



**International
Partnership**
for Human Rights

HR HELSINKI FOUNDATION
for HUMAN RIGHTS

11 June 2015

Raise torture cases at EU-Tajikistan Human Rights Dialogue

BRUSSELS (11 June 2015): We call on representatives of the European Union (EU) to raise the cases of 17-year old Khushvakht Kayumov, who attempted suicide following police torture, of Shakhbol Mirzoev, who is severely disabled as a result of torture in the army, and of Shamsiddin Zaydulloev, who died in police custody in suspicious circumstances in April 2015, with Tajikistani government officials in Brussels today.

Addressing individual cases and other pressing concerns regarding torture and other forms of ill-treatment during the EU-Tajikistan Human Rights Dialogue would be in line with the EU Guidelines to Policy towards Third Countries on Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The organizations issuing this statement also urge the EU to work in close cooperation with the Government of Tajikistan toward prevention and eradication of torture and ill-treatment in the country.

Mashraf Aliev, a police officer in the southern Khatlon region of Tajikistan, forced **Khushvakht Kayumov** to “confess” to theft by beating and kicking him at a local police station in April 2012 and by threatening to torture him with electric shock. He also threatened that if the young man later retracted his “confession”, he would be beaten by 200 policemen. To avoid further abuse, Khushvakht signed a “confession”, but was devastated when he returned home later that day and attempted to commit suicide. His relatives found him hanging from the ceiling of the family’s barn, but they were able to save his life by quickly arranging for him to be taken to the local hospital. Mashraf Aliev was sentenced to seven years’ imprisonment in December 2013 for the crime of “torture”, but the NGO Coalition against Torture in Tajikistan recently learned that Mashraf Aliev’s prison sentence was reduced to three years under a prisoners amnesty issued in October 2014. In 2015, he was released early for “good conduct”, lives at home now and has to report to the authorities once a week. ([Find further information on the case of Khushvakht Kayumov here](#))

“The policeman who tortured 17-year old Khushvakht Kayumov was one of the few torturers in Tajikistan who had received a real, not a symbolic, prison sentence, but now he was released having served less than half of the sentence. Tajikistan should urgently adopt legislation to exclude torturers from amnesty laws”, urged Lenur Kerymov of the Helsinki Foundation for Human Rights (Poland).

On 6 March 2014, twenty-two-year old military conscript **Shakhbol Mirzoev** was beaten so badly by Usmon Gayratov, a serviceman and medical attendant of the Border Guards Unit where the young man served, that he was left paralysed. On 19 June 2014, Usmon Gayratov was convicted of crimes including “violating the code of military conduct” and sentenced to nine years’ imprisonment. Another official was found guilty of “negligent attitude to service” and “violating service rules” for leaving her place of duty at the Border Guards unit although she was aware that Shakhbol Mirzoev was not safe. In November 2014, Shakhbol Mirzoev applied to a military court seeking compensation for material and moral damages. On 25 May 2015, the Court decided to award him 97,265 Somoni (approx. 14,200 EUR) for material damages and 20,000 Somoni (approx. 2,900 EUR) for moral damages. ([Find further information on the case of Shakhbol Mirzoev here](#))

This press release was produced with the financial assistance of the European Union within the project "Action for Freedom from Torture in Kazakhstan and Tajikistan". The contents of the document are the sole responsibility of the NGOs submitting it and can under no circumstances be regarded as reflecting the position of the European Union.



“As a result of torture in March 2014, Shakhbol Mirzoev is now able to sit in a wheel chair a maximum of two hours per day. The rest of the time he has to lie down. The court’s decision to award him an equivalent of just 2,900 EUR for moral damages is shocking and neither fair nor adequate”, said Dilshod Juraev, Shakhbol Mirzoev’s lawyer of the NGO Office of Civil Freedoms.

Officers of the Drug Control Agency of Tajikistan detained 25-year old Shamsiddin Zaydullov in the evening of 8 April 2015 in his home in Dushanbe. The next day his mother visited him in the building of the Drug Control Agency. She recalled: “When I petted his head he said I shouldn’t touch the back of his head because it was swollen and painful. I asked him in a low voice whether he was beaten and he nodded.” The following three days she was denied access to him under various pretexts. Early on 13 April, the family was informed that Shamsiddin Zaydullov was dead. His parents later told a lawyer cooperating with the NGO Coalition against Torture that when they saw his body in the morgue it was covered in bruises and they provided the Coalition with several photographs as evidence. On 25 April, the General Prosecutor’s Office opened criminal proceedings for “torture”. On 13 May, the parents and the lawyer were given access to the results of the forensic medical examination that was conducted after the autopsy. It concluded that the cause of death was pneumonia. The same day the family’s lawyer petitioned the Prosecutor General’s Office for a new forensic medical examination and the request was granted the next day. The lawyer and Shamsiddin Zaydullov’s family are currently waiting for results. ([Find further information on the case of Shamsiddin Zaydullov here](#))

“It is crucial that the investigation into the circumstances of Shamsiddin Zaydullov’s death is conducted thoroughly, impartially and independently. Anybody suspected to be responsible for causing his death must be brought to justice without delay”, said Brigitte Dufour, the Director of International Partnership for Human Rights (Belgium).

The authorities of Tajikistan have taken several positive steps in recent years to address ongoing torture concerns. For example, in 2012 Tajikistan introduced an article on “torture” in the Criminal Code of Tajikistan (Article 143-1) with a definition of torture that is in line with that contained in the United Nations (UN) Convention against Torture and five criminal cases have since been opened under this Article. In 2014, the families of two men who died in custody (Safarali Sangov and Bahromiddin Shodiev) were the first known cases to have been awarded compensation for torture by the courts.

However, as recently as in his February 2015 report the UN Special Rapporteur on torture raised concern about continuing torture and ill-treatment and about impunity for the perpetrators in Tajikistan.

From 2011 to the end of 2014, members of the NGO Coalition against Torture in Tajikistan documented more than two dozen cases each year of men, women and children who were allegedly subjected to torture or other ill-treatment. In the first four months of 2015 the Coalition registered 12 cases. Official investigations were opened only in a small number of these cases, and in many cases – whilst the incidence of torture or other ill-treatment would appear to have been confirmed, at least partly – only disciplinary proceedings have been imposed. It is believed that many victims of torture did not file complaints for fear of reprisals.

The NGO Coalition against Torture in Tajikistan, the Helsinki Foundation for Human Rights (Poland) and International Partnership for Human Rights (Belgium) submitted a briefing to the European External Action Service prior to the EU-Tajikistan Human Rights Dialogue detailing the cases of Khushvakht Kayumov, Shakhbol Mirzoev and Shamsiddin Zaydullov and highlighting three areas of concern that perpetuate torture in Tajikistan: the persistent practice of incommunicado detention at the onset of detention, the lack of an independent investigation mechanism, and lenience towards tortures in domestic legislation. The briefing concludes with a set of key recommendations the organizations urge the EU to address.