



2015 OSCE Human Dimension Implementation Meeting Working Session 8 Rule of Law: Prevention of torture (25 September 2015)¹

Torture and ill-treatment rife in the armed forces of Tajikistan

The human rights groups jointly issuing this statement – Helsinki Foundation for Human Rights (Poland), International Partnership for Human Rights (Belgium), Norwegian Helsinki Committee -- are alarmed about ongoing torture and other forms of ill-treatment, including hazing, in the armed forces in Tajikistan and the serious outcome in several of these cases. Six soldiers died since the beginning of 2014, five of whom served in the Border Guards under the authority of the State Committee on National Security.

One of them is **Abduvakhob Kayumov**, whom two fellow-soldiers beat and hit so severely with a wooden stick that he died on the way to the hospital in July 2015.

Firdavs Rakhmatov died after reportedly being subjected to torture by fellow-soldiers of the army's Ground Forces in June 2015. His father reported that Firdavs had suffered abuse before, but did not complain for fear of reprisals.

Shakhbol Mirzoev, a soldier serving in the Border Guards, was injured so severely by military and medical personnel at a Border Guards unit in March 2014 that he was left seriously disabled. Now, he is able to sit in a wheel chair a maximum of two hours per day. The rest of the time he has to lie down.

In March 2015, **Bakhriddin Nasriddinov** was beaten so severely by a fellow-serviceman of the Ground Forces that he lost consciousness for several days and forensic medical experts diagnosed serious head injuries, including a fracture of his skull, and serious bruises. Doctors removed a part of his skull bone measuring 8.5 x 8.5 cm because of brain swelling.

The Military Prosecutor's Office and the Military Court of Tajikistan do not publish comprehensive statistics on complaints, investigations, prosecutions and convictions relating to torture and ill-treatment in the army. The Military Prosecutor's Office informed the NGO Coalition against Torture that such information is considered a state secret. Since January 2014, the NGO Coalition has documented nine cases of torture and ill-treatment, including hazing, from the Border Guards and three cases from units under the authority of the Ministry of Defence. These 12 cases constitute the tip of the iceberg as victims and families often refrain from complaining for fear of reprisals and to avoid being labeled as "traitors" by their peers and commanding officers. In addition, soldiers often see beatings, kicking and other abuse as a normal feature of everyday army life, although it is prohibited in domestic legislation.

We are concerned that not all investigations conducted by the Military Prosecutor's Office have been conducted thoroughly, impartially and independently. Commanding officers have been brought to justice

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in only three of the above mentioned cases, although there was compelling evidence to suggest that senior officers carried responsibility for not preventing, abetting or condoning abuse of soldiers in further cases.

We are also concerned that domestic legislation does not exclude perpetrators of torture or other forms of ill-treatment, including hazing, from benefitting from amnesties. We are aware of three cases in 2014 where perpetrators of torture and other ill-treatment in the army benefitted from such amnesties and had their sentences reduced.

To date, to our knowledge, **Shakhbol Mirzoev** is the only torture victim in the armed forces in Tajikistan who has been awarded compensation for moral damages. However, the amount granted by the Military Court of Dushanbe in May 2015 – 20,000 Somoni (approx. 2,900 EUR) – is believed to be neither fair nor adequate. On 6 August 2015, the Military Collegium of the Supreme Court cancelled the decision and the case is currently pending with the Military Court of Dushanbe for a new review. In order to cover the medical expenses for the treatment of their son, Shakhbol's family had to sell their house. 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.

RECOMMENDATIONS

We urge the authorities of Tajikistan to:

- Ensure that perpetrators of torture or other forms of ill-treatment are excluded from amnesties.
- Publish comprehensive statistics on complaints, investigations, prosecutions and convictions relating to torture and other ill-treatment in the army.
- Ensure prompt, thorough and impartial investigations into all allegations of torture and other ill-treatment in the army. Establish the liability of direct perpetrators and those in the chain of command and bring to justice those responsible.
- Provide compensation and full rehabilitation to victims, including through appropriate medical and psychological assistance.
- Train soldiers and officers on human rights standards, in particular those prohibiting hazing and other forms of torture or other ill-treatment.