



NO JUSTICE, NO PROTECTION

TORTURE AND OTHER ILL-TREATMENT BY LAW
ENFORCEMENT OFFICIALS IN TAJIKISTAN

AMNESTY
INTERNATIONAL



Torture and other ill-treatment remain widespread in pre-trial detention facilities in Tajikistan.

People are sometimes subjected to torture or other ill-treatment by police and security officers in order to “solve” crimes by obtaining confessions, or to obtain money from them or their relatives. In some instances, this treatment has resulted in deaths in custody. The general climate of impunity keeps such abuse virtually unchecked.

In many cases, people refrain from lodging complaints about torture for fear of repercussions. There is evidence that the authorities have put pressure on those who dared speak out about their abuse.

LACK OF SAFEGUARDS AGAINST TORTURE

As a party to human rights treaties, Tajikistan has undertaken to ensure that torture and other ill-treatment do not occur. New legislation reflects these commitments and a definition of torture has been introduced into the Criminal Code.

While there are a number of important safeguards against torture and other ill-treatment, significant gaps remain. For example, the law guarantees a detainee the right to see a lawyer immediately after detention, but in practice detainees are often held incommunicado while initial interrogations are conducted. There is also no guarantee of a prompt and independent medical examination when allegations of torture or other ill-treatment are made.



ASAD SHUKURALIEV

Asad Shukuraliev was apprehended by police on suspicion of theft of livestock in Shahrison, Sughd region on 27 January 2011 but police files state he was detained on 1 February. On 2 February, Asad Shukuraliev’s 61-year-old uncle Akhmad Sadiev was brought to the police station and held until 6 February, without access to a lawyer or being allowed to inform his family. Both men report that they were ill-treated while in incommunicado detention to force them to confess. They also said that police made threats to rape Asad Shukuraliev’s daughter.

On 23 February, lawyers retained by the family requested access to their clients, but were refused. On 2 March the head of Shahrison police station again refused access to their

clients on the basis that the case investigator had gone home and that they could not see their clients in his absence. After the lawyers made complaints to the regional Prosecutor’s Office they were eventually allowed to see their clients for the first time on 14 March, over a month after the initial date of detention.

Asad Shukuraliev and Akhmad Sadiev were sentenced to six years’ imprisonment. Amnesty International is concerned that their convictions were based on confessions allegedly extracted under torture and other ill-treatment. Asad Shukuraliev is still in detention. Akhmad Sadiev was released from detention under an amnesty due to his age.

above: A police station in the capital city, Dushanbe, Tajikistan, January 2011. Reports of ill-treatment in police stations are frequent and impunity is a serious concern.

DEATHS IN CUSTODY

The Tajikistani authorities are failing to protect the lives of people in custody, in violation of their obligations under international law. There has been little progress in investigating cases where deaths of people in custody have occurred.



© Private



© Private

BAHROMIDDIN SHODIEV

Bahromiddin Shodiev, aged 28, was detained in Dushanbe, the capital, on 19 October 2011 on suspicion of a series of thefts. Police officers then contacted his mother and told her to bring 800 somoni (approximately US\$170) to the police station, which she did.

Nevertheless, Bahromiddin Shodiev was held at the Shohmansur police department in Dushanbe for three days. On the fourth day he was taken, unconscious, to the National Medical Centre where he underwent emergency brain surgery. Bahromiddin Shodiev's mother was contacted at this point by the police as her permission was needed for the operation to proceed. She says that her son regained consciousness in the hospital and told her that he had been beaten by police officers in order to extract a "confession". He reported being given electric shocks with his mouth taped up. Bahromiddin Shodiev's mother claimed that her son was punished after he told her about his torture; as a result he pleaded with her not to visit him in the ward because "they will beat me". A few days later, Bahromiddin Shodiev's condition worsened and he died on 30 October 2011. Bahromiddin Shodiev's mother says that if her son had broken the law he should have been brought to justice in a court of law, instead of being beaten to death.

The police claimed at first that Bahromiddin Shodiev had thrown himself out of the second floor window during the interrogation. A senior police officer was charged with negligence resulting in death and a court case opened on 17 February 2012. In June 2012, the case was undergoing further investigation.

KHURSHED BOBOKALONOV

Khurshed Bobokalonov, a senior oncologist, died on 27 June 2009 after being detained by police in Dushanbe.

Khurshed Bobokalonov was celebrating his 33rd birthday with friends on 27 June 2009. At around 10pm he phoned his wife to say he would be home soon. When he had not returned at 11pm his mother called his mobile phone and she heard noise in the background that – in retrospect – she believes was the police beating him. Later that night the family learned that Khurshed Bobokalonov was dead. His mother was not allowed in the morgue and was given a bag of his clothes and his mobile phone on which she found a recording of what she believes is the beating by police.

The autopsy of 28 June 2009 stated that Khurshed Bobokalonov died of asphyxiation as a result of blocked airways due to vomiting. Medical experts recorded a number of bruises on his body, which may have been caused by heavy blunt objects shortly before his death.

Official investigations began in 2010 and have closed and reopened several times. At the time of writing, the investigation by the General Prosecutor's Office was still ongoing.

top: Bahromiddin Shodiev.

bottom: Bahromiddin Shodiev, in intensive care, 21 October 2011.



“My son was killed, but his murderers have still not been punished. What other proof is needed? What else can I do to be heard?”

Ismonboy Boboev's father

WAITING FOR JUSTICE

Police abuse continues virtually unchecked and a climate of impunity prevails. Although criminal proceedings have been instigated against police in individual cases of torture and other ill-treatment, these remain exceptions.

above: Tajikistan police car, 2010.

ISMONBOY BOBOEV

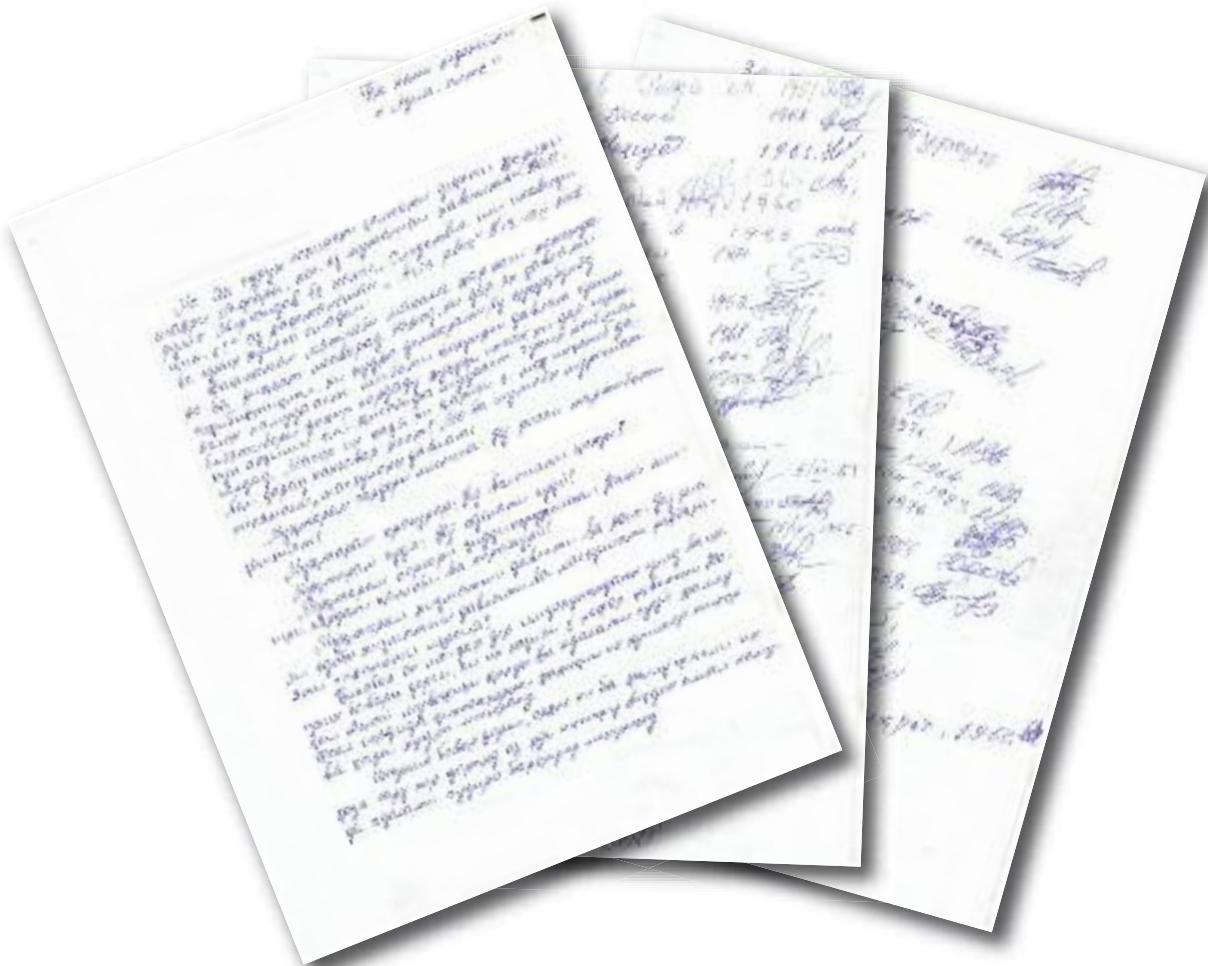
Ismonboy Boboev, a 30-year-old father of three, worked as a migrant labourer in Russia, trading dried fruit. On 12 February 2010, he returned to Tajikistan to visit his family. On 19 February, he was detained by police in Sughd region. He died later the same day. On 20 February, police told Ismonboy Boboev's father that his son had fallen off a chair and died during interrogation.

Ismonboy Boboev's father said that when he identified his son's body, he saw bruises on his legs and dark traces around his fingers. Before the funeral his father took pictures of Ismonboy Boboev's body, to document the injuries and call for a criminal investigation.

Reportedly, initial forensic examinations concluded that Ismonboy Boboev had an epileptic fit and choked on his tongue, noting wounds on his fingers and knees but stating that these could have been sustained before his detention.

On 25 March, the Sughd Regional Prosecutor opened a criminal investigation and exhumed Ismonboy Boboev's body for a second forensic medical examination which concluded that he died from heart and respiratory failure resulting from electric shocks.

Two police officers were reportedly detained for four days after the second medical investigation. Ismonboy Boboev's father told media that he had heard that the criminal investigation against the alleged perpetrators was suspended because their families had bribed senior officials in Dushanbe. On 25 June 2010, the criminal case was suspended due to the suspects being ill. At the time of writing the investigation has not recommenced. Reportedly, one of the alleged perpetrators was later reinstated.



Images © Asia Plus

AFRAID TO SPEAK OUT

Many detainees and their relatives refrain from lodging complaints about torture or other ill-treatment, fearing intimidation or adverse effects on the criminal case. This situation contributes to a climate of impunity.

Amnesty International has received reports that witnesses of ill-treatment, including beatings, are often under pressure to withdraw their statements or else they refuse to give evidence to the authorities for fear of repercussions.

above: A letter from the villagers of Khojai-Alo 2012.

KHOJAI-ALO

Sharif Abdurahimzoda and Masoleh Soliev, two witnesses in a case of murder in the village of Khojai-Alo in September 2011, were reportedly ill-treated by the police in order to force them to incriminate the five young men who were the official suspects. In addition, Sharif Abdurahimzoda reported being offered bribes by a local government employee in exchange for retracting his testimony against the people whom he believed were the real perpetrators.

Following the ill-treatment of the two witnesses, a third witness, Kosim Karimzoda, fled the country fearing for his safety but then subsequently returned after hearing that “innocent people” had been charged with the murder. Early in 2012, the prosecutor reportedly accused the three witnesses of taking bribes from the relatives of the suspects and giving false testimonies and called for criminal

proceedings to be instigated against these witnesses. Following this, Sharif Abdurahimzoda and Kosim Karimzoda had to leave Tajikistan; Masoleh Soliev, who reportedly has impaired vision, was unable to leave the country.

Many of the residents of Khojai-Alo are outraged at the treatment of the five young men and the three witnesses. Recently, the news agency Asia Plus published a letter signed by dozens of the villagers expressing their support.

The five official suspects – Farhod Dadoboev, Nasim Salimzoda, Muhammadsharif Umarov, Ravshan Khollov and Yosin Safarov – were reportedly ill-treated while in detention in September 2011. They were sentenced to between 10 and 12 years’ imprisonment on the charge of causing bodily harm leading to death on 7 March 2012.



PRESSURE ON JOURNALISTS

Journalists reporting on allegations of torture and other ill-treatment also risk repercussions and can face serious harassment to prevent them from publishing material perceived to criticize the authorities.

above: Ramziya Mirzobekova.
above right: Vigil for Urunboy Usmonov, BBC World Service, London, UK, 2011.

RAMZIYA MIRZOBEKOVA

Ramziya Mirzobekova, a journalist for news agency Asia Plus, told Amnesty International that her article “Investigation or Inquisition?”, published in December 2010, caused outrage among state officials because she openly wrote about the link between torture and corruption and included a case involving allegations of rape by law enforcement officers.

On 21 January 2011, Major-General Anvar Taghoymurodov, a senior police officer, brought a civil suit against Asia Plus for degrading the honour and professional reputation of his department. He demanded personal compensation of 1 million Tajik somoni (approximately US\$210,000).

Ramziya Mirzobekova was summoned to the Prosecutor’s Office several times. She told Amnesty International “The Prosecutor’s Office always wanted to know who gave me the information as they believed there must be a ‘leak’ of information on investigations. Their

interest in the details of the torture described in the article was much more perfunctory... In short, the journalists were being accused, and not the policeman.”

In February, the Firdavsi District Court in Dushanbe began hearing the case. On 17 August, the Asia Plus lawyers reported being threatened in the courtroom by Valikhon Mulloev, Anvar Taghoymurodov’s representative and a senior police official, who reportedly called them “enemies of the police”. The lawyers complained and the Ministry of Internal Affairs began an investigation on 19 August. On 25 October 2011, the District Court ruled to close the civil case.

In January 2012 Anvar Taghoymurodov was appointed head of the Department of Internal Affairs of Khatlon region. Valikhon Mulloev was promoted to head of a police department in Khatlon region in August 2011.



TORTURE AND NATIONAL SECURITY

The fight against terrorism and threats to national security are often invoked by the Tajikistani authorities as key to securing national and regional stability. However, Amnesty International is concerned that human rights, including the absolute prohibition of torture and other ill-treatment, are sometimes violated and that innocent people are caught up in counter-terrorism operations.

above: Urunboy Usmonov, 2010.

URUNBOY USMONOV

BBC journalist Urunboy Usmonov, aged 59, was apprehended by officers of the State Committee for National Security (SCNS) in Khujand on 13 June 2011. His family engaged a lawyer on 15 June but the SCNS investigator only allowed him to visit his client on 20 June.

Urunboy Usmonov was initially accused of conducting extremist propaganda and membership in the banned party Hizb-ut-Tahrir. However, the investigation found no evidence of membership and focused on his alleged involvement in the banned organization and on failing to inform the authorities of his contacts with it. On 18 August, two days into his trial, Urunboy Usmonov told the judge of the Sughd Regional Court that he had been tortured in the early stages of detention, including by being beaten and having his arms burned with

cigarettes. Urunboy Usmonov claims that he was forced under torture by SCNS officials to renounce the services of a lawyer, and was told that lawyers were of no use in political cases. At Urunboy Usmonov's trial, SCNS officials confirmed that no lawyer had been present, but denied acts of torture and delay in registering his detention. On 14 October 2011, Urunboy Usmonov was found guilty and sentenced to three years' imprisonment but released immediately under an amnesty.

Urunboy Usmonov maintains that he contacted Hizb-ut-Tahrir in order to report on the causes for the party's increasing popularity. Amnesty International believes that he is innocent and that he was targeted for his legitimate work as a journalist and for peacefully exercising his right to freedom of expression.



© Amnesty International

above: Entrance to the regional court in Sughd, Tajikistan, 2011.

front cover: Police in Tajikistan, 2009. © Radio Ozodi

CONCLUSION

Despite the Tajikistan government's declarations that it is committed to improving safeguards for human rights, Amnesty International continues to receive reports about torture and other ill-treatment, harassment, and protracted investigations into the allegations of torture and other ill-treatment. It is time to implement measures urgently in order to bring the practice of torture and other ill-treatment to an end.

This publication was supported by a grant from the Open Society Foundations.

For more information, please read Amnesty International report: *Shattered Lives: Torture and other ill-treatment in Tajikistan* (Index: EUR 60/004/2012)

ACT NOW

Write to the President of Tajikistan. Urge him to:

- Publicly and unreservedly condemn any use of torture and other ill-treatment.
- Ensure ratification of the Optional Protocol to the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Ensure, through legislative changes, that, from the moment someone is deprived of their liberty, they are informed of their rights: such as the right to notify a third person, of access to a lawyer of choice, and to remain silent.
- Ensure prompt, thorough and impartial investigations into allegations of torture and other ill-treatment by an independent body with access to independent medical examinations. Cases in need of a thorough and impartial investigation include Asad Shukuraliev, Akhmad Sadiev, Bahromiddin Shodiev, Khurshed Bobokalonov, Ismonboy Boboev, Sharif Abdurahimzoda, Masoleh

Soliev, Farhod Dadoboev, Nasim Salimzoda, Muhammadsharif Umarov, Ravshan Khollov, Yosin Safarov and Urunboy Usmonov.

- Ensure that Sharif Abdurahimzoda, Kosim Karimzoda, Masoleh Soliev and all others who speak out about torture and other ill-treatment, including complainants and witnesses, are protected from intimidation and reprisals.

- Ensure that a person accused of torture or other ill-treatment should be prosecuted in a fair trial and, if found guilty, given a punishment commensurate with the gravity of the offence.

Write to:

President Emomali Rahmon
Dom Pravitelstva
pr. Rudaki 80, Dushanbe 734023
Tajikistan

Fax: +992 372 27 38 02

Email: mail@president.tj

**AMNESTY
INTERNATIONAL**



Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.

Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.

We are independent of any government, political ideology, economic interest or religion and are funded mainly by our membership and public donations.

Index: EUR 60/005/2012
English

July 2012

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom

amnesty.org