

19 September 2017

Business meeting 12. Rule of law I, including:

– prevention of torture.

Provisions of the article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights provide that nobody shall be exposed to tortures or the cruel, brutal or degrading treatment and punishment.

Each person shall have all rights and all freedoms proclaimed by Universal Declaration of Human Rights without any distinction as: concerning race, skin color, sex, language, religion, political or other convictions, a national or social origin, property, class or other status. Article 1 of Universal Declaration of Human Rights.

Nevertheless tortures still remain one of the main methods used by law enforcement agencies of Tajikistan in their activities. Generally tortures are applied to those who are suspected under articles 179 ("Terrorism"), 189 ("Agitation of national, race, local or religious hatred"), 200 ("Illegal trafficking of narcotics or psychotropics for sale"), 307 ("Public calls to forced change of constitutional system"), 307 (1) ("Public calls to extremism"), 401 ("Mercenarism") of the Criminal Code of the Republic of Tajikistan (CCRT).

Moreover, in Tajikistan it continues to apply various repressive measures to the persons who became unwanted to authorities on their political beliefs. Though Ombudsman of Tajikistan Alizoda Zarif in 2016 said that in Tajikistan there is no political prisoners because there is no such term in law, but occurring situations with human rights, in particular in the sphere of fair legal proceeding it is showed not only presence of political prisoners in Tajikistan, but also its tendency to increase.

Tajik authorities try to hide the actual reason of arrests and create false information about the reasons of prosecutions of persons for political motives by various methods. For this purpose it is widely used methods of artificial creation of proofs, the prejudiced conclusions of judicial examinations and providing witnesses of the State prosecution. Already during pretrial investigation the interrogations alternate tortures. Tortures include beating of suspected persons' by hands and legs, by bludgeons and by other objects. The so-called machine "LG" – the device for generation of electric current is widely used. Suspected persons are tortured with current and are poured with cold water.

Tortures include beating, beatings by hands and legs of various parts of a body, beating by rubber bludgeons and metal objects, undressing till nude and hours-long standings in cold water, electric tortures, a stick of needles under nails, etc. Tortures are followed by insults, humiliations and threats, including towards family members.

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There is also an LG machine used for tortures in the pre-trial detention center No. 1 of Dushanbe.

A suspected person by art. 200 (possession of drugs) of CC RT Fayzov Farkhod in August-September, 2016 repeatedly was exposed to bodily blows, beatings and tortures by electric current. Furthermore his hands and legs tied by adhesive tape to a chair, he was poured with cold water and it was passed electric current through a body. Thus, several times in a row. All this occurred on 1st floor of Regional Office of the Ministry of Internal Affairs of Dushanbe. He was demanded to tell about the new facts connected with drug trafficking.

The similar situation happened with Turkov Fayzidin who was suspected under article 200 CC of Republic of Tajikistan who was also tortured in the same way in the building of the Ministry of Internal Affairs of Firdavsi district of Dushanbe. There are still traces from these tortures after use of electric current that remain on his body.

Other accused person – Abdurakhmanov Darvesh even after admitting an offense was subjected to tortures and insults. He was also tortured with electric current in the building of the Organized Crime Control Department of the Ministry of Internal Affairs of Tajikistan, he was held naked for 10 days in pre-trial detention center in a punishment cell, and didn't allow him to eat. Tortures and pressure were also continued after leaving a punishment cell.

Currently the number of political prisoners are quite big, including the following people:

Makhmadriz Iskandarov, leader of Democratic Party of Tajikistan;  
Maksud Ibragimov, social activist;  
Buzurgmekhr Yorov, lawyer;  
Nuridin Makhkamov, lawyer;  
Zayd Saydov, entrepreneur;  
Shukhrat Kudratov, lawyer;  
Kiyemiddin Avazov, member of Islamic Revival Party of Tajikistan (IRPT);  
Zubaydullo Rozikov, member of IRPT;  
Sattor Samadovich Karimov, member of IRPT;  
Mukhamadin Fayzmukhamed, member of IRPT;  
Abdukakhor Davlatov, member of IRPT;  
Sadjidin Rustamov, member of IRPT;  
Vokhidkhon Kosidinov, member of IRPT;  
Sharif Nabiyev, member of IRPT;  
Abdusamat Gayrotov, member of IRPT;  
Makhmadali Hayit, member of IRPT;  
Hikmatulo Sayfulizoda, journalist, member of IRPT;  
Chobir Rakhmatulloi Razhab, member of IRPT;  
Umarali Fatokhovich Hisaynov, deputy chairman of IRPT.

Court hearings concerning political prisoners are carried out in closed regime and generally in the building of pre-trial detention center. Naturally access for the public, media and representatives of the international human rights organizations is impossible. The court on high councilors of IRPT passed in the pre-trial detention center No. 1 of Dushanbe where there were no members of media or other persons at all. Even though in the court verdict of June 2, 2016, it is specified that process took place with

participation of representative of the Commissioner for Human Rights in the Republic of Tajikistan Soliyev A.U., but its participation was limited only with two days in process. In this process witnesses and defendants many times spoke about tortures during the investigation and court.

It should be especially noted that political prisoners in Tajikistan are subject to the most tough tortures. Tortures are applied to them even prior to indictment.

Makhmadali Hayit in his video message reflected from walls of the pre-trial detention center of State Committee of National Security directly says that, at once they entered the pre-trial detention center, unjustly he was beaten by hands and legs without any reason. Further he says that beating, humiliations and insults are a natural course of investigation and all prisoners are subject to tortures.

Makhmadali Hayit, during his first meeting with a lawyer, Djamshed Yorov, was in tattered and blood-stained clothes.

Detained lawyer Buzurgmekhr Yorov was subject to beating first day of his arrest, that was testified by his clothes with blood signs, that was sent to his relatives.

Tortures and pressure are applied as well to witnesses of the case. During the process regarding the case of members of IRPT, the witness Murodov Sarabek refused from evidences given to the investigation under pressure, but on the following judicial session, as a result of the tortures applied to him, he refused from his new indications and was forced to confirm truthfulness of initial indications, given during the investigation.

The lawyer Buzurgmekhr Yorov spoke about the tortures applied to Umarali Hisaynov, the deputy head of IRPT and subsequently he was arrested and subjected to tortures. During this case the witness Huseynov Odinakhon admitted that under tortures in the form of a beating and electric shocks through genitals, and threats concerning his family, he was forced to give evidences against the political prisoner Karimov Sattor. Not only a physical beating exist against political prisoners but there is also psychological levers. They are deprived by the rights to a meeteng with relatives in defiance of article 18 of the Law RT on a legal status of suspects, defendants and defendants; limit access of lawyers to them in defiance of article 53 Code of Criminal Procedure of Tajikistan.

According to the abovementioned Law suspected persons have a right for a meeting with relatives 2 times per month for not more than 3 hours each. However, this provision of the Law does not apply in relation to political prisoners. Therefore political prisoners are deprived of the opportunity to meet with relatives and close people that put them under strong psychological sufferings.

The Tajik authorities during the investigation and inquiries don't undertake any specific measures for eradication of tortures therefore seeing impunity of guilty people, complainants are afraid to ask for the help law enforcement agencies. It is no wonder that the Coalition against tortures in Tajikistan registered only 38 addresses in 3 months in this year even though cases of tortures constitute dozen times more. Especially the most large number of tortures are accounted for by divisions of Ministry of Internal Affairs and the pre-trial detention center of Ministry of Justice of Tajikistan.

Last year a special concern is caused that tortures and statements are also appeared concerning ordinary citizens. In this context relatives and family of power opponents, activists of civil society or the citizens who are just sympathizing them are especially vulnerable.

Due to Dortmund conference of opposition of Tajikistan that took place on 9 July 2017 Tajik authorities began widely use pressure on so-called "dissidents" by means of pressure and tortures in relation to their relatives and family members.

On 7 July 2017, couple of days before the Dortmund conference, representatives of national security came home to the parents of member of Islamic revival party (IRPT) - Dzhanatuloi Comillov who is living currently in Germany. National securities officers offended, degraded Dzhanatuloi Comillov's mother Sayma Kulova for her son's opposition activity. The officers also interrogated, intimidated Dzhanatuloi's brothers Zubaydulo and Ubaydulo Komilovy. National security officer's also threatened to take a house from the family. As a result of very tough suppression and pressure mother of Dzhanatuloi Comillov passed away last month. It is horrible

The same methods were used against the family of oppositionists Bobodzhon Kayumov, Iftokor Rustamov, the lawyer Jamshed Yorov and other activists.

Considering all of the above we strongly urge Tajikistan authorities to refuse from medieval method of crackdown on dissent. To create independent international commission for investigation of facts of application of tortures during the investigation, in the pre-trial detention center and in prisons. To start immediate investigations on tortures in relation to political prisoners and bring to responsibility of perpetrators. To punish perpetrators and persons covering them, law enforcement officials who violate houses of relatives and close people of oppositionists' family without any legal cause, to offend, degrade and violate their rights for personal security and bring to death.

Tajikistan should inviolately respect taken international commitments in terms of just trials. To stop persecutions due to political and ideology reasons. Immediately and unconditionally make free all political prisoners. All judicial hearings should be conducted in judgment halls, not in the closed place such as pre-trial detention centers or temporary detention facility. To grant access to the court hearings for mass-media representatives and the civil society.

For prevention and timely exposure of tortures and cruel treatment with prisoners it is recommended to provide to community the opportunity to visit prisons and detention facilities of suspected persons, accused persons and prisoners.

We appeal to all international organizations on human rights protection, OSCE, Committee of United Nations on human rights to pay close attention and to enhance monitoring on fulfillment of duties by Tajikistan for their obligations according to International Covenant on civil and political rights.

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