



HR HELSINKI FOUNDATION
for HUMAN RIGHTS

**International
Partnership**
for Human Rights

Attachment 4_2-1

Open Letter to **Lieutenant-General Radjabali Rahmonali, Commander-in-Chief of Border Guards under the State Committee for National Security of Tajikistan** calls for an end to the hazing of conscripts

29 May 2014

Dear Radjabali Rahmonali,

On 28 May 2014 the people of Tajikistan celebrated the Day of the Border Guard and commemorated the 20th anniversary of the establishment of Tajikistan's Border Guards. Twenty years ago, the Border Guards had no institutional foundation and no equipment, but now are able to demonstrate their ability to defend the country's borders. Now, the Border Guards are fully prepared to carry out their duties.

We are taking this opportunity to congratulate you personally on this important day and, through you, all Border Guards of Tajikistan.

At the same time we would like to point out that all successes were attained thanks to people, who are dedicated to their country. For us, human rights defenders, lawyers and journalists, the rights and freedoms and the dignity of border guards are of concern no less than any other persons in Tajikistan. Unfortunately, in the last few months the number of cases involving hazing, torture and ill-treatment of Border Guards personnel appears to have increased. Since the beginning of the year 2014 we have learnt of four such cases. Three of the known cases have resulted in deaths of victims. These tragic incidents have made us increasingly concerned about the fate of young conscripts.

One recent victim of hazing is 22-year old Shakhbol Mirzoev, who voluntarily enrolled for service in the Border Guards in October 2013 after having finished his Law studies. In early March 2014 the young man went to the clinic of his unit to ask for help with a painful tooth. When Shakhbol was walking past a group of more senior military and medical personnel, the medical assistant Usmon Gayratov reportedly harassed Shakhbol and attempted to humiliate him. However, when Shakhbol did not comply and tried to walk past quickly, the medical assistant reportedly grabbed and threw him on his back on the floor. As a result of the fall, Shakhbol suddenly lost all sensation in his extremities. He called for help, but to no avail. The medical assistant beat and hit him as he was lying on the floor. When the others noticed that Shakhbol Mirzoev was not moving they lifted him up three times, tried to stand him up on his feet, but the young man fell down and hit his head on the floor. Then soldiers reportedly cut the soles of his feet with razor blades, pricked different parts of his body with needles, and poured boiling water over his back. When they understood that Shakhbol was really unable to feel his extremities, they left him alone in the clinic.

During all this time, Shakhbol Mirzoev reportedly urged medical staff and soldiers to take him to a hospital. However, he was only taken to a hospital the next day in a passenger vehicle. During the transfer he had to sit up despite his serious condition and his inability to hold up his head. Doctors of the National Medical Centre diagnosed him with a fracture to the fifth spinal disk, damage to various organs, and the loss of sensitivity in his arms and legs.

His doctor recommended that an operation be urgently conducted on his vertebra. Considering that there are no specialists for this operation in Tajikistan, Shakhbol Mirzoev was taken to Moscow and underwent an operation in May. In order to cover the expenses of the operation, his family sold their house. Shakhbol is now back in Tajikistan. It is not yet known whether he will ever be able to walk again.

We are concerned that Shakhbol Mirzoev's case and other known cases constitute merely the «tip of the iceberg» considering that many soldiers do not report instances of hazing. Based on thorough monitoring and research by the Association of Young Lawyers «Amparo» in Tajikistan in 2011, we are convinced that hazing is systematically applied in the Tajik army. Senior military personnel justify this

behaviour by a perceived necessity to teach the new recruits discipline. They routinely use new recruits as their personal assistants, force them to engage in initiation rites to become a fighter, deprive them of food and clothes, humiliate them, and subject them to beatings.

As a State party to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Tajikistan committed itself to uphold all human rights enshrined in the Convention. In November 2012, the United Nations Committee Against Torture reviewed the country's implementation of the Convention. In January 2013, the Committee published its concluding observations and expressed concern about hazing and ill-treatment in the Tajik army. It recommended that:

The State party should reinforce measures to prohibit and eliminate hazing and ill-treatment in the armed forces and ensure prompt, impartial and thorough investigation of all allegations of such acts. Where evidence of hazing is found, it should establish the liability of direct perpetrators and those in the chain of command, prosecute and punish those responsible with penalties that are consistent with the gravity of the act committed, make the results of such investigations public, and provide compensation and full rehabilitation to victims, including through appropriate medical and psychological assistance.

Recommendations to the Commander-in-Chief of Border Guards under the State Committee for National Security of Tajikistan:

We call on you to build on the important work that has been accomplished since the Border Guard's establishment by **ensuring that all border guards can carry out their duty without fear of being subjected to violence or humiliated by other servicemen**. To this end we respectfully urge you to take the following steps as a matter of urgency:

- **Declare publicly that it is unacceptable for military personnel to subject recruits to hazing and ill-treatment and that anyone carrying out and/or abetting such crimes will be brought to justice.**
- **Ensure that Shakhbol Mirzoev is adequately compensated to secure his health and rehabilitation.**
- **Ensure that prompt, thorough and independent investigations are carried out into all allegations of hazing and ill-treatment among Border Guards. Bring to justice the perpetrators as well as any senior military personnel that supported or tolerated such violence.**
- **Ensure that international human rights standards are included in the training of soldiers as well as in further qualification of officers.**
- **Ensure that human rights defenders are given access to military units and soldiers, in particular to conscripts.**

This Open Letter was signed by representatives of non-governmental organizations, lawyers, journalists and independent consultants on international human rights law, who participated in the regional conference "The Role of Civil Society Institutions in the Prevention of Torture: Experience of the NGO Coalitions Against Torture in Kazakhstan, Kyrgyzstan and Tajikistan" in Almaty from 27 to 29 May 2014.

NGO Coalition Against Torture in Tajikistan:

Bureau for Human Rights and Rule of Law
Child Rights Center
Equal Opportunities
Human Rights Center
Independent Center for the Protection of Human Rights
Independent School of Journalism "Tajikistan – 21st Century"
Lawyers' Association of Pamir
Office of Civil Freedoms
Public Foundation "Nota Bene"
Right and Prosperity

NGO Coalition Against Torture in Kazakhstan:

Agency for Legal Information and Journalistic Research "Vityaz"

Association of Legal Persons “Union of Crisis Centers”
Kazakhstan International Bureau for Human Rights and Rule of Law
International Center of Journalism “Medianet”
Public Union “Aruana”
Public Foundation “Aman-saulyk”
Public Foundation “Doctors Without Borders”
Public Foundation “Ray of Hope”
Public Foundation “International Legal Initiative”
Taldykorgansk Regional Center for Democracy
Media Service Center
Center for the Support of Women

NGO Coalition Against Torture in Kyrgyzstan:
Regional Human Rights Organization “Justice”
Public Foundation “Voice of Freedom”
Public Foundation “Child`s Rights Defenders League“
Human Rights Center „Kylym Shamy“

International Human Rights Organizations:
Helsinki Foundation for Human Rights (Poland)
International Partnership for Human Rights (Belgium)
Regional Public Organization of the Republic Mary El “Man and Law” (Russian Federation)