel treatment issues on the media scene: thus, throughout the year, there have been published only few reports related to torture and cruel treatment in RT: on “Radio Ozodi” (4 news items), “Asia-Plus” (1 news item), as well as information on the website of the Human Rights Ombudsman.

For 2023, Media Group of the Coalition has published only 8 information materials¹⁰:

- 1) Evolution of penalizing torture or will torture become a thing of the past? 03.01.2023
<https://notorture.tj.org/news/evolyuciya-nakazaniy-za-pytki-ili-uydut-li-pytki-v-proshloe>
- 2) Liquidation of public organization (association), 03.01.2023
<https://notorture.tj.org/library/likvidaciya-obshchestvennoy-organizacii-obedineniya>
- 3) Media Group in 2022: campaigns in support of victims of torture, human rights campaigns and republican conference, 05.01.2023
<https://notorture.tj.org/news/media-gruppa-v-2022-kampanii-v-podderzhku-zhertv-pytok-o-pravah-cheloveka-i-respublikanskaya>
- 4) LAU: in 2022, there have been documented 19 torture and cruel treatment incident reports, 16.01.2023
<https://notorture.tj.org/news/gpp-v-2022-godu-bylo-dokumentirovano-19-obrashcheniy-po-voprosam-pytok-i-zhestokogo>
- 5) ГКХ: дар соли 2022-юм 19 муроҷиат оид ба масоили шиканча ва муносибати бераҳмона ҳуҷҷатгузорӣ шуд – LAU: in 2022, there have been documented 19 torture and cruel treatment incident reports, 16.01.2023
<https://notorture.tj.org/tj/news/gkx-dar-soli-2022-yum-19-murochiat-oid-ba-masoili-shikancha-va-munosibati-berakhmona>
- 6) Unit for Rehabilitation: in 2022, rehabilitation services have been provided to 16 people – victims of torture and their family members, 17.01.2023
<https://notorture.tj.org/news/gruppa-po-reabilitacii-v-2022-godu-reabilitaciyu-proshli-16-chelovek-zhertv-pytok-i-chleny-ih>
- 7) Гуруҳи офиятбахшӣ: соли 2022-юм 16 қурбонии шиканча ва аъзои оилаҳои онҳо офиятбахшӣ гузаштанд – Unit for Rehabilitation: in 2022, rehabilitation services have been provided to 16 people – victims of torture and their family members, 17.01.2023

¹⁰ Previously, over the last three years, on the website of the Coalition against Torture and Impunity in Tajikistan, there have been published 1293 materials: for 2022 – 379 materials; for 2021 – 460 materials; for 2020 – 454 materials.

<https://notorture.tj/tj/news/gurukhi-ofiyatbahshi-soli-2022-yum-16-kurbonii-shikancha-va-azoi-oilakhoi-onkho-ofiyatbahshi>

- 8) Activities on introduction of Istanbul Protocol standards in Tajikistan: training workshops, book for convicted and sentenced women, prisoner rehabilitation program, 23.01.2023
<https://notorture.tj.org/news/deyatelnost-po-vnedreniyu-standartov-stambulskogo-protokola-v-tadzhikistane-treningi-knizhka>