



**Civil society Coalition against torture and impunity in Tajikistan
(2016 Annual Report)**

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**CIVIL SOCIETY COALITION AGAINST TORTURE AND IMPUNITY IN TAJIKISTAN
(2016 Annual Report)**

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The report is based on information provided by the member organizations of the Civil Society Coalition against Torture and Impunity in Tajikistan. Nigina Bahrieva, Najiba Shirinbekova, Parvina Navruzova, Tahmina Juraeva, Gulchehra Rahmanova, Shoirav Davlatova and Favziya Nazarova contributed to the writing of different sections of the report.

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LIST OF ABBREVIATIONS

DCA – Drug Control Agency
ODIHR - Organization on Democratic Institutions and Human Rights
GBAO – Gorno-Badakhshan Autonomous Oblast
SCNS – State Committee on National Security
MDICP - Main Department of Implementation of Criminal Punishment
LAG – Legal Aid Group
RG - Rehabilitation group for torture survivors and members of their families
EU – European Union
RT – Republic of Tajikistan
FME – Forensic Medical Examination
HRC – Human Rights Committee
MIA – Ministry of Internal Affairs
MFA - Ministry of Foreign Affairs
ICRC – International Committee of Red Cross
MoD – Ministry of Defence
INGO - International Non-governmental Organization
IPHR - International Partnership for Human Rights
PRI – Penal Reform International
MoJ – Ministry of Justice
NGO – Non-governmental Organization
NPM – National Preventive Mechanism
PO – Public Organization
OSCE – Organization on Security and Cooperation in Europe
DMIA – Department of Ministry of Internal Affairs
UN – United Nations Organizations
PF – Public Fund
UNDP – UN Development Programme
DRS – Districts of Republic Subordination
PTDF – Pre-Trial Detention Facility (SIZO)
IP – Istanbul Protocol
TNU – Tajik National University
OSI – Open Society Institute
TDF – Temporary Detention Facility (IVS)
EOPRT – Executive Office of the President of the Republic of Tajikistan
PI – Penitentiary Institution
OHCHR – Office of High Commissioner on Human Rights
CPC – Criminal Procedure Code
UPR – Universal Periodic Review
HRO – Human Rights Ombudsman
OPCAT – Optional Protocol to Convention against Torture
UNICEF – UN Children’s Fund
DCAF – Center on Democratic Control of Armed Forces
DFID – Department of Foreign International Development
ABA/ROLI – American Bar Association/Rule of Law Initiative
NED – National Endowment for Democracy

INTRODUCTION

The Civil Society Coalition against Torture and Impunity in Tajikistan (Coalition) was established in September 2011 to consolidate the efforts of civil society to combat torture and impunity in Tajikistan. The Coalition facilitated opening of the public debate about torture in Tajikistan and influenced positive changes within legislation policy and practice with regards to prevention and investigation of this crime, as well as provision of reparation to the victims. However, despite this progress, five years later torture remains a serious problem in Tajikistan's detention facilities and a lot remains to be done to eliminate it.

Since its establishment, the Coalition has evolved into a coherent civil society structure, which is recognized at the national and international levels. The Coalition is an important platform for all its members. It is a safe space where they can get support, professional advice, and improve their professional skills. Coalition members join forces and act as a single voice to better engage with decision-makers, victims and donors. Transparency of activities and professional ethics are important principles in the activities of the Coalition.

The Coalition is formed by leading human rights NGOs in Tajikistan. They have many years of experience and receive continuous support of international organizations. They engage in dialogue with the authorities of the country and actively cooperate with the media. Coalition members have in-depth understanding of the situation on the individual (direct work with victims of torture and their relatives) and political (policy analysis, participation in political lobbying) levels. They effectively use regional and international mechanisms to promote its recommendations.

Throughout 2016 the Coalition contributed to positive changes in the fight against torture in Tajikistan:

- 57 cases of torture and ill-treatment were documented the Coalition members in 2016, 41 victims of torture and ill-treatment were provided with legal advice of which 30 were newly registered cases, and 11 were registered in the past several years.
- As a result of the active work of Coalition's lawyers in 2016, there were five convictions of military servicemen, including their supervisors. There were 13 individuals sentenced to various terms of imprisonment, of which 6 people belong to the management team.
- For the first time an appeal was filed to the Ministry of Internal Affairs (MIA) with a request to apologize for the actions of police officers who used violence against G.F. - a resident of Penjikent. As a result of the appeal, G.F. received verbal apology from the head of the Department of Internal Affairs (DIA) of the city of Penjikent. A written response is also awaited.
- The Coalition is a leader in strategic litigation, consistently influencing improvement of the judicial practice related to government payment of adequate financial compensation to the victims of torture and ill-treatment and to their relatives. In 2016, there were two court decisions in two cases related to compensation. One case was rejected by the

court and therefore terminated, and two court decisions in question were appealed¹. On top of that, seven compensation claims prepared by Coalition's lawyers are underway, including two claims requesting moral and material damages related to state's failure to effectively investigate. The Coalition engaged experts who carried out nine psychological assessments in relation to the claims for moral damages.

- In 2016, 25 people received psycho-social assistance (rehabilitation). This included 11 women and 14 men. Ten of them directly experienced torture and ill-treatment, the remaining 15 were family members of victims of torture. Two of the victims were minors.
- Members of the Coalition participate in the activities of the Monitoring Group for Closed Detention Facilities established under the Human Rights Ombudsman HRO. In 2016 the group visited 16 closed and semi-closed institutions and three military units.
- The Coalition monitors compliance of the authorities with their obligations under the international standards related to freedom from torture, prepares alternative reports to UN treaty bodies, and actively promotes freedom from torture during human rights dialogues with the government.
- Over 416 analytical materials, documents and brochures were published by the Coalition during the reporting period. The media picked up information on individual cases of torture and on prevention of torture in general, including four videos, 18 press releases, six TV and radio programmes. Nearly 20 meetings and briefings were carried out with international non-governmental and other organizations.
- The Coalition carried out 18 awareness-raising events on the rights of detained individuals that brought together 434 participants, including 422 representatives of the law enforcement (investigators, operational staff, district inspectors, representatives of the inspection on minors, staff from the departments for prevention of domestic violence) and two representatives of HRO in Sogd and Khatlon provinces.

The Coalition has a web page www.notorture.tj.org. This comprehensive awareness-raising tool contains articles from mass media, program documents, outcomes of analytical work and research, interviews and other relevant information. The Coalition also has active social media accounts on Twitter, Facebook and Google+.

The overall activities of the Coalition in 2016 were carried out with the financial resources provided by the initiatives: "Freedom from Torture in Tajikistan" funded by OSI Fund, "Action for Freedom from torture in Kazakhstan and Tajikistan" funded by the European Union (EU), and "Support of the Civil Society Coalition against Torture and Impunity in Tajikistan" funded by Sigrid Rausing Trust.

¹ Description of the preparation, submission and review of the law suit on moral and material compensation. Full description of the case is with the Legal Aid Working Group of the Coalition.

1. OBJECTIVES AND PRIORITY AREAS OF ACTIVITY

1.1. Coalition has the following objectives:

- Consolidate efforts and requirements in relation to public authorities on the formation of “zero tolerance” policy on torture in Tajikistan;
- Based on the international standards of the right to freedom from torture to focus efforts on the improvement of legislation and law enforcement practice.

1.2. Priorities and key areas of activities of the Coalition for 2016-2020:

- Promote setting up of effective system to investigate complaints related to use of torture and ill-treatment, and ensure independent investigation of torture in Tajikistan;
- Promote standards of the Istanbul Protocol for effective documentation and investigation of allegations of torture within legislation and practice, including setting up of procedures for independent judicial medical examination;
- Promote external oversight of detention facilities;
- Promote development of compensation mechanisms for moral harm inflicted to victims of torture and members of their families, including fair and adequate compensation and access to comprehensive rehabilitation services;

In 2017 the Coalition plans to continue carrying out activities aimed at:

- Further development of the information web page of the Coalition www.notorturetj.org, which is the only source of reliable and comprehensive information targeting the general public and professional groups. It includes information about individual cases, as well as results of monitoring initiatives and reports on the use of torture in Tajikistan. The web page helps raising public awareness about the situation and serves as a platform for information exchange between all key actors at the national and international levels.
- Continued provision of legal aid to victims of torture, strategic litigation in court, documentation of cases of torture. Documenting cases of torture will allow the Coalition to have an in-depth understanding of the underlying causes and tendencies related to use of torture in the country. Strategic litigation aims at creating a sustainable practice of complying with relevant legislation in order to protect victims of torture and provide them and their relatives with adequate and fair compensation.
- Monitor implementation of the recommendations to the authorities in Tajikistan formulated by the Committee against Torture, Human Rights Committee, and the Special Rapporteur on Torture.

- Prepare analytical documents and alternative reports to UN treaty bodies and institutions, and deliver briefings within the framework of inter-governmental dialogues on human rights.
- Advocacy for development and implementation of national policy on freedom from torture: the establishment of independent monitoring of detention facilities, amendments and changes in the legislation, execution of the Action Plan to Implement the Istanbul Protocol.
- Delivery of training and educational activities on issues of freedom from torture for practicing lawyers and other legal professionals.
- Strengthening regional cooperation with civil society coalitions against torture in Kazakhstan and Kyrgyzstan to consolidate efforts to effectively combat torture and impunity in Central Asia.

2. STRUCTURE OF THE COALITION

The Coalition unites human rights organizations and individual experts in joint effort to combat torture and ill treatment. They carry out Coalition's activities on the basis of agreed Rules and Principles for participation in the Civil Society Coalition against Torture and Impunity in Tajikistan and Coalition's Strategy. As of 31 December 2016 there are 11 public organizations and six individual members of the Coalition:

1. PO Apeiron
2. PO Association of Lawyers of Pamir
3. PO Bureau on Human Rights and Rule of Law
4. PO Independent Human Rights Center
5. Public Fund Notabene
6. PO Public health and human rights
7. PO Office of Civic liberties
8. PO Right and Prosperity
9. Public Fund Legal initiative
10. PO Equal opportunities
11. PO Human Rights Center
12. Askar Tursunov, lawyer
13. Ahliddin Salimov, journalist
14. Nargis Khamrabaeva, journalist
15. Fazliddin Khajaev, journalist
16. Oynihol Bobonazarova
17. Umed Niyazov, lawyer

2.1. Working groups and managing bodies:

1. The Council of the Coalition includes all active members and partners of the Coalition.
2. Coordinator of the Coalition – this function is carried out by Public Fund Notabene.
3. Monitoring Group of Closed Detention Facilities is coordinated by NGO Bureau on Human Rights and Rule of Law

4. Legal Aid Group (LAG) – is run by NGO Right and Prosperity (acts on the basis of the Regulation).
5. Rehabilitation Group is managed by NGO Legal initiative
6. Media group is led by NGO Independent Center on Human Rights (acts on the basis of the Strategy).

2.2 Coordination on the national and regional levels

During 2016 the Coalition continued to work on internal coordination of its activities².

Renaming the Coalition. Due to the fact that the Coalition includes individual members in addition to organizations, on 1 July 2016, the Council of the Coalition decided to change its name from *the Coalition of NGOs against Torture* to the *Civil Society Coalition against Torture and Impunity in Tajikistan*.

Strategy of the Coalition for 2016-2020. In late 2015, the development of 2016-2020 Strategy of the Coalition was finalized. This was achieved following a series of meetings and consultations with Coalition members, assessments of the effectiveness of the previous Strategy, and identification of the main objectives and priority areas of the Coalition's in the future. The Coalition's Strategy was adopted during the annual meeting of the Coalition in February 2016.

Preparation of the annual report of the Coalition for 2015. Throughout January and February 2016, the Coalition worked on preparation of the annual report for 2015. The document was published in Russian and English in February 2016. The report was distributed to a wide network of interlocutors during national consultations on freedom from torture, information sessions and the regional conferences NGOs working on torture prevention in Kazakhstan, Kyrgyzstan and Tajikistan.

Quarterly and semi-annual reports of the Coalition for 2016. Heads of working groups prepare quarterly reports on activities and send them to the head of the Coalition. The quarterly reports are not published. The main objective of the quarterly reports is to monitor the implementation of Coalition's activities, overcome emerging problems and challenges, and effectively plan for the following months. In 2016, the Coalition agreed to publish semi-annual report on the activities of the Coalition on the web page.

Annual meeting of the Coalition. On 22-23 February 2016, the Coalition held its annual meeting in the premises of the OSCE Office in Tajikistan. The meeting brought together 40 members and partners of the Coalition. They discussed activities of the Coalition and individual working groups, voted in election for new leaders of Coalition working groups, and adopted the new Strategy of the Coalition for 2016-2020. During the second day, **a briefing was held for representatives of embassies, international and donor organizations**, to present the results of Coalition activities carried out in 2015. They also discussed opportunities for cooperation in 2016.

² Activities of the Coalition were coordinated within the framework of the project "Freedom from Torture in Tajikistan" with the support of OSI Foundation in Tajikistan

Regional Conference on the Role of Civil Society in the Prevention of Torture: Experience of NGO Coalitions against Torture from Kazakhstan, Kyrgyzstan and Tajikistan» (31 May - 2 June 2016), Dushanbe.

From 31 May to 2 June, 2016, the Regional Conference on the Role of Civil Society Institutions in Prevention of Torture: Experience of NGO Coalitions in Kazakhstan, Kyrgyzstan and Tajikistan³ was held in Hyatt Regency Hotel Dushanbe. It was carried out in the framework of the project "Action for Freedom from Torture in Kazakhstan and Tajikistan". Over 60 people took part in the conference: representatives of civil society coalitions against torture from Kazakhstan, Kyrgyzstan and Tajikistan, Helsinki Foundation for Human Rights from Warsaw (HFHR), International Partnership for Human Rights from Belgium (IPHR), Open Society Institute, Armenian NGOs, EU Delegation in Tajikistan and OSCE office in Tajikistan, as well as the expert on compensation of damage to victims of torture, Elena Volochay.

The main purpose of the conference was to share best practice of civil society, as well as key problems faced by human rights defenders, lawyers and journalists as part of activities to prevent and effectively combat torture. The conference provided an opportunity for participants to discuss similarities within the regional experience and different approaches to solve problems faced by the representatives of civil society.

Coalition against Torture Brochures. Staff of PF "Notabene" designed a brochure on the activities of the Coalition. The brochure was translated into Tajik and published in 1000 copies in Russian and Tajik. The brochures were distributed during meetings, seminars, roundtables and other events, and during the process of documentation of cases of torture and ill treatment.

In order to strengthen **institutional capacity and ensure safety and security of member organizations**, CCTV cameras were installed in all offices of the Coalition member organizations, 30 sets of licensed programs were purchased from Microsoft Windows, Microsoft Office, Antivirus, and training on taxation rules applied to CSO was provided.

3. ACTIVITIES OF THE COALITION DURING 2016

3.1. ACTIVITIES OF THE MONITORING GROUP ON DETENTION FACILITIES

The Monitoring Group on Detention Facilities (MGDF) was established within the framework of the Coalition's strategic priorities and its aim is:

- to promote the ratification of the Optional Protocol to the Convention against Torture (OPCAT) and the establishment of a national preventive mechanism (NPM),
- and to establish an independent public monitoring mechanism for detention facilities.

³ Project «Activities to protect from torture in Kazakhstan and Tajikistan» is carried out by the Kazakh international bureau on human rights and rule of law (Kazakhstan), PF "Notabene" (Tajikistan), International Partnership for Human Rights (Belgium), Helsinki Human Rights Fund (Warsaw) with financial support of European Union.

The coordinator of the group is the NGO Bureau for Human Rights and Rule of Law (responsible person - Takhmina Juraeva). This Working Group participates in the activities of another initiative – the Working Group on the Promotion of the Ratification of OPCAT and Establishment of a Monitoring Mechanism (the OPCAT Working Group), created under and coordinated by the HRO, in agreement with government bodies and civil society⁴. The Coalition's MGDF also coordinates the work of the Monitoring Group established by the Ombudsman, in agreement with government bodies and civil society, to visit detention facilities (the HRO Monitoring Group).

In 2016, Coalition's MGDF was supported by the project "Monitoring of Closed Institutions" funded by OSCE Office in Tajikistan. Some activities of the Monitoring Group were directly funded by the Regional Office for Central Asia of the United Nations Office of High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP).

On 24 February the MGDF held a meeting to discuss the work plan for 2016, as well as review and improve the tools for more effective monitoring visits.

On 20 May 2016 members of the Monitoring Group were trained on the rights of detainees and inmates. The training was organized by the OSCE Office in Tajikistan and included correctional officers and representatives of civil society.

On 3 June 2016 the coordinator of the Working Group took part in a roundtable on socio-economic research and the implementation of amnesty acts in Tajikistan. This round table was organized by the OSCE Office in Tajikistan.

3.1.2. Promoting the reform of penitentiary system

In 2015, the government established the Working Group to Reform the Penitentiary System in Tajikistan. It included only representatives of the Ministry of Justice (MoJ) and the Main Department of Implementation of Criminal Punishment (MDICP) of the Ministry of Justice. On 6 June 2016, MGDF coordinator took part in a meeting organized by the Ministry of Justice in the framework of the penal system reform. During the meeting, the latest version of the draft Strategy on Penal Reform was discussed. Representatives of civil society were not included in the work on drafting the Strategy. In 2017, an action plan will be prepared within the framework of this Strategy. According to the Ministry of Justice – the work on developing the action plan will include representatives of civil society.

In 2016, the Coalition, in cooperation with the HRO of Tajikistan, drafted a proposal on establishing a referral mechanism to handle cases of alleged torture and ill-treatment documented during monitoring of detention facilities. The document is awaiting approval of the HRO. The document includes procedures to be followed by members of the HRO

⁴ The working group on promoting the ratification of OPCAT< coordination and facilitation of the monitoring mechanism was set up by the Resolution of the HRO as of 6 August, 2013. The working group consists of 12 representatives of state bodies and civil society: HRO, General prosecution, MDICP, Supreme Court, Parliament, Executive office of the President of RT, PF "Notabene", PO "Bureau on Human Rights and Rule of Law", professor Sharipov T., PO Center on Human Rights, PO "Avesto".

Monitoring Group after documenting allegations of torture and ill-treatment in the course of visits to closed and semi-closed institutions.

In 2016, HRO Monitoring Group received three reports on the use of torture and ill-treatment in places of detention (two complaints against representatives of Corrective Colony YaS 3/1 in Dushanbe and one from detention facility under the MoJ - SIZO). At the time of drafting the report, members of HRO Monitoring Group could not obtain access to these detention facilities to verify allegations of torture and ill-treatment. In this regard, the cases were forwarded to the HRO and the Office of the General Prosecutor to verify the information indicated in the statements.

Between January and December 2016, there were 16 detention facilities visited without prior notification, and three military units:

- Temporary Detention Facility for Minors in Khujand - March 11-13, 2016;
- School for students with special educational needs in Dushanbe - May 10-14, 2016;
- Special Vocational and Technical Lyceum in Dushanbe - May 16-20, 2016;
- Psychiatric hospital in Kanibadam - March 14-15, 2016;
- Psychiatric hospital in Rasht district (Navobod) - April 28-29, 2016;
- Psychiatric hospital in Kurgan-Tube - June 15-17, 2016;
- Nurek Psychiatric Hospital - September 14-15, 2016;
- Istaravshan Psychiatric Hospital - November 9-10, 2016;
- Temporary Detention Facility (IVS) in Penjikent district - April 11-12, 2016;
- Temporary Detention Facility (IVS) in Ayni district - April 14-15, 2016;
- Temporary Detention Facility (IVS) in Rasht district - April 26-27, 2016
- Temporary Detention Facility in Nurek (IVS) - September 16-17, 2016;
- Temporary Detention Facility in Istaravshan (IVS) - 11-12 November 2016

Monitoring has indicated that in general the conditions in the facilities were satisfactory. The following recommendations were made to the management of the facilities as a result of the monitoring:

- Install CCTV cameras in corridors, rooms, etc;
- Install rain sheds in courtyards;
- Conduct repair works in the buildings;
- Improve the quality of food, particularly for the patients of psychiatric hospitals, where around 5 TJS (0.561 EUR) per day should be allocated per person, while in reality 2.40 TJS (0,11 EUR) is allocated);
- Provide access to clean drinking water;
- Install boxes for communication with the inmates - letters, appeals, complains.

3.2 INTRODUCTION OF THE SYSTEM FOR REHABILITATION OF VICTIMS OF TORTURE AND ILL-TREATMENT

The aim of Coalition's Rehabilitation Group for the Victims of Torture and Members of their Families (RG) provides holistic assistance services to victims of torture and to their relatives and restore their independence and ability to carry on with their physical, psychological, social and professional activities, and fully participate in all aspects of social life.

The main tasks of the RG are:

- Provision of diagnostics services and emergency assistance;
- Development of tailored individual programs for quality medical and psychosocial rehabilitation;
- Provision of assistance in outpatient and inpatient care for survivors of torture and members of their families;
- Development of rules and procedures for cooperation with experts who provide rehabilitation services to the survivors of torture and their relatives;
- Coordination with authorities, medical institutions and institutions providing psychological support to promote creation of effective mechanisms for the rehabilitation of survivors of torture and their families.

The RG includes member organizations of the Coalition and other partners - individuals and organizations working on provision of rehabilitation services to survivors of torture.

The Rehabilitation Group includes the following organizations:

- Public Fund Legal Initiative;
- NGO Office of Civil Liberties;
- NGO Center for Human Rights;
- Public Fund Public Health and Human Rights.

The activities of Coalitions RG in 2016 were supported by the Open Society Institute Foundation in Tajikistan (primary support), United Nations Fund for the Support of Victims of Torture, Swedish Amnesty Fund within the framework of the project "Fighting Torture in Tajikistan: Supporting the Coalition Against Torture", European Union as part of the project "Freedom from torture in Kazakhstan and Tajikistan", and the Sigrid Rausing Trust within the framework of the project "Support to the Coalition of Civil Society Against Torture and Impunity in Tajikistan". Representatives of the Group actively participate in awareness-raising events of the Coalition.

3.1.1. Working meetings, training sessions

Training for psychologists

On 15-17 April 2016 in Dushanbe, the Coalition held a training on "Improving the Skills of Psychologists in the Psychological Assessment, Diagnosis and Rehabilitation of Victims of Torture and other Ill-treatment". The event was attended by 16 psychologists from psychology departments of universities in Sughd, Khatlon and Dushanbe, as well as by practicing psychologists. The training raised issues related to effective investigation, recording of torture allegations, assessment and diagnosis of torture victims, as well as adequate rehabilitation of victims of torture and ill-treatment. The training was delivered by Lilit Gevorgyan, expert-psychologist of the Rehabilitation Centre for the Victims of Torture

from Armenia, and Nafisa Yunusova, national expert, doctor of pedagogical sciences and associate professor of the psychology department at the Tajik State University.

Meeting of social workers

On 29 January 2016, the Coalition held a coordination meeting with social workers to review the system of providing social assistance to survivors of torture and their families. The meeting aimed at raising awareness of social workers with regards to social services and support for persons affected by use of torture. The participants of the meeting got acquainted with the activities of the Coalition particularly of LAG and the Rehabilitation Group. They also discussed in detail specific tools for providing rehabilitation services and the role of the social worker in assisting survivors of torture. Furthermore, future cooperation between Coalition's RG and social workers were discussed.

3.1.2. Rehabilitation of victims of torture and members of their families

In total, in 2016 the Coalition provided rehabilitation services to 25 people (11 women and 14 men). Ten people were directly suffered consequences of use of torture and ill-treatment against them, the remaining 15 were family members of victims of torture. Two of the victims were minors.

Health care

All 25 individuals were examined by medical professionals and were provided with opportunity to receive relevant medical care: 13 people received outpatient treatment; eight required inpatient treatment (including one person who received ambulatory treatment twice). Two people did not need medical assistance and one person refused it. Based on the recommendations of the doctors, seven people received sanatorium/spa resort treatment.

Up to date, seven out of 25 people benefited from rehabilitation assistance and do not request additional support. The remaining 18 people who completed the rehabilitation course are in constant communication with specialists and, when necessary, they receive additional psychological and social support. All persons receiving care and support are in vulnerable situation and are subjected to stress. The condition of the victims is usually assessed as severe and critical. After the rehabilitation, the contact with victims of torture is preserved and their cases are monitored.

Psychological assistance

Up to date, 16 people received psychological assistance. All individuals who requested rehabilitation assistance were assessed by experts and referred to psychological support service. Unfortunately, not everyone agreed to receive psychological treatment. One man explained his refusal stating that he was mentally strong and therefore able to cope with the situation. Men were generally more concerned that they would be perceived as weak by agreeing to this type of rehabilitation treatment. Therefore, rehabilitation services provided by the Coalition are tailored to the needs of every individual and methods of psychological treatment are explained, including the benefits and the possible consequences of refusing treatment.

3.1.3. Statement on assessment of moral damage

In 2014, members of the Coalition launched strategic litigation aimed at establishing sustainable and adequate system of compensation to victims of torture and ill-treatment for moral damages. To define the amount corresponding with the moral harm suffered by victims of torture and members of their families specific assessment has to be carried out.

The assessment is done by Coalition's expert who had specialized training on compensation for moral damages. In 2016, nine psychological assessments for compensation for moral damages were carried out by Coalition's expert and psychologist, Nafisa Yunusova. As part of the assessment, psychologist visit the place of residence of victims of torture and their families. Transportation for victims/member of their families to Dushanbe is also provided.

3.3 LEGAL AID

The activities of Coalition's Legal Aid Group (LAG) aim at promoting the establishment of an effective response system to allegations of torture and ill-treatment, including an independent mechanism for the investigating torture, and adequate provision of legal aid to victims of torture and their relatives.

The main tasks of the LAG are:

- To establish the scope of torture and ill-treatment;
- To document torture and ill-treatment, provide legal assistance to victims of torture and their relatives, conduct strategic litigation;
- To develop rules and procedures for cooperating with lawyers to provide legal assistance to victims of torture and their relatives;
- To coordinate the activities of Coalition members on legal assistance to victims of torture;
- To promote effective mechanisms for responding and investigating torture by state bodies.

LAG is composed of Coalition members and partners of the Coalition working on provision legal assistance. They work together to improve their capacity to document torture, develop strategies and techniques for protecting victims of torture, provide legal assistance to selected vulnerable groups, and promote good practice. LAG includes the following organizations:

- NGO "Association of Lawyers of Pamir";
- NGO "Bureau on Human Rights and Rule of Law";
- NGO "Independent Center for the Protection of Human Rights";
- NGO "Center for Human Rights";
- Public Fund "Civil Liberties Office";
- PO "Law and Prosperity";
- Public Fund "Notabene",

- PO "Legal Initiative"
- Coalition partners (Askar Tursunov, Umed Niyazov)

The Secretariat of LAG consists of one coordinator, three experts on documenting torture in Dushanbe and DRS, Sogd province, Khatlon province (also covering GBAO cases) and one consultant.

The activities of LAG's Secretariat in 2016 were supported by the OSCE Office in Tajikistan within the project "Combatting Torture: Support to the Coalition of Civil Society Against Torture and Impunity in Tajikistan" , the Swedish Amnesty Fund as part of the project "Fighting Torture in Tajikistan: Supporting the Coalition Against Torture", the European Union within the framework of the project "Freedom from torture in Kazakhstan and Tajikistan" and by the Sigrid Rausing Trust as part of the initiative "Support to the Coalition of Civil Society Against Torture and Impunity in Tajikistan.

In 2016, the Legal Aid Group achieved the following results:

- Due to advocacy activities of the Coalition, five people were convicted in cases related to torture and ill-treatment in the army in 2016: cases of victims E. Kholov, F. Haitaliev, K. Kurbonmadov, R. Zabirov, and N. Kurbonaliev. In total, there were 13 people sentenced to different terms of imprisonment, of which six were members of military management.
- In 2016, Coalition members continued to contribute to establishment of domestic jurisprudence on sustainable and adequate state compensation for victims and their relatives. Organizations actively collect evidence, involve national and international experts in assessing moral damages and use *amicus* opinions during court proceedings.
- It is worth noting that, for the first time in judicial practice, the court asked the Ministry of Internal Affairs to issue a public apology for the actions of police officers who used violence against G.F. - a resident of Penjikent. As a result, the victim received an official apology from the head of the Department of Internal Affairs in Penjikent. A written apology is expected to follow.
- In 2016, the Coalition launched activities to draft compensation claims in two high profile cases, where victims suffered harm as a result of authorities failure to conduct effective investigation.

3.3.1. Assessment of LAG activities

The effectiveness of LAG was evaluated on the basis of a request of the head of the Group. The aim was to find ways of improving the work of LAG's Secretariat. The evaluation was carried out on 15-20 August 2016. It included analysis of job descriptions of the head of the LAG and of documentation specialists. It also looked at their activity reports and time sheets. Interviews were conducted with the head and the experts on their experiences of documenting torture. Analysis of the existing database on documenting torture and ill-treatment was also carried out, in addition to reviewing of the 67 forms with documented cases of torture from Dushanbe, DRS, Khatlon and Sogd provinces, and folders with appeals from documentation specialists. Also, selected individual cases which are covered by LAG honorarium fund were analyzed. In total seven cases for Khatlon province, 10 cases for

Dushanbe and DRS and six cases for Sogd region were analyzed. Based on the results of the evaluation, recommendations were made, which were discussed during LAG meeting in December 2016

3.3.2. Meeting of the Legal Aid Group on 8-10 December 2016

On 8-10 December 2016 12 members of LAG met to discuss outcomes of the their work and decisions of the Commission on allocation of the honorarium fund in 2016. They also reviewed results of the evaluation of LAG. Possible future restructuring of the LAG was subject of many discussions in 2016.

3.3.3. Workshop on mechanisms of compensation to victims of torture, 2-5 February 2016, Almaty

On 3-5 February 2016 in Almaty, the Coalition organized a training on compensation for victims of torture for moral damages. In total, 33 human rights activists, NGO representatives, lawyers and psychologists from Kazakhstan and Tajikistan took part in the event, which was organized within the framework of the project “Activities to protect from torture in Kazakhstan and Tajikistan”. During the workshop participants discussed issues related to selection of cases, drafting law suits, assessment of moral damage and representing the clients during the court proceedings. Participants were provided with the opportunity to share their experience, and to discuss the most successful methods used in other post-Soviet countries that can be adopted in their countries.

3.3.4. Manual on damage compensation

Upon completion of the workshop on compensation of moral damage to victims of torture, the Coalition launched activities to draft concept of a manual for lawyers and psychologists on this issue. During the workshop specific needs of lawyers and psychologists were discussed. Elena Volochay, an expert on assessing compensation for moral damages in torture cases, was invited to design the manual. The manual was drafted and translated into Tajik and published in 2016.

3.3.5. Documenting cases of torture and ill treatment

Documentation of cases of torture and other forms of ill-treatment is a tool for determining the scope of torture. Documentation is carried out by referring alleged victims of torture and/or their relatives to the Coalition and/or obtaining primary information from other interested persons, media, NGOs, lawyers, doctors, etc. During the period between 1 January to 31 December 2016, 57 alleged victims of torture and ill-treatment, including three minors and eight women, contacted LAG and Coalition’s members.

	Regions				TOTAL
	Dushanbe	DRS	Khatlon province, GBAO	Sogd province	
Total recorded	18	10	15 (1)	13	57
Lawyer provided	9	7	8	7	31

Consultations, documents drafted	114 consultations provided; 15 documents drafted	22 consultations provided, 18 documents drafted, 4 cases were assigned legal representation	40 consultations provided	
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The Coalition received complaints against the following government departments: Ministry of Internal Affairs - 37; Drug Control Agency - 1 (with respect to a serviceman); military units - 9 (including under the supervision of the Ministry of Defence - 3, Ministry of Internal Affairs - 1, the Office of the Border Guards of the State National Security Committee - 4, the National Guard -1), the State Committee for National Security - 5, the Main Department for execution of criminal penalties of the Ministry of Justice. - 3, specialized facilities for minors - 2.

The following methods for instigating the torture were documented: beatings on different parts of the body, including with a rubber bat, application of electric shocks (to the fingers, male genitalia, through wet napkin in the mouth of the victim), hanging plastic bottles filled with earth, to the male genitalia, insertion of needles/nails under the nails, rape or threats of rape, psychological violence in the form of verbal insults, placement in cold water (feet kept in water for a long time, sometimes for 1-2 days), immersion in cold water in the cold season, application of electric shocks to the back and genitals with the use of a field telephone, putting gas mask on the head, cauterizing the body with cigarettes.

Torture was used to obtain confessions, punish certain behaviors or as a measure of restraint.

Five cases of beating soldiers with fatal outcome in military units of the Ministry of Defence and the State National Security Committee were recorded.

3.3.6. Legal consultations

Specialists on documenting torture

There are three hotline phones managed by LAG: in Sogd region (987873333), in Khatlon province (987876666), in Dushanbe and DRS (987087676). Telephone lines are also open outside of working hours, including weekends and holidays.

Specialists on documenting cases of torture and ill-treatment are practicing lawyers. They carry out activities to provide primary legal assistance, in particular:

- receive complaints and provide primary consultations on Coalition's hot lines,
- prepare written complaints,
- monitor trials,
- accompany victims to state bodies and other institutions for forensic medical examination,
- conduct media reviews on cases of torture and ill-treatment,
- collect and process statistical data on cases of torture and ill-treatment.

As a result of two complaints and statements sent by the Coalition to the relevant authorities, the decision not to initiate criminal case was changed and the case were sent for further investigation.

In Khatlon province 22 consultations were provided to alleged victims of torture by Coalition experts, 18 cases were compiled and legal representation was provided by the Coalition in four cases.

In Sogd province 40 consultations on issues related to freedom from torture were held. Meetings were held with the chairman and lawyers of the Republican Bar Association in Sogd province, and with the head of the legal aid firm "Difo" in Khujand.

In Dushanbe and DRS, 61 verbal consultations were provided, 53 consultations on the hotline phone, 15 criminal complaints were made on the basis of information received from citizens.

Monitoring of court proceedings.

During the reporting period, Coalition's documentation specialists conducted 17 monitoring visits of court hearings in cases related to torture or ill-treatment. Analysis of the court cases monitoring indicated the following problems:

- Documentation experts were denied access to court room. For example, during the court hearing related to criminal charges under articles 307 (1 and 3)⁵ of the Criminal Code, the documentation specialist was forced out of the courtroom. The head of the Police Department of the A. Jomi district told the Coalition that the police was called by the judge and that the expert was taken out of the courtroom, because of disorder caused by third parties.
- Violation of art. 34 of the Criminal Procedure Code of the RT (Composition of the Court): particularly serious crimes are considered by the composition of the court panel, but the first and second trial was held without people's assessors.
- Pressure by the state prosecutor on the witness in the form of concrete comments was noted – for example a witness was accused to be prepared by a lawyer.
- Lack of impartiality of the court - the court, violating the procedures, interviewed additional witnesses prior the interrogation of the main witnesses.
- Pressure on relatives – it was revealed in court that an attempt to bribe relatives was made and that the State Committee on National Security (SCNS) intended to investigate the issue..
- Pressure on the lawyer, who was not allowed to use recorder during the hearing.
- Failure to start the trial proceeding at the appointed time for various reasons (such as delayed arrival of the prosecutor, delaying in convoying the defendants, etc).

⁵ Article 307¹. Public appeals to carry out extremist activities. Article 307³ Organizing the activities of extremist group

- Relatives of the defendant in the case of serviceman H. Publicly made verbal threats against the lawyer.
- The failure of individual judges to take the necessary measures to verify allegations of torture and ill-treatment (judges are not using the Plenum of the Supreme Court of the Republic of Tajikistan to Counter Torture No. 1 of 25.06.2012 as a guideline).
- Failure to provide information about the right to refuse testifying against a close relative.
- Failure to allow observers in the courtroom (in the case of S. Mirzoev).
- Generally hostile and prejudiced attitude of the judge.

Consultant support

Activities of the LAG consultant are aimed at providing legal support to lawyers and members of the Coalition in cases of torture and ill-treatment. The consultant is also a member of the Commission of the Honorarium Fund, providing comments and suggestions to the decisions on allocation of funds for legal aid. In 2016, the consultant carried out the following work:

- 43 verbal and 23 written consultations were provided with regards to the activities of LAG and lawyers on cases of torture and ill-treatment;
- 20 documented complaints of citizens, 9 strategies for lawyers on representing the interests of the applicants in law enforcement and judicial bodies and 23 procedural documents were reviewed.

The consultant found that Coalition lawyers were complaining about the actions of the prosecutor's office, in particular failure to review complaints within the time limits established by the criminal procedural law, unreasonable refusals to initiate criminal proceedings on allegations of torture, unlawful suspension of the investigation of a criminal case, failure to verify allegations of torture in accordance with the criminal procedure legislation.

Upon request of the head of the Legal Aid Group, the consultant analyzed all complaints received by LAG from 2012 to 2016. As a result, many of these were officially closed due to completion of the case, lack of communication with the applicants, lack of sufficient information for subsequent monitoring, etc.

Additional legal aid provided directly by members of the Coalition

Members of LAG also provided consultations on torture and other cruel, inhuman or degrading treatment or punishment:

- *NGO Independent Center for the Protection of Human Rights*: 52 citizens were provided with legal aid; 92 procedural documents were prepared, participation in 37 hearings and 42 witnesses interviewed.
- *NGO Office of Civil Liberties*: information on statistics can be obtained from the NGO.
- *NGO Legal Initiativ*": legal aid provided on two cases of minors, two cases received legal advice and legal documents were prepared.

- NGO Law and Prosperity provided a lawyer in two cases of refugees who complained about use of tortured and ill-treated against them, documents, legal support and advice on eight cases related to cruel and degrading treatment.

Monitoring of the information in mass media.

Documentation specialists regularly monitor the media and social networks. When information appears about alleged torture or ill-treatment, primary information is collected and verified. In 2016, six reports were verified:

- On 18 February 2016 article was published on webpage of the Coalition about beatings of local resident Farkhod Goibov by representatives of the Department of Internal Affairs of Penjikent. As a result, Mr. Goibov was hospitalized. The police officers were sentenced to eight years and six months imprisonment. In this case, LAG contacted the deputy head of the Department of Internal Affairs of Penjikent, but he refused to provide information about the case. Later, they contacted the victim directly and he was provided with a lawyer.
- On 16 May 2016 Tajik media published information on the misconduct of police officers against teenagers who participated in the Indian festival of Colors "Holi", held at the "Spartak" stadium in Dushanbe. On 19 May 2016, the Coalition appealed to the authorities demanding immediate and independent investigation of the actions of law enforcement officers. After an internal investigation by the Internal Affairs Department of the Ministry of Internal Affairs, disciplinary measures were taken against four police officer, including dismissal of one employee and reprimands and strict reprimands to another three.
- In August 2016, video was published on Facebook, showing illegal actions of a police officer against a young man. The Coalition made a statement to the General Prosecutor's Office in Tajikistan. The Prosecutor responded to the appeal and fact-finding was carried out by the Dushanbe City Prosecutor, which resulted in revealing a connection of a police inspector of Department of Internal Affairs in Dushanbe, Otamurod Karimov, with the incident. Karimov was dismissed from his post for unlawful actions.
- On 24 February 2016, an article was published on Asia Plus entitled "In Panjakent after the interrogation in the prosecutor's office, the pharmacy owner hanged himself". The article stated that Zamon Zaburov, owner of the Madad pharmacy, committed suicide after alleged pressure from the investigator of the prosecutor's office, who had accused Mr. Zaburov of murder. Through the local authorities of Penjikent, the Coalition contacted the relatives of the deceased, but they refused free legal assistance.
- On 30 October 2016, lawyer Faiziniso Vohidova published on her Facebook page a report on alleged use of torture against convicts serving sentences in the 3/3 detention facility of Khujand. She said she had received anonymous phone call from the convict who said that the facility had a shop for processing onions and prisoners work there from 6 am to 12 am. One of the convicts named Olim, who works in this shop, allegedly got sick and refused to work. As a result, he was beaten. The convicted person reportedly could not bear the physical pain and, in protest, ripped open his stomach with a blade. He was later placed in solitary confinement. The representative of the HRO, H. Nidoyev, called by phone the convicted Olim, who refused to discuss his case and indicated that he was soon to be released from the prison.

3.3.7. Legal aid/court representation

The *Honorarium Fund* is formed at the expense of several projects of member organizations of the Coalition to provide legal assistance to alleged victims of torture and/or their relatives. The fee is allocated to cover the following types of expenses:

- Payment to lawyer providing legal protection to the alleged victim of torture and/or their relatives;
- Subsistence allowance, including for cost of travel and accommodation, if the lawyer makes duty trips related to provision of legal support for victims of torture;
- Expenses related to medical assistance to victims of torture or witnesses: purchase of medicines, payment for urgent operations, psychological assistance/rehabilitation of the victim of torture;
- Expenses for engaging specialists to conduct and draft psychological assessment and define moral damage;
- Payment for other measures aimed at providing protection to victims of torture and/or their relatives, lawyers and witnesses.

The fee for providing legal assistance to alleged victims of torture and/or their relatives is spent in consultation with the members of the Commission on Allocation of the Honorarium Fund (four persons) and the Coordinator of LAG.

During 2016, 393,699.49 TJS (44,033.308 EUR) from the Honorarium Fund was spent:

- ICPHR (HF of the organization: groups of victims of torture) - 170,075 TJS (9,022.67 EUR)
- Office of Civil Freedoms (HF of the organization: group of military personnel) - 62,000 TJS (6,934.33 EUR)
- Legal initiative (HF of the organization: group of children) - 9,204 TJS (1,029.41EUR)
- Notabene (HF Coalition) - 138,972 TJS (15,543.29 EUR)
- OO HRC (HF Coalition) - 10448.49 TJS (1,168.609 EUR)
- Law and Prosperity - 3,000 TJS (335.540 EUR)

In 2016, the Fund received 26 requests for the provision of legal support on new appeals, ongoing cases, allocation of funds for forensic assessments. In the meantime, activities on previous cases continued.

In 2016, member organizations of the Coalition represented victims of torture and ill-treatment and their family members in **41** cases, including **30** new cases and **11** old cases

Regions	Cases from past years as of condition on 31 December 2016		Since the beginning of 2016	
	Number	Stage	Number	Stage
Dushanbe and DRS	5 cases	1 – communication with UN HRC 3 - Court proceeding 1 – Pre-trial investigation	16 cases	11 - pre-trial investigation, of which 8 were terminated. 5 - court proceedings 3 - received verdicts

Sogd province	4 cases	1 – complaint under review of the court 1 – the issue to submit the complaint to supervisory instance is reviewed, 1 – law suit for compensation, 1 - UN HRC communication	8 cases	1– closed due to exhausting the complaint mechanism 1 – law suit for compensation 1 - verdict 3 – pre-trial investigation 1-the issues on submitting the complaint to HRC is reviewed 1-the issue to submit the complaint to supervisory instance is reviewed
Khatlon province	2	1 - appeal of compensation; 1 - law suit on compensation is lodged	6 cases	1-closed due to exhausting the complaint mechanism; 3 – pre-trial investigation; 1-verdict; 1-pre-trial stage.
Total	1		30	

Review of cases indicated the main problems related to investigation of torture and other inhuman or degrading treatment instigation.

Implementation of human rights guarantees at time of arrest. Rights of lawyers.

The analysis of procedural documents (petitions, appeals and complaints) showed that there are cases when law enforcement officers obstruct the activities of lawyers with regards to provision of legal aid and obtaining access to clients. There is a wide spread practice, which requires detained individuals to obtain permission from investigator in charge of their criminal case to meet with a lawyer. The administration of temporary detention facilities denied lawyers access to their clients, despite the availability of relevant orders, referring to the need to obtain permission from the investigator. Only in two cases,

lawyers tried to appeal against illegal actions of the authorities of detention facilities, but with no results.

Employees of investigative bodies and the Main Department of Implementation of Criminal Punishment (MDICP) at the Ministry of Justice violated the provisions of Art. 9 part 3 of the Law "On Advocacy and related activities"⁶.

Lawyers cannot visit their clients in pre-trial detention facilities without notification or permission from the investigator, and if a person is serving criminal sentence, the permit must be obtained directly from MDICP.

According to lawyers, detainees are not notified on their rights at the time of arrest, which is prescribed by the Instruction for Law Enforcement Agencies "On Arrest".

Lawyers often lodge complaints against the actions of prosecutors due to failure to review complaints within the time limits established by the criminal procedural law, unreasonable refusals to initiate criminal proceedings on allegations of torture, inconsistencies in the conclusion of medical examination or forensic medical examination. For example, when prosecutors delay the processing of motions, traces of physical violence vanish and it becomes impossible to prove the fact of torture. It is also impossible to obtain information from CCTV cameras in detention facilities due to technical characteristics (the information is recorded for a certain period of time, mainly for a period not exceeding 30 days). These obstacles provide basis for the lawyers to send complaints to higher authorities (prosecutor's office, court).

Reaction of investigative bodies to allegations of torture and ill treatment.

Three allegations of torture were analyzed by the Coalition and sent to prosecutors. All three complaints referred to the violation of terms and procedures established by the Criminal Procedure Code (CPC) on admitting and verifying the allegation of a crime by the prosecutor. For example, the refusal to initiate criminal case was received 30 days after the investigation was started, although the CPC provides maximum period of ten days from the date of receipt of the allegation of a crime.

There are often violations by the courts of art. 124 of the CPC (the judicial procedure for considering complaints against the prosecutor's decision). According to Article 124 part 3 of the CPC, "the complaint shall be considered by the judge alone within ten days upon receipt, with notification of the applicant and the prosecutor about the time of its consideration." However, in practice, courts delay the consideration of complaints, do not request initiation of criminal cases, materials of inspections, representatives of the prosecutor's office are not participating at court hearings. Lawyers have no access to the documents related to verification of the allegation for torture, conducted by the prosecutor's office.

⁶ The lawyer has a right "at showing the order or the identification of a lawyer to meet with the defendant vis-a-vis (including from the moment of actual arrest, placement in TIC, investigative isolator or detention facility) confidentially without any limitations on duration of such meetings;»

Another problem is the access to reviewing relevant documents after they had been received by the courts. For example, when appealing the refusal to initiate criminal investigation into the death of Igamov U. t in Khujand⁷ City Court, the lawyer requested access to information related to the inspection. However, the court, after listening to the opinion of the prosecutor, refused to satisfy the motion, stating that "the lawyer should apply to the bodies that conducted the investigation into the death of Igamov U. to obtain relevant documentation."

There are at least, four cases when lawyers were not allowed to copy case materials by the courts. The information related to investigation of testimonies on torture which had been lodged both independently by the victims of torture, and investigations carried out by Prosecutor by instructions of court.

Retraction of the evidence, evidence obtained under duress.

So far, the Coalition has not come across a single case when the testimonies obtained under duress were retracted from the materials of criminal cases examined by the courts in the period 2012-2016. Attempts of lawyers to ensure that the court excludes evidence obtained as a result of torture are thus so far unsuccessful.

In the three cases when lawyers requested to exclude their clients' testimonies given under duress in line Article 88 of the CPC of RT, courts failed to review the requests in time, but they were considered at the end of the court proceedings. In one of the judgments, the court based its decision on previously adopted refusal to initiate criminal investigation into the use of torture. In two other cases, the court first ordered investigation following a complaint received from the defendants, but later suspended the investigation accepting the opinion of prosecutor claiming lack of evidence. At the same time, the court was only provided by the prosecutor with a procedural decision to refuse to initiate a criminal case without submitting relevant supporting documents to the court. The court did not ask for the materials of the investigation.

All examinations on allegations of torture are carried out by investigators of the prosecutor's office who at the same time conduct criminal investigations against the alleged victim. This is a violation of the impartiality principle.

3.3.8. Protection of servicemen, military hazing

In 2016, LAG recorded nine cases of servicemen, mostly victims of hazing, five of whom died. Over the past four years, there was an increase in complaints about cruel treatment in the army: in 2013 - four, 2014 - three, 2015 - six and 2016 - 10 appeals.

⁷ On 29 September 2016 the decision of Khujand city court had refused the complaint of the lawyer Samadova D. on initiating the criminal case due to instigation of torture and unlawful arrest of Igamov U.

Previously the judicial medical examination had recorded broken ribs and bruises on Igamov's body, furthermore there were witnesses indicating that Igamov complained that he was beaten. Beatings of Igamov took place in presence of other accused who confirmed this fact in written. Similarly brother of Igamov U. witnessed that he was arrested and beaten then he was under the investigation of an alleged crime as per article 307'3 part 2 of CC of RT.

There is widespread use of violent hazing rituals in the course of military service. As a result, soldiers were injured or died. There are also cases of beating for disobedience. In one case the soldier died on duty as a result of hypothermia, as he was dressed in summer uniform.

In 2016, convictions were delivered in five cases: E. Holov, F. Haitaliev, B. Kurbonmadov, R. Zabirov, and N. Kurbonaliev. A total of 13 people were convicted, of whom 6 are members of the supervising bodies.

In 2016, as a result of amnesty pursuant article 3, paragraph 5, of Law the of RT "On Amnesty", some of the convicted persons were released from serving their sentences (for example, in the case of Zabirov R., the criminal case against the commander was terminated) or the term of punishment was partially reduced.

In a number of cases, pressure was made on the relatives of soldiers by the commanders of the military unit.

As already indicated, the Coalition pays great attention to the issue of compensation for harm suffered by victims of torture and members of their families. At the moment, most of the compensation cases are related to use of torture and ill-treatment in the military. This, amongst other things, is due to the fact that these cases are usually registered with the courts and convictions are issued. In 2016 work continued in the cases of Rakhmatov Firdavs (2015) and Mirzoev Shahbol (2014), four more cases are ready to prepare a claim for compensation of moral and material damages.

3.3.9. Strategic litigation

Strategic litigation requires use of judicial and administrative processes in cases important from the standpoint of public interests to ensure changes in the law or judicial or administrative practice, identify gaps in the law (indicating directions to the legislator), ensuring correct interpretation and therefore implementation of provisions, widely disseminating the negative practices.

In 2014, Coalition members agreed that it is necessary to conduct strategic litigation to establish a sustainable practice with regards to judgements on compensation for victims of torture and ill-treatment.

Damage caused to an individual as a result of torture and ill-treatment should be compensated in the manner prescribed for by the CPC and the Civil Code of the Republic of Tajikistan. The body conducting the criminal prosecution is required to explain to the victim of torture their right to file a motion for compensation for material and moral damage and the procedure for lodging such a claim⁸.

According to Art. 12 Part 2 of the CPC, "damage caused to a person as a result of violation of his rights and freedoms during criminal proceedings is liable to compensation ...". The state reimburses in full the damage caused to a citizen as a result of illegal detention, house arrest, temporary removal from office, placement in a medical institution, conviction, use of compulsory medical measures. Torture is not listed among the grounds for compensation. In addition, the legislation of the Republic of Tajikistan does not contain provision on fair and adequate compensation "for possible full rehabilitation", as stipulated in Art. 14 Part 1 of the Convention against Torture. Article 462 of the CPC includes the list for possible

⁸Resolution of the Supreme Court Plenum #1 as of 25 June 2012 "On application of criminal and criminal procedure legislation to combat the torture"

compensation: property damage, consequences of moral damage, restoration in pension, labor, housing and other rights.

There is little or no judicial practice in the country related to compensation to victims of torture, and there are no specialists in assessing the psychological harm to the victims of torture. Victims of torture do not lodge claims for compensation, for the fear of reprisals by law enforcement agencies.

In 2016, decisions were made on compensation in two cases, first denied and then terminated, and appeals were submitted in two court decisions. In 2017, the Coalition plans to initiate compensation process in seven cases, including two for moral and material damage and failure to conduct effective investigation.

When making decisions, the courts refer to Art. 1116 of the Civil Code of the Republic of Tajikistan, the amount of compensation for non-pecuniary damage is determined by the court, depending on the nature of the physical and moral suffering inflicted on the victim, as well as the degree of guilt of the perpetrator in cases where guilt is the basis for reparation. The determination of the amount of compensation for harm shall be made on reasonable and fair basis. The concept of "reasonable and fair" in practice is interpreted in different ways. The court evaluates the evidence by its internal conviction, based on a comprehensive, complete, objective and direct examination of the evidence available in the case. The difficulty for the court is the evaluation of the moral suffering of the victim and the legal assessment for such suffering. Another challenge is the position of the Ministry of Finance and departments responsible for the instigation of torture and ill-treatment, trying to interfere with the practice of paying fair compensation, fearing that it could increase the number of such court cases. As a result, these departments deliberately underestimate the amount of compensation. Various arguments are used, such as a difficult economic situation, lack of funds for compensation and addressing these requirements to individuals who have directly instigated the torture. The later argument contradicts Article 24 of the Law of the Republic of Tajikistan "On State Budget of the Republic of Tajikistan for 2016", which fixes the requirement "to establish that the execution of court decisions on compensation of material and moral damage inflicted by employees of state bodies during the performance of official duties is carried out at the expense of their resources and cost estimate".

There are also the following problems related to compensation of moral damage to victims of torture are also:

- In practice compensation claim can be lodged on the ground of the court verdict, which confirms the instigation of torture against concrete person. Criminal cases related to use of torture are characterized by lengthy investigation, thus complicating the work of lawyers and human rights defenders working on compensation claims. In the meantime, international standards state that lodging a compensation claim does not have to be based on court sentence in a criminal proceedings, but the very fact that torture occurred. The Tajik legislation also allows to lodge claim for compensation for moral damages in civil proceedings, where the burden of evidence shall be with the plaintiff. However, in practice this mechanism was never used in cases of torture.

- *Lack of specialists on assessing the moral damage.* In practice such an assessment can be carried out only by specialized psychologists working in psychological departments of higher educational facilities. At the moment there is just one specialist that is engaged by courts to carry out such assessments. Coalition is consulting the same expert in compensation claims. The courts do not take into account assessments and examinations produced by independent international experts. During court proceedings, when Coalition lawyers present such assessments, courts ask for their re-examination by local experts
- *Inadequate and unfair compensation amount.* Amounts for compensation on cases of torture vary from 4,000 TJS (448 EUR)to 20,000 TJS (2,244 EUR).

3.3.10. E-bulletins

International Partnership for Human Rights (IPHR) together with NGO coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan issued two e-bulletins within the framework of the project supported by the European Union “Fighting torture in Kazakhstan and Tajikistan”:

E-bulletin of the legal aid group, March 2016

In March 2016 the sixth e-bulletin “Legal Aid Group of Coalitions against Torture in Kazakhstan, Kyrgyzstan and Tajikistan” was issued. The bulletin describes work related to provision of legal aid carried out by coalitions in Kazakhstan, Kyrgyzstan and Tajikistan, including interviews with members of those groups. The bulletin was widely disseminated amongst partner organizations through e-mail and social networks in Russian and in English and is uploaded on the web page of IPHR. <http://iphronline.org/legal-aid-groups-of-the-central-asian-coalitions-against-torture-20160311.html>)

E-bulletin “Compensation of moral damage caused by torture: progress and challenges”, October 2016

In October 2016 the seventh e-bulletin presented interviews with six lawyers and psychologists from Central Asia, Russian Federation and Ukraine. They shared their experience in providing support to victims of torture and members of their families in accessing compensation. This included an interview with the lawyer from the Coalition, Gulchehra Kholmatova. In the interviews the lawyers discuss why compensation plays a crucial role in combatting torture. They talk about key success stories in this field, and lessons learnt for the governments of Central Asia from precedent cases.

The bulletin also contains an interview with Elena Volochay, expert who has worked on compensation claims in torture-related cases since 1995. She shares her observations and experience, and provides recommendations regarding provision of fair and adequate compensation to all victims of torture. More information at <http://iphronline.org/obtaining-compensation-torture-oct2106.html>).

3.4. INTRODUCTION OF ISTANBUL PRINCIPLES FOR EFFECTIVE MEDICAL EXAMINATION AND DOCUMENTATION OF TORTURE AND ILL-TREATMENT IN TAJIKISTAN

3.4.1. The project on promoting the Istanbul principles by the Coalition

The project is coordinated by the NGO Human Rights Center (coordinating person - Parvina Navruzova). The Working Group on Istanbul Protocol was established to improve internal

regulations, guidelines and forms for forensic, psychiatric and medical examination in accordance with the principles of the Istanbul Protocol. Implementation of the Istanbul Protocol is reflected in 2 December 2013 order No.719 of the Minister of Health and Social Protection of the Population of the Republic of Tajikistan. It was introduced as part of Ministry's obligation to implement the government Action Plan for Combating Torture. Representatives of the Ministry of Health and Social Protection of the Republic of Tajikistan, forensic experts and a lawyer of the NGO Human Rights Center were included in the Working Group⁹.

Activities to promote the implementation of the standards of the Istanbul Protocol are carried out by the Ministry of Health and Social Protection of Population and the NGO "Human Rights Center" with the expert support of the international NGO "Physicians for Human Rights".

Since October 2016, NGO Human Rights Center, in cooperation with the Ministry of Health and Social Protection and with the Main Department for the Execution of Penalties under the Ministry of Justice have been implementing the second phase of the project "Raising awareness and training of prison staff and members of the Monitoring Group of detention facilities under HRO to document cases of torture and ill-treatment in accordance with the standards of the Istanbul Protocol"¹⁰.

The project includes following activities:

- Two four-day training sessions for doctors, operational staff of MDICP, members of the monitoring group under the HRO, lawyers of the Coalition on the Istanbul Protocol;
- Commentary to the Criminal Procedure Code of the Republic of Tajikistan;
- Quarterly bulletins on activities to implement the standards of the Istanbul Protocol. This will include two bulletins for judges, prosecutors, law enforcement officials, ministries and departments, international and non-governmental organizations, etc.;
- Information materials on the rights and duties of convicts and doctors.

During the preparation of the current report, training module and information materials were developed within the framework of this project.

3.4.2. Introduction of Istanbul Protocol standards in curricula for state officials

Within the framework of the project "Increasing the awareness of judges and design of materials and curriculum for the criminal department and forensic medicine in the Legal Department of the Tajik State University"¹¹ analysis of the existing curricula on forensic medicine available at the legal department was carried out and two curricula were developed:

⁹ Further information on the working group is available in the report "Effective record keeping of torture and other ill treatment by medical facilities in Tajikistan in line with the principles of Istanbul protocol". PO Human Rights Center, Dushanbe 2014.

http://notorture.tj/sites/default/files/articles/2015/files/effektivnoe_dokumentirovanie_pytok_0.pdf

¹⁰ The project is supported under the program "Strengthening the rule of law and human rights in order to expand the opportunities for people in Tajikistan" by the Ministry of Foreign Affairs of Finland and UNDP

¹¹ The project is supported by the Open Society Institute in Tajikistan.

- Forensic medicine and psychiatry for the fifth year student of legal department with the specialization in forensic investigation.
- Forensic medicine and psychiatry.

The Coalition contributed to development of ten lecture sessions for the Tajik State University that include the standards of the Istanbul protocol. The topics were relevant for morphology department of medical faculty of Tajik State University. Student of the legal department of this university will also be trained in this department.

3.4.3. Workshops and Conferences

NGO Human Rights Center, in partnership with the Judicial Training Center under the Supreme Court of the Republic of Tajikistan, carried out four three-day trainings for 57 judges and 11 probation officers and one training for lawyers on documenting torture and other ill-treatment in accordance with the standards of the Istanbul Protocol:

- On 6-8 April, the Coalition held a training for trainers on the Istanbul Protocol standards for 17 people, including 5 trainers (12 - Dushanbe, 3 - Sogd province, 2 - Khatlon province);
- On 16-18 May, training for judges was organized for 21 people, including five trainers (5 - Sogd province, 5 - Khatlon province, 3 - GBAO, 5 - Dushanbe, 3 - DRS);
- On 3-5 August training for judges was organized and included 25 individuals, including five trainers (9 - Khatlon province, 1 - DRS, 7 - Dushanbe, 3 - Sogd province);
- On 22-24 August, training for judges was organized and included 20 people, including five trainers and one proctologist- member of the Coalition (1 - Sogd province, 6 - Khatlon province, 2 - GBAO, 8 - Dushanbe, 3 - DRS).

From 27 to 29, three-day training was held on the standards of the Istanbul Protocol for lawyers and representatives of Coalition members. The training was conducted by Rusudan Beriashvili, expert of the international organization Physicians for Human Rights, Begijon Yusupov, psychiatrist, Parvina Navruzova, lawyer of the NGO Human Rights Center. In total 12 people took part in the training.

From 27 to 30 April 2016, representative of the Coalition and lawyer from the NGO Human Rights Center, Parvina Navruzova took part in the international conference "Mental Health, Assessment of the Psychological Effects of Torture, Rehabilitation of Victims of Torture in accordance with the Standards of the Istanbul Protocol" in Georgia. The conference was dedicated to forensic psychiatry, in particular, disease identification, diagnosis and treatment, as well as peculiarities of psychological and psychiatric assessment of victims of torture, refugees and forced migrants. The conference was organized by the International Association of Psychiatrists and the Association of Psychiatrists of Georgia with the support of the Alliance for Better Mental Health.

From 21 to 22 September, international conference on the implementation of the standards of the Istanbul Protocol, the transformation of regional experience into international norms for the effective investigation and documentation of torture was organized in Bishkek.

Three presentations on the outcomes of activities aimed at implementation of the Istanbul Protocol standards in Tajikistan and measures to ensure reparation for victims of torture was made in the reporting period:

- “Challenges to implementation of the Istanbul Protocol in forensic medical activities in Tajikistan” - by Furkat Ganiev (Director of the Center for Forensic Medical Investigation in Sogd province, member of the working group under the Ministry of Health);
- “Legislation and practice for reparation to victims of torture and members of their families in the Republic of Tajikistan” - Nigina Bahrieva, representative of the Public Fund “Notabene”, head of the Coalition against Torture in Tajikistan;
- “Monitoring of implementation of the Istanbul Protocol in Tajikistan” - Parvina Navruzova, representative of the Coalition, lawyer from the NGO Human Rights Center.

3.4.4. Establishing of medical molecular genetics laboratory

In September 2016, the first medical molecular genetics laboratory was established in Tajikistan, in the Forensic Medical Examination Center in Sogd province. It was made possible with the support of the regional Department of Health and Social Protection of the Population and the Government of Finland. Human Rights Center carried out fundraising activities for partial procurement of necessary laboratory equipment.

This laboratory is designed to examine evidence in cases related to domestic violence, murder, suicides, and particular types of physical damage, like beatings, torture and other ill treatment.

3.4.5. Setting up of a data base and online oversight system for reporting cases of impunity and publication of conclusions and records of forensic medical examination

The activity aims at developing a database to systematize production of forensic medical examinations, enable online registration, improve quality of evidence (photo application), archive data without the possibility of its subsequent modification, various reports, and prevent corruption.

The database was developed by the initiative of the head of the Forensic Medical Examination Center of Sogd province, Furkat Ganiev, together with the NGO Human Rights Center within the framework of the project implemented by Public Fund Notabene "Activities against Torture in Kazakhstan and Kyrgyzstan". An automated workstation system and instruction was developed for forensic experts and system administrators. The registration system was installed in all branches of the regional centres for forensic medical examination and was tested throughout 2016. Necessary equipment was purchased for all branches - printers (15 pcs.), Scanners (15 pcs.), Cameras (15 pcs.), UPS systems (15 pcs.), in addition to establishment of an Internet connection.

3.5. ANALYTICAL WORK AND PROMOTION OF THE RECOMMENDATIONS OF THE COALITION (ADVOCACY)

The Coalition is active in promoting freedom from torture in Tajikistan on national and international levels by conducting meetings with diplomats and representatives of international and inter-governmental delegations, drafting analytical reports and promoting implementation of its recommendations. This work is carried out within the framework of the project implemented by PF Notabene “Action for Freedom from Torture in Kazakhstan

and Kyrgyzstan”¹². The Coalition is actively cooperating with World Organisation Against Torture (OMCT), International Partnership for Human Rights (IPHR), Helsinki Foundation for Human Rights.

3.5.1. Universal Periodic Review (UPR)

Drafting of the awareness materials for governmental delegation prior to review of the report from Tajikistan within the framework of UPR process, March 2016

Prior to the review of the National Report of the Republic of Tajikistan to the UPR, seven-page document and a presentation were drafted for governmental delegations on the issue of torture and ill-treatment. It was presented by a member of the Coalition during pre-session of the UPR. The document contains brief description of the key concerns regarding use of torture in the country, with reference to the relevant recommendations of various UN treaty bodies and UN Special Procedures. Further information is available on the IPHR web page (<http://iphronline.org/wp-content/uploads/2016/04/Briefing-on-key-concerns-on-torture-for-UPR-Tajikistan-March-2016.pdf>).

Promotion of Coalition’s report during the UPR and participation in the pre-session meeting of the UN Human Rights Council in Geneva.

Representatives of the Coalition took part in two meetings conducted during the 25th session of the UPR Working Group on 1 March and 1 April 2016. Human rights activists met with the representatives of the High Commissioner for Human Rights (OHCHR) and the permanent diplomatic representations in Geneva. For this purpose, Public Fund Notabene, in cooperation with IPHR, prepared a presentation for the session, accompanied by brief report with main conclusions and recommendations.

3.5.2. UN Treaty Bodies

Working meeting to discuss the draft third periodic report of RT on implementation of the Convention against Torture and other inhuman or degrading treatment or punishment

On 14 November 2016, the Coalition, in cooperation with the Department on Human Rights Guarantees at the Executive Office of the President of RT and the Regional Office of UN OHCHR organized a round table to discuss the drafting process of the third periodic report to the UN Committee against Torture. Representatives of state bodies and members of the Coalition took part in the round table. The Coalition compiled comments on the draft report made during the discussions.

List of issues for the Committee against Torture to third periodic report of Tajikistan

The UN Committee against Torture will accept the list of issues to the third periodic report of Tajikistan on implementation of the Convention against Torture during its November 2017 session. Coalition carries out monitoring of implementation of previous CAT recommendations by the government: review of the legislation, review of law enforcement practice. Outcomes of monitoring shall be used as a basis for the list of issues proposed to the Committee by the Coalition.

Drafting and submission of the NGO report to UN Committee against Torture

¹² The project is implemented with the financial support of European union and Helsinki Human Rights Fund (Warsaw, Poland), International Partnership for Human Rights (Brussels, Belgium) and Kazakh International Bureau on Human Rights and Rule of Law

The Coalition plans to review third periodic report of the Republic of Tajikistan to the UN Committee against Torture in 2018. In this respect Public Fund Notabene, together with IPHR, began preparation of the NGO report to UN Committee against Torture. Organizations had agreed on the issues that are to be update and require further monitoring and research.

3.5.3. Strategy of the European Union on Central Asia

Each year, prior to official dialogue of the European Union and Tajikistan on human rights, the European Union Delegation in Tajikistan holds meetings with the representatives of civil society. During these meetings members of the Coalition raise human rights concerns, including with regards to use of torture, that are later discussed during the formal human rights dialogue of the EU and the government.

In May and June 2016 Public Fund Notabene and IPHR prepared analytical document on developments related to prevention of torture in the country, including handling of individual torture cases by the authorities. The document includes specific recommendations to the Government of Tajikistan.

3.5.4. Organization of Security and Cooperation in Europe (OSCE)

Side event of Human Dimension Discussion meeting, September 2016

In September 2016, five-page document was drafted prior to OSCE Human Dimension Implementation Meeting held in Warsaw. The document included key issues and recommendations compiled by NGO coalitions against torture in Kazakhstan, Kyrgyzstan and Tajikistan. Further information can be found at IPHR web page: <http://iphronline.org/osce-hdim-statement-torture-ca-20160923.htm> |

3.6. COVERAGE OF TORTURE ISSUES IN MASS MEDIA

The Coalition pays great importance to working with mass media on covering the problems of torture and promoting government policy on "zero tolerance for torture". The coverage of individual cases and trials brings the attention of the general public, government bodies, national and international human rights organizations to these issues and generates support for efforts to combat torture and impunity.

The work of Coalition's Media Group is aimed at systematic media coverage of Coalition's work, raising the level of legal awareness of the population and engaging the population in efforts to eliminate torture. The Media Group brings together Coalition members and individual journalists. The Secretariat of the Media Group consists of the Coordinator, three experts and one IT specialist.

In 2016, activities of the Media Group were carried out within the framework of the following projects: "Combatting Torture: Supporting the Coalition of Civil Society Against Torture and Impunity in Tajikistan" funded by the OSCE Office in Tajikistan, "Activities Against Torture in Kazakhstan and Tajikistan" supported by the European Union and "Support of the Coalition of Civil Society against Torture and Impunity in Tajikistan" funded by Sigrid Rausing Trust.

During the annual meeting of the Coalition, held in February 2016, new coordinating organization of the Media Group was elected: Independent Center for the Human Rights (person responsible - Shoira Davlatova).

From January to May 2016, activities to improve the quality of activities carried out by the Media Group were launched: list of members was reviewed and a draft media strategy and work plan for 2016 were developed.

On 4-5 May 2016, the Media Group held an extended meeting to facilitate detailed discussion on the media strategy and the work plan. Campaign strategy dedicated to the International Day to Support the Victims of Torture was also discussed and adopted.

3.6.1. Training on Public Communication Strategies of NGO with the General Public, Media and State Institutions, Almaty, 1-2 February 2016

On 1-2 February 2016, Coalition participated in a seminar on Public Communication Strategies of NGO with the General Public, Media and State Institutions. The training was conducted as part of the project "Protection from Torture in Kazakhstan and Tajikistan. The training provided practical tools and strategies to effectively communicate with diverse audiences on sensitive issues, including on torture. The training also provided advice on best way of formulating recommendations to the authorities. Coalition members who participated in the training had a chance to exchange experience with colleagues from the region and develop tools for their country communication strategies.

3.6.2. Study visit on communication strategies, Almaty, 25-27 February 2016

On 25-27 February 2016, with the financial support of Amnesty International provided as part of the project on institutional development of NGO coalitions from Central Asia, representatives of the Coalition took part in a study visit to Kazakhstan to exchange experience on effective communication strategies. The event was organized by NGO Coalition against Torture of Kazakhstan and included representatives of civil society coalitions working on torture in Tajikistan and Kyrgyzstan. The programme covered the following topics: strategic PR planning for human rights organizations, internet tools for the promotion of NGO work, analysis of data and graphic design, multimedia tools and design of web content for the development of NGO communication strategies, as well as public speaking skills.

Upon completion of the visit all participants were able to draft PR strategies for their coalitions, work with graphic design programmes to use in publications, record and cut videos, organize public speeches.

3.6.3. Training on PR activities of the Coalition in Warsaw, 20-21 September 2016

On 20-21 of September 2016, Media Group took part in the training on PR activities of the Coalition. The event was held in Warsaw and organized by Helsinki Fund for Human Rights within the framework of the project "Action against Torture in Kazakhstan and Tajikistan".

3.6.4. Web page of the Coalition "Freedom from Torture" - www.notorturetj.org

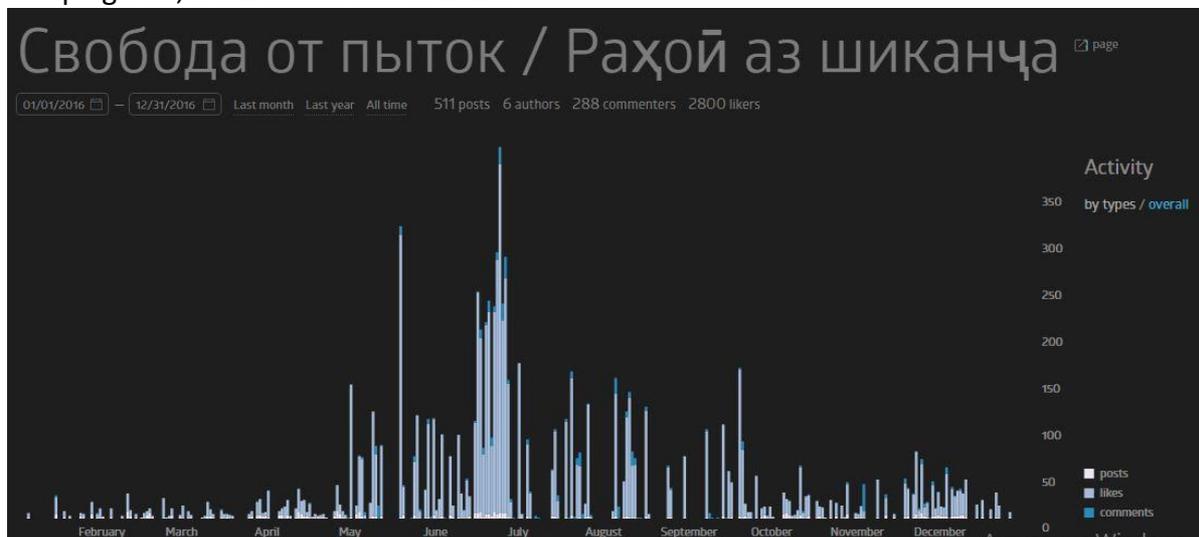
Coalition website is maintained in three languages: Russian, Tajik and English and has been functioning since 2012. In addition, the Coalition is represented in social networks, such as: Facebook, Twitter and Google+. Coalition pages in social networks are updated simultaneously with the updates on the webpage.

In 2016, new domain of the webpage www.notorturetj.org (former address www.notorture.tj) was registered, and the content of the previous website was successfully transferred to the new address.

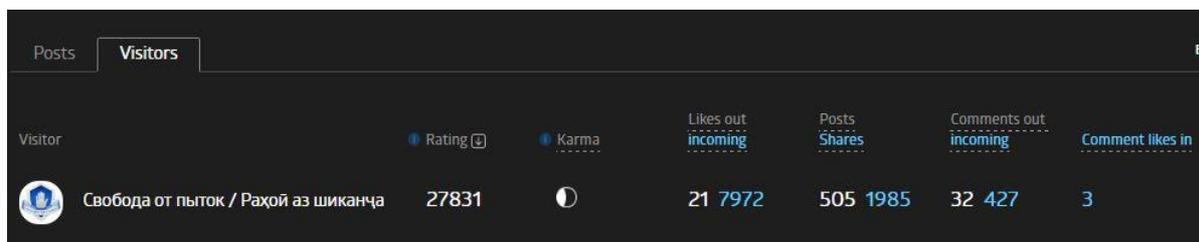
Throughout 2016, 460 news, analytical materials, press reviews, interviews, video and audio materials were published on the website. On top of this, 212 materials in Tajik language and 188 in Russian were translated into English language.

Facebook page of the Coalition was also updated <https://www.facebook.com/officeofcivil/>.

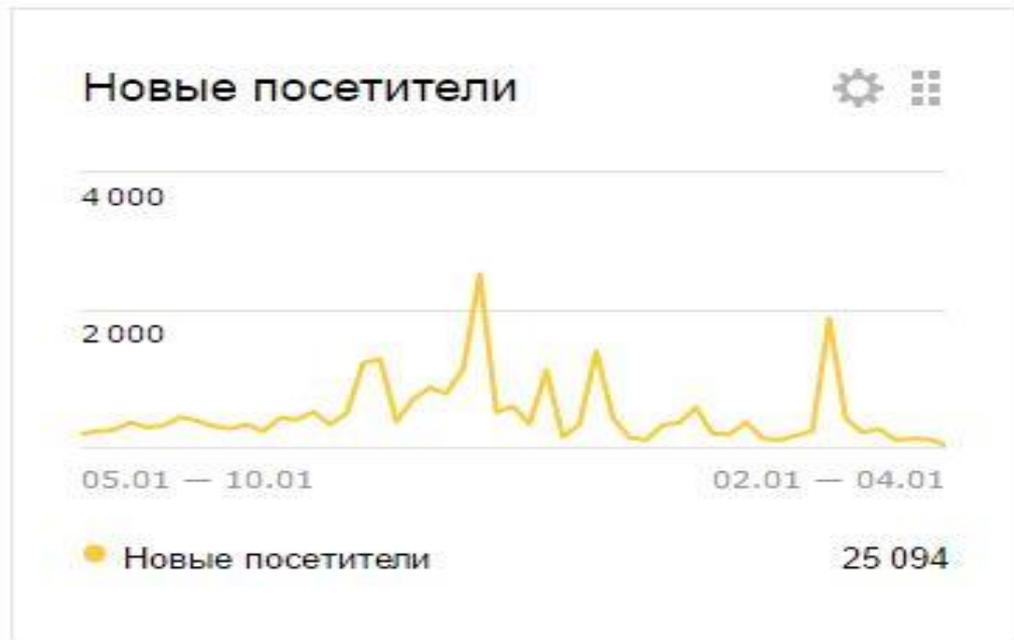
During the reporting period, more than 100 news and links were uploaded on the page. In 2016 advertisement of the Coalition webpage was launched on "Asia Plus" - one of the most popular news pages in the country, and on the Coalition Facebook page. As a result, number of followers of Coalition's Facebook page increased from 465 before the advertising campaign to , 3401 at the end of 2016.



In 2016 number of people who viewed the Coalition Facebook page was 505 198 people. During the campaigns and public events, the total number of views on daily basis increased from 4000 to 6000 people. In addition, 120 to 200 people subscribe to the Coalition group. The rating of the website has increased from 4493 to 27837. Total number of likes for published posts was 21 797 and there were 32 427 comments under the Facebook posts etc.



On average the webpage was viewed 124 445 times throughout 2016, which is 2304 views per week. Since the ads were launched (May-July 2016) the subscription to the web page increased:



3.6.5. Analytical articles, awareness materials, multimedia

During the reporting period 11 analytical materials were published on the web page of the Coalition.

1. Fifth month of investigation: guilty in the death of student in Vahdat are not found, 18.01.2016, <http://www.notorturetj.org/analytics/pyatyy-mesyac-sledstviya-vinovnye-v-smerti-studenta-v-vahdate-ne-vyyavleny>
2. "Anti Torture" Coalitions from three Central Asian countries discussed the situation of torture in Warsaw, 24.09.2016, <http://www.notorturetj.org/analytics/antipytochnye-koalicii-treh-stran-centralnoy-azii-obsudili-v-varshave-situaciyu-s-pytkami>
3. Life and pain of Shahbol, 14.12.2016, <http://www.notorturetj.org/analytics/zhizn-i-bol-shahbola>

During the reporting period 416 information materials were prepared (176 in Russian, 180 in Tajik, 60 in English).

In 2016, the Coalition launched four video materials on the web page of the Coalition in 2016:

1. Two years later. Shahbol is happy to feel his legs again, 08.04.2016, <http://notorture.tj/tj/video/badi-du-sol-shakhbol-az-paydo-shudani-khis-dar-poykhoyash-hushkholi-mekunad-navor>
2. Death of Bahtiyor after five days in the army, 20.04.2016, <http://www.notorturetj.org/tj/news/margi-marmuzi-bahtiyor-badi-5-ruzi-hidmat-dar-artish>
3. Assistance of the Minister for the kidney surgery of Emomiddin, 04.07.2016, <http://www.notorturetj.org/tj/news/kumaki-vazir-baroi-payvandi-gurdai-emomiddin-video>
4. 14 years in prison for Sergeant Taburov for the murder of Bahtiyor (VIDEO), 20.07.2016, <http://www.notorturetj.org/tj/news/14-soli-zindoni-serzhant-taburov-baroi-margi-bahtiyor-dar-artish-video>

3.1.6. Press reviews, press releases, radio broadcasts:

There were 18 press reviews on torture-related developments prepared by the Coalition in 2016 and published in mass media and eight press releases on the activities of the Coalition:

Review for January:

1. Review of the Shahbol's case and murder of military committee staff members, 04.01.2016,

<http://www.notorturetj.org/press/peresmotr-dela-shahbola-i-ubiystvo-sotrudnikov-voenkomata>

Review for February:

2. Sharp decrease with the human rights situation and prolonged investigation, 10.02.2016, <http://www.notorturetj.org/press/rezkoe-uhudshenie-situacii-spravami-cheloveka-i-zatyanuvsheesya-sledstvie>

3. Нигаронӣ аз латукӯб дар дохил ва хориҷи Тоҷикистон, 12.02.2016, <http://www.notorturetj.org/tj/press/nigaroni-az-latukub-dar-dohil-va-horichi-tochikiston>

Review for March:

4. Бозтоби қазияи давомдор ва иқдомҳои нави ҳуқуқӣ, 07.03.2016, <http://www.notorturetj.org/tj/press/boztobi-kaziyai-davomdor-va-ikdomkhoi-navi-khukuki>

5. Outcomes of the activities of the Coalition against Torture during the year and total limitation of freedom in the country, 09.03.2016, <http://www.notorturetj.org/press/itogi-koalicii-protiv-pytok-za-god-i-totalnoe-ogranichenie-svobod-v-strane>

Review for April:

6. Efforts to prevent torture 09.04.2016, <http://www.notorturetj.org/tj/press/kushishkho-baroi-chilavgiri-az-shikancha>

7. "Anti Torture" legislation, army "measles" of Mehrovar and fines for the staff of military commission, 12.04.2016, <http://www.notorturetj.org/press/antipytochnoe-zakonodatelstvo-armeyskaya-kor-mehrovara-i-shtrafy-sotrudnikov-voenkomata>

Review for May:

8. Review of mass media for April 2016: sudden death after 5 days in army and 5 year strategy of the NGO Coalition against Torture, 06.05.2016, <http://www.notorturetj.org/press/obzor-smi-za-aprel-2016-smert-posle-5-dney-v-armii-i-5-letnyaya-strategiya-koalicii-npo-protiv>

9. Military round-ups and the promises of the member of Parliament on compensation for torture, <http://www.notorturetj.org/tj/press/oblava-vadai-vakili-parlumon-va-chubroni-shikancha>

Review for July:

10. Good initiative for the Day in Support of Victims of Torture, 12.07.2016, <http://www.notorturetj.org/tj/press/payki-hush-dar-arafai-ruzi-dastgirii-kurboniyoni-shikancha>

Review for August:

11. Aid from Salimzoda and guidelines from Rahimzoda, 12.08.2016, <http://www.notorturetj.org/tj/press/kumaki-salimzoda-va-dasturi-rakhimzoda>

Review for September:

12. Reaction of the prosecutor to the request of the Coalition Against Torture, 12.09.2016, <http://www.notorturetj.org/tj/press/tavachchukhi-prokuratura-ba-murochiati-etilofi-ziddi-shikancha>

Review for October:

13. Латукӯби рӯзноманигори ҷавон дар сархати ахбори расонаҳо, 10.10.2016, <http://www.notorturetj.org/tj/press/latukubi-ruznomanigori-chavon-dar-sarhati-ahbori-rasonakho>
14. Round table dedicated to effective investigation in compliance with Istanbul Protocol, 24.10.2016, <http://notorturetj.org/news/v-dushanbe-sostoitsya-kruglyy-stol-posvyashchenny-effektivnomu-rassledovaniyu-soglasno>

Review for November:

15. Review of ongoing and new court proceedings, 16.11.2016, <http://www.notorturetj.org/tj/press/oktyabr-inikosi-kaziyakhoi-davomdor-va-nav>
16. Press release: 14 real stories of the victims of torture in Tajikistan, 24.11.2016, <http://notorturetj.org/news/press-reliz-14-realnyh-istoriy-o-zhertvah-pytok-v-tadzhikistane>

3.1.7. Campaign “Support to the victims of torture” dedicated to the international day for combat against torture

On 15 of June 2016 the campaign “*Support the victims of torture! Stop impunity!*” was launched. As part of the event, 17 testimonies of victims of torture were published in Russian, Tajik and English languages on 26 June, the International Day in Support for Victims of Torture. Later on the campaign was supported by the editorial of the Asia Plus and on daily basis new stories of victims of torture were published. The amount of views during the campaign reached 175,449, with 645 re-posts.

During the campaign the following statistics on viewing of specific torture cases was recorded:

№	Name, surname	Facebook page			Asia Plus	Reposts	Total
		Rus.	Taj.	Eng.			
1.	Shamsiddin Zaidulloev	4,616	489	242	3547	14	8,894
2	Shahbol Mirzoev	3,072	2,556	346	3,231	26	9,521
3	Firdavs Rahmatov	6,972	669	227	5,307	43	13,175
4	Dilshodbek Murodov	3,355	2,373	-	6,468	23	12,196
5	Akmal Davlatov	4,340	4,203	-	4,787	30	13,330
6	Safarali Sangov	3,050	3,654	445	4,552	34	11,701
7	Khamza Ikromzoda	4,097	2,937	627	3,203	23	10,864
8	Khurshed Bobokalonov	1,337	2,912	2971	4,086	65	11,306

9	Umar Bobojonov	17,747	1,655	-	-	115	19,402
10	Abduvahob Kayumov	5,300	4,616	864	3,767	48	14,547
11	Ismail Bachajonov	2,424	1,872			18	4,296
12	Bahromiddin Shodiev	5,214	3,216			31	8,430
13	Farrukhjon Khaitaliev	6,788	5,820	928		79	13,536
14	Maksud Nosirov	3,113	3,054	734		30	6,901
15	Ismonboy Boboev	3,145	2,444			20	5,589
16	Parviz Dustmatov	5,577	2648			32	8,225
17	Uktamjon Igamov	1,811	1,925			14	3,736
	Total:					645	175,449

On the last day of the campaign, all stories that were previously published on the web page and Facebook page were aggregated into a single briefing, which was viewed by 4,935 people.

Video on social awareness about torture for regional use was prepared by media experts from Kazakhstan's International Bureau on Human Rights and Rule of Law. The video was funded by the project "Action against Torture in Kazakhstan and Tajikistan". The video was broadcasted and dubbed into Tajik language. Within the framework of the 26 June campaign, passengers of taxis in Dushanbe (No. 2,16, 25 and 46) were able to watch the video between 20-26 June.

From 24 to 26 June, 2016, large monitors in Dushanbe, located next to Hotel "Tajikistan", Office of TV "Safina" and the monument of Ismoil Somoni, broadcasted videos with subtitles in Tajik and Russian languages. The focus of the videos was on the principle of Article 5 of the Universal Declaration of Human Rights and Freedoms "No one should be subjected to torture and ill-treatment."

Photo exhibition presenting situation of relatives of victims of torture was launched in June 2013, when it was first organized by PO "Bureau on Human Rights and Rule of Law" in Dushanbe on the eve of the International Day for the Protection of Victims of Torture. Nine photo stories were presented during the photo exhibition. Six of them are based on the high profile cases of Khamzali Ikromzod, Khurshed Bobokalonov, Bahromiddin Shodiev, Safarali Sangov, Ismoil Bachajonov and Dilshodbek Murodov, who died in detention. The photo exhibition was dedicated to the courage and resilience of relatives who lost their loved ones as a result of cruelty and torture. Since 2013, the photo exhibition is updated with additional individual stories.

In 2016, 17 new stories of victims of torture and members of their families were selected in consultation with members of LAG. Photo sessions of the victims of torture and their

families were organized, and factual information was compiled. The stories of victims of torture were translated into Tajik and English and presented during the exhibitions. Photo exhibition was held on 24 June, 2016 in Kurgan-Tube and Khujand, where representatives of public authorities, civil society institutions, and international organizations took part.

3.1.8. Book “Broken destinies, taken lives”

The documentary book "Broken destinies, taken lives" was developed by PO “Bureau on Human Rights and Rule of Law”, and it describes eight real stories of victims of torture and ill-treatment in Tajikistan. The book is devoted to the memories of relatives about their sons and husbands who were subjected to torture by state agencies.¹³ Despite many obstacles and expectations, they believe in justice and seek legal retribution for the perpetrators.

In 2016, the book was supplemented with new stories of victims of torture and ill-treatment in Tajikistan, registered by the Coalition. The new version includes both previous stories from the first edition and six new stories that occurred during the period 2014-2015, including the stories of Abduvahob Kayumov, Parviz Dustmatov, Umar Bobodjonov, Shahbol Mirzoev, Firdavs Rahmatov and Shamsiddin Zayduloev.

The book "Broken destinies, taken lives" was written in 3 languages (Russian, Tajik, English) and published in the framework of the project "Activities to combat torture in Kazakhstan and Tajikistan" with the financial support of the European Union and the OSCE Office in Tajikistan.

3.1.9. Event dedicated to International Human Rights Day

Prior to the International Human Rights Day, that is celebrated annually on 10 December, the Coalition issued updated stories from the book “Broken destinies, taken lives...”¹⁴. New stories were published on a daily basis since 24 November at the web page of the Coalition www.notorture.tj.org, as well as on the Coalition Facebook page and other social networks. The campaign ended by 10 December and the very same day the stories were published online in a timeline format.¹⁵ The press release¹⁶ informing on the launch of the campaign was sent to all media groups.

The stories used for the campaign: Story №1: Khurshed Bobokalonov¹⁷, Story №2: Ilhom Ismanov¹⁸, Story №3: Safarali Sangov¹⁹, Story № 4: Bahromiddin Shodiev²⁰, Story №5: Ismoil

¹³ The text of the book in three languages is available at

http://www.humanrts.tj/public/userfiles/Library/FULL_BOOK_web.pdf

¹⁴ Update of the book was possible with the financial support of the European Union, within the framework of the project “Activities to combat torture in Kazakhstan and Tajikistan”

¹⁵ <http://www.notorture.tj.org/news/kompaniya-14-realnyh-istoriy-o-zhertvah-pytok-zavershena-v-mezhdunarodnyy-den-prav-cheloveka>

¹⁶ <http://www.notorture.tj.org/en/news/press-release-14-true-stories-victims-torture-and-ill-treatment-tajikistan>

¹⁷ <http://notorture.tj.org/news/istoriya-no1-hurshed-bobokalonov>

¹⁸ <http://notorture.tj.org/news/istoriya-no2-ilhom-ismanov>

Bachajonov²¹, Story №6: Dilshodbek Murodov²², Story №7: Ismonboy Boboev²³, Story №8: Khamzali Ikromzoda²⁴, Story №9: Abduvahob Kayumov, Story №10: Parviz Dustmatov²⁵, Story №11: Umar Bobojonov²⁶, Story №12: Shahbol Mirzoev²⁷, Story №13: Firdavs Rahmatov²⁸, Story № 14: Shamsiddin Zaidulloev²⁹.

Since 24 November 2016, 14 stories from victims of torture were published on the Facebook in Russian, English and Tajik languages. Later on, with the support from partner information agencies, such as Asia Plus, Ozodi, Ozodagon and Farajh audio/video materials on victims of torture were prepared. Below are links to some of them:

- Who is liable for the lives of our children?, VIDEO, <http://www.ozodi.org/a/victims-of-torture-stories/28161216.html>
- Stories of 14 victims of torture in Tajikistan. <http://www.ozodagon.com/28499-etilofi-ziddi-shikana-14-issai-urbonieni-shikanaro-nashr-kard.html>
- Coalition against Torture and Impunity in Tajikistan has launched the campaign on disseminating the stories of victims of torture <http://faraj.com.tj/security/5669-slomannye-sudby-otnyatye-zhizni.html>

3.1.10. TV and Radio programmes dedicated to torture prevention

In 2016, six radio and television programs on the prevention of torture and ill-treatment were organized and conducted.

On 25 February 2016, Executive Director of the “Civil Liberties Office”, Dilrabo Samadova, took part in a live broadcast of the Asia-Plus radio station (107 FM), where the issue of military conscription and the problem of "hazing" were discussed.

On 25 February 2016, the lawyer-consultant of the “Civil Liberties Office”, Ataev Kayum, took part in an online broadcast on the Diyor television channel, where issues of registration for military conscription and procedures for appeals were discussed.

¹⁹ <http://notorture.tj.org/news/istoriya-no3-safarali-sangov>

²⁰ <http://notorture.tj.org/news/istoriya-no4-bahromiddin-shodiev>

²¹ <http://notorture.tj.org/news/istoriya-no5-ismoil-bachadzhonov>

²² <http://notorture.tj.org/news/istoriya-no6-dilshodbek-murodov>

²³ <http://notorture.tj.org/news/istoriya-no7-ismonboy-boboev>

²⁴ <http://notorture.tj.org/news/istoriya-no8-hamzali-ikromzoda>

²⁵ <http://notorture.tj.org/news/istoriya-no10-parviz-dustmatov>

²⁶ <http://notorture.tj.org/news/istoriya-no11-umar-bobodzhonov>

²⁷ <http://notorture.tj.org/news/istoriya-no12-shahbol-mirzoev>

²⁸ <http://notorture.tj.org/news/istoriya-no13-firdavs-rahmatov>

²⁹ <http://notorture.tj.org/news/istoriya-no-14-shamsiddin-zaydulloev>

On 25 March 2016, Vatan radio station (106 FM) hosted an hour-long broadcast with the participation of Gulchekhira Rakhmanova, coordinator of the Rehabilitation Group for the victims of torture and members of their families of the Coalition against Torture. Project experts - psychologist Nafisa Yunusova and the therapist Takhmina Saidova took part in the programme. The trainees learned how the system for providing rehabilitation services to victims of torture and their families functions, and who can use this help.

On 15 April 2016, from 10:00 to 11:00 Vatan radio station (106 FM) hosted Executive Director of the "Civil Liberties Office", Dilrabo Samadova, who answered questions military conscription. The theme was raised again in connection with the launch of seasonal conscription campaign (April-May).

On 25 May 2016, Vatan radio station (107 FM) hosted Najiba Shirinbekova, coordinator of the Legal Aid Group, who provided general information on the structure and methods Coalition's legal assistance. Lawyer Saymumin Kabirov provided information on national mechanisms and procedures for the protection of victims of torture, lawyer Gulchekhira Holmatova, member of the PO Bureau on Human Rights and Rule of Law, told about compensation for moral and material damage to victims of torture and their relatives, and lawyer Dilshod Juraev spoke about problems of ill-treatment in the army.

On 17 September 2016 "Vatan" radio station (107 FM) hosted Parvina Navruzova coordinator of the project to promote the Istanbul Protocol implemented by the NGO "Human Rights Center". She spoke on the role of medical professionals in documenting the facts of torture and ill-treatment, the importance of Istanbul Protocol in effective investigation of such facts.

3.7.AWARENESS ACTIVITIES

3.7.1. Awareness meetings, dedicated to the activities of the Coalition

In order to enhance awareness on the activities of the Coalition and disseminate the contact information for complaints on torture, networking with newly established associations of lawyers and to attract additional partners to the activities against torture, series of awareness meetings were carried out in 2016 in Khatlon, Sogd provinces and GBAO. The Coalition was represented by the members of LAG and RG, as well as representatives of Coalition member organizations and lawyers.

The meetings were carried out on 12 and 14 April in Kulyab and Kurgan Tube of Khatlon province, 11 May in Khujand of Sogd province and 19 July in Khorog, GBAO. Representatives of mass media, NGOs, local public councils under the Ministry of Internal Affairs on police reform, lawyers, representatives of HRO took part in the sessions.

In total 101 people took part in the meetings, including:

- representatives of mass media: 11 people,
- representatives of the Public Council on Police Reform: 3 people,
- lawyers: 35 people,
- representatives of crisis center for victims of domestic violence: 3 people,
- NGO: 28 people,

- HRO: 2 people,
- state bodies: 5 people;
- representatives of academia: 3 people.

Meeting in GBAO was carried out with participation of state bodies: Prosecutor Office, Drug Control Agency, the Main Department for execution of criminal penalties of the Ministry of Justice.

During the meetings, the Coalition presented on its activities, introduced its working groups, as well as specific activities such as protection of the rights of servicemen and issues of compensation to the victims of torture for moral damages. During the discussions the participants noted that instigation of torture remains a very sensitive issue and not all the lawyers are ready to work on such cases. Heads of associations of lawyers emphasized the importance of teaching lawyers on standards for torture investigations. Representatives of academia noted the importance of cooperation with state bodies and to train representatives of law enforcement.

3.7.2. Pocket books on rights of detained

The Coalition, together with the HRO office designed a pocket book/leaflet in form of questions and answers. There were 500 copies printed in Tajik and disseminated amongst the staff of law enforcement bodies, persons applying to LAG for support, Coalition and legal aid centers of HRO.

3.7.3. Awareness sessions on rights of detainees for the staff of law enforcement bodies

Awareness-raising sessions were conducted within the framework of the project implemented by the Public Fund Notabene - "Action against Torture in Kazakhstan and Tajikistan". The sessions were carried out from 20 November to 10 December 2016, and targeted the staff of departments of internal affairs. The aim was to:

- provide information on key standards of the right to freedom from torture and personal integrity, rights of arrested and detained;
- discuss amendments to the legislation of the Republic of Tajikistan on rights of detained individuals;
- present Coalition's activities on monitoring detention facilities in order to help prevention of torture;
- present Coalition's work related to prevention of domestic violence (during the awareness sessions in Sogd province);
- discuss police reform process (during the awareness sessions in GBAO).

In total, 13 awareness sessions were carried out jointly by HRO and PO Bureau on Human Rights and Rule of Law with the support of Ministry of Internal Affairs. Meetings in GBAO were carried out by the NGO "Association of lawyers of Pamir" with the Public Council on Police Reform. Awareness-raising session in Sogd province was carried out by NGO "Human Rights Center" upon written request of the Department of Internal Affairs of Sogd province.

In total, 18 awareness sessions were carried out. Awareness sessions were taking place at the Department of Internal Affairs in Dushanbe, four district departments in: Dushanbe and DRS, Khorog, Rushan and Shugnan of GBAO province, Kulyab and Kurgan Tube of Khatlon province, Khujand and Isfara of Sogd province. Below is detailed calendar of the meetings:

- 22 November DIA Dushanbe;
- 22 November DIA Somoni District Dushanbe;
- 23 November DIA Shohmansur District Dushanbe;
- 25 November DIA Sino District Dushanbe;
- 25 November DIA Firdavsi District Dushanbe;
- 26 November DIA of Khorog, GBAO;
- 28 November of Shugnan District, GBAO;
- 29 November DIA of Rushan District, GBAO;
- 30 November, DIA Vahdat;
- 1 December DIA of Kulyab, Khatlon province;
- 3 December, DIA of Kurgan Tube, Khatlon province;
- 5 December DIA of Khujand, Sogd Province;
- 5 December, DIA of Isfara, Sogd province.

In addition, on 24-25 November, two information seminars were organized for 40 police officers from cities and districts of Sogd province (Asht, Isfara, Devastich, Buston, Istaravshan, Guliston, Khujand, B.Gafurov, Mastchokh, Zafarabad, Spitamen).

In total 434 people took part in the information sessions, of which: the employees of the internal affairs departments - 422 people (investigators, criminal investigation officers, district inspectors, duty officers and juvenile inspectors, staff members of domestic violence departments), two representatives of the HRO in Sogd province, two representatives of the HRO from Khatlon province.

The experts were represented by the Head of the Civil and Political Rights Department of the HRO - Husniddin Nidoyev and the representative of the PO Bureau on Human Rights and Rule of Law - lawyer Gulchekhra Holmatova. In GBAO, Coalition experts were represented by NGO "Pamir Association of Lawyers", members of the Public Council for the Police Reform in GBAO Lyubov Shukrikova and Tojiddin Mamadshoev.

The following issues were covered during the sessions: the procedure for arrest, rights of arrested individuals, registration of the arrest in the log book, medical examination, procedure for compiling the arrest protocol etc.

The amendments and additions to the Criminal Procedure Code of the Republic of Tajikistan and the Law "On Procedure for Arrest of Suspects, Accused and Defendants" from 2016 were outlined. These legislative changes were adopted in response to the recommendations of the UN bodies and aimed at the prevention of torture and ill-treatment in the criminal justice system. The amendments to the Criminal Procedure Code in particular provide for a mandatory medical examination before placing a suspect in temporary detention facility

with the aim of determining the state of health. In the meantime, the lawyer can request independent examination.

Representative of the HRO, Mr. Nidoyev made a presentation on the visits to closed institutions by the Monitoring Group under the HRO, in particular temporary detention facilities of the Ministry of Internal Affairs and the Ministry of Justice detention center. He also covered the activities of the HRO, as well as the procedure designed for the members of the monitoring group in documenting complaints on torture from the detention facilities. The participants of the meetings received information on the police reform in GBAO. They also received information on key international standards related to arrest and detention under criminal proceedings, including the right to freedom from torture and the prohibition of arbitrary detention, the right to be informed on the reasons for the detention and charges, the right to be informed on about rights at the time of arrest, the right to a lawyer, the right to adequate time and conditions for the preparation of defense, the right not to be held incommunicado, the right to challenge the lawfulness of detention, the right to a trial within a reasonable time, etc.

Participants were particularly interested, among other things, on the requirements in the national legislation on the authority of officials to use weapons and the safeguards of the rule of law, based on basic international standards and other regulations such as the Code of Conduct for Law Enforcement Officials, and principles of protection of all persons subjected to detention or imprisonment in any form.

Participants were interested in the activities of the Coalition. Many questions concerning the investigation of torture and ill-treatment and definition of torture were raised. The participants raised questions on the working conditions of the employees of the internal affairs bodies. During the discussions, participants drew the attention of experts to the fact that the leadership of the Ministry of Internal Affairs of Tajikistan pays great attention to the prevention of torture and ill-treatment in the Ministry of Internal Affairs, this issue is raised practically during all the meetings of the management and employees of the Ministry of Internal Affairs.

Participants in GBAO were active during the discussion on the issues of implementation of human rights during the arrest, detention, rights of the detainee in the context of the Joint Instruction on Detention. All the information sessions were attended by the heads of the district and city departments of the departments of internal affairs. They outlined the importance of torture prevention to their staff, particularly issues related to detention procedures and standards for investigation of torture. During the discussions it was clear that the vast majority of the participants took part in such event for the first time.