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**STATEMENT BY
THE DELEGATION OF THE REPUBLIC OF TAJIKISTAN AT THE
2010 OSCE REVIEW CONFERENCE**

Warsaw, 5 October 2010

**Working session 5: Rule of law II, including: exchange of views on
abolition of capital punishment; prevention of torture; protection of
human rights and fighting terrorism**

Combating terrorism and protecting human rights in Tajikistan

Ladies and gentlemen,

For the purpose of combating terrorism, the Republic of Tajikistan has taken sufficient measures to establish a regulatory legal basis for the counter-terrorist activities of the law enforcement agencies and authorities authorized to use force. A decree of the President of the Republic of Tajikistan dated 28 March 2006 put into effect the so-called Single Concept of the Republic of Tajikistan for Combating Terrorism and Extremism, which identified the basic aims in the fight against terrorism and extremism. Among the latter, the following were recognized as having priority importance: the protection of the Republic of Tajikistan, its citizens and other persons on its territory against the threats of terrorism and extremism; the stepping up of the role of the State as the guarantor of the safety of the individual and society at a time of growing terrorist and extremist threats; the implementation of international legal regulations for countering the financing of terrorism and extremism; the creation of agencies to be directly involved in combating terrorism and extremism, including the area of prevention; the creation in the Republic of Tajikistan of an atmosphere of total non-acceptance of terrorism and extremism in any of their forms and manifestations; the identification, elimination and prevention of the causes and conditions that help give rise to, or spread, terrorism and extremism on the territory of the Republic of Tajikistan; and also measures to deal with the consequences of crimes of a terrorist or extremist nature.

More detailed information on these subjects can be found in the annual report of the Republic of Tajikistan on the implementation of the Declaration on Measures to Eliminate International Terrorism, which was annexed to United Nations General Assembly resolution 49/60 of 9 December 1994.

The Republic of Tajikistan is meticulously carrying out its international commitments while at the same time observing all the principles having to do with human rights and the struggle against terrorism. The basic provisions of our national legislation are defined by such

principles as the ban on arbitrary treatment and discrimination, the prohibition of the use of torture, the right to a fair trial and the non-application of capital punishment.

Our country vigorously prosecutes cases involving illegal or cruel treatment of persons guilty of committing terrorist acts. In actual fact there have been criminal cases brought against members of the law enforcement agencies who have employed illicit methods of investigation and inquiry against persons guilty of terrorism. It should be noted that with a view to preventing instances of arbitrary or illegal detention or arrest, ensuring unimpeded access by lawyers to persons suspected of having committed terrorist acts and preventing the use of torture, there has been a radical change for the better since the adoption of Tajikistan's new Code of Criminal Procedure, which came into force on 1 April 2010. That Code requires that no participant in the criminal justice procedure may be subjected to violence, torture or any form of cruel or degrading treatment. The guarantee that this principle of the criminal justice system will be observed is provided by the provision that establishes the responsibility of the officials in question when conducting preliminary investigations and inquiries. Evidence obtained at that stage through the use of force, pressure, the infliction of pain, inhuman treatment or by other unlawful means is recognized as invalid and cannot serve as the basis for the bringing of charges.

As it takes measures to intensify the struggle against terrorism and extremism, our country has set itself the task of ensuring the rule of law and the implementation of all its commitments in the area of human rights. To achieve these objectives, we propose that the OSCE help in expanding co-operation between participating States in the struggle against terrorism and the protection of human rights, that it regularly organize local seminars for the training of persons involved in this work, and that it make available technical assistance to developing countries.

Thank you for your attention.