

ORAL INTERVENTION

2015 OSCE Human Dimension Implementation Meeting Working Session 8 Rule of Law: Prevention of torture (25 September 2015)

Failure to provide adequate reparation to victims of torture in Tajikistan

The NGO coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan and the Civic Solidarity Platform members Helsinki Foundation for Human Rights (Poland), International Partnership for Human Rights (Belgium) and Norwegian Helsinki Committee are concerned that the authorities of Tajikistan do not provide victims of torture or their families with access to adequate reparation.

In 2014, the families of **Safarali Sangov** and **Bahromiddin Shodiev**, who died in custody in 2010 and 2011 respectively, were the first known cases involving allegations of torture to have been awarded compensation for moral damages by courts in Tajikistan. These were positive steps but we are concerned that the compensation payments granted by civil courts in these and three subsequent cases involving allegations of torture were neither fair nor adequate.

The parents of **Nazomiddin Khomidov**, who died in custody in suspicious circumstances in 2014, were granted an equivalent of around 710 EUR in July 2015. The families of the deceased **Safarali Sangov** and **Bahromiddin Shodiev** were awarded the equivalent of approximately 6,600 EUR and 2,015 EUR, respectively.

Shakhbol Mirzoev, who was tortured so severely in 2014 that he was left paralyzed, was granted an equivalent of approximately 2,900 EUR by a court in May 2015 as compensation for moral damages. On 6 August 2015, the Military Collegium of the Supreme Court cancelled this decision and Shakhbol Mirzoev's case is currently pending with the Military Court of Dushanbe for a new review. Although the administration of the Border Guards of Tajikistan promised to cover all medical expenses, it only covered expenses incurred during his hospitalization at the National Medical Center in Tajikistan. In order to pay for all other medical expenses, Shakhbol's family had to sell their house.

To our knowledge, other forms of reparation such as measures of satisfaction and guarantees of non-repetition have not been made available to victims in Tajikistan and legislation does not provide for such measures. Rehabilitation programmes are offered by NGOs, using their own financial resources.

Our key recommendations to the authorities of Tajikistan are to:

- Provide fair and adequate compensation for moral damages and as full rehabilitation as possible to victims of torture, including through appropriate medical and psychological assistance.
- To publish comprehensive statistics on all cases involving compensation awarded to victims or their families for moral and material damages sustained as a result of torture or ill-treatment.

In addition, the Plenum of the Supreme Court should issue an Instruction guiding courts in their treatment of cases relating to compensating torture victims.

Thank you for your attention.