



TAJIKISTAN
Stakeholder Report for the United Nations Universal Periodic Review

Submitted by The Advocates for Human Rights,
a non-governmental organization in special consultative status
and
The World Coalition Against the Death Penalty

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Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 160 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

I. EXECUTIVE SUMMARY

1. This report addresses Tajikistan's compliance with human rights obligations regarding its use of the death penalty. During its last Universal Periodic Review in 2016, Tajikistan accepted all recommendations regarding abolition of the death penalty and accepted the majority of recommendations relating to the eradication of torture and ill-treatment, improvements to inhumane detention conditions, and protection of legal rights—including the right to counsel and fair trial—for persons accused of crimes. Tajikistan has taken no meaningful steps to implement these recommendations. It has not ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights. The UN Human Rights Committee and Committee Against Torture, as well as numerous non-governmental organizations, have noted consistent reports of torture, inhumane detention conditions, deaths in custody, and unfair criminal legal proceedings.

II. BACKGROUND AND FRAMEWORK

A. The 2016 Universal Periodic Review of Tajikistan

2. During its last Universal Periodic Review in 2016, Tajikistan received 203 recommendations in total. It fully supported 117 recommendations, 16 of which directly addressed abolition of the death penalty and ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights. Tajikistan has not abolished the death penalty or ratified the Second Optional Protocol to the International Covenant on Civil and Political Rights.

1. *Abolish the death penalty*

Status of Implementation: Accepted, Not Implemented

3. In the 2016 UPR, Tajikistan stated: “At present, two options for the abolition of the death penalty are being considered: complete abolition by means of a constitutional amendment, and abolition without such an amendment retaining the possibility of applying capital punishment in time of war.”¹ It also stated that laws suspending the death penalty and placing a moratorium on the death penalty had come into full force and that its Criminal Code had introduced a prison-term limit of 20 years.² It also stated the “abolition of the death penalty would take place gradually and would involve addressing issues of an administrative, financial and legal nature.”³
4. These statements notwithstanding, Tajikistan received 16 total recommendations relating to the death penalty. Five countries recommended that Tajikistan abolish the death penalty.⁴ Six countries recommended that Tajikistan abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁵ And five countries recommended that Tajikistan ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁶ Tajikistan accepted all of these recommendations, but has made no progress toward abolition of the death penalty or toward ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights.⁷

2. *Torture and ill-treatment*

Status of Implementation: Accepted, Partially Implemented

5. Tajikistan stated it “had been implementing a policy of zero tolerance with respect to torture” and that several measures had been implemented to combat torture.⁸ It stated “[l]egal measures had been taken to apply heavier penalties for the use of torture” and that a “monitoring group, comprising representatives of State bodies and non-governmental organizations had been established to prevent cases of torture.”⁹ Tajikistan reported that regular inspections by its Public Prosecutor “had resulted in a reduction in complaints regarding the use of torture.”¹⁰ It also stated the country was “taking all necessary measures to effectively combat torture and cruel treatment, particularly in places of detention” and that it had established a “permanent monitoring group” within its Office of the Ombudsman for Human Rights.¹¹
6. Tajikistan received 16 recommendations relating to torture. Seven countries recommended Tajikistan take efforts to eliminate torture, raise awareness to combat torture, adequately investigate allegations of torture, and implement national mechanisms to prevent torture, all of which Tajikistan accepted.¹² Tajikistan noted nine recommendations calling for similar actions and, additionally, for the ratification of the Optional Protocol to the Convention against Torture.¹³ Tajikistan has partially implemented these recommendations.

3. *Detention conditions and deaths in custody*

Status of Implementation: Partially Accepted, Not Implemented

7. Tajikistan received five recommendations related to detention conditions and deaths in custody. It accepted four recommendations that it improve prison capacity, monitor detention centers, ensure detainees are afforded fundamental legal and procedural safeguards, and ensure prompt investigation into all deaths in custody.¹⁴ Tajikistan noted Germany’s recommendation that it grant full and independent detention center access to the International Committee of the Red Cross.¹⁵ Tajikistan has not implemented these recommendations.

4. *Ensure due process and fair trials*

Status of Implementation: Accepted, Not Implemented

8. Tajikistan received four recommendations to ensure and respect the right to fair trials,¹⁶ four recommendations relating to the strengthening and independence of the judiciary,¹⁷ and four recommendations to protect lawyers and the free exercise of their professional duties.¹⁸ Tajikistan accepted 11 of these recommendations, but has not implemented them.

B. Domestic Legal Framework

9. Article 18 of the Constitution of Tajikistan provides:

Everyone shall have the right to life. No one shall be deprived of life except by order of the court for especially grave crimes. The state shall guarantee the inviolability of a person. No one shall be subjected to torture, punishment, and inhuman treatment. . . .¹⁹

10. Offenses for which the law provides for death penalty in Tajikistan are aggravated murder,²⁰ terrorism-related offenses resulting in death,²¹ terrorism-related offenses not resulting in death,²² rape not resulting in death,²³ war crimes, crimes against humanity, and genocide.²⁴ Tajikistan is abolitionist de facto with regard to the death penalty; it

imposed an official moratorium on the death penalty in 2004 and has not carried out any executions since that time.²⁵ There have been no people on death row during the reporting period.²⁶ Tajikistan has supported recommendations to abolish the death penalty and sign or ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. It has not, however, taken any official steps to abolish the death penalty or sign or ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights.²⁷

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Right or area 2.1. Acceptance of international norms

11. In the 2016 UPR, Tajikistan accepted multiple recommendations that it sign or ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights. It has taken no cognizable steps towards doing so.²⁸ Tajikistan has not signed or ratified the Optional Protocol to the Convention against Torture.

Right or area 12.4. Death penalty

12. Tajikistan does not limit the death penalty to the most serious crimes. As noted in paragraph 10, crimes eligible for the death penalty include crimes in which the accused person did not kill or intend to kill, such as rape and certain terrorism-related offenses.
13. The Human Rights Committee, in its August 2019 concluding observations on Tajikistan, expressed concern that “the broad and vague definitions of terrorism . . . [and] extremism . . . may lead in practice to arbitrariness and abuse.”²⁹ Terrorism is a death penalty-eligible offense. The government of Tajikistan consistently designates political opposition groups (such as the Islamic Renaissance Party) and religious minorities as terrorist groups and has blamed incidents, such as prison uprisings, on terrorist or “extremist” groups.³⁰
14. Despite assurances during the interactive dialogue during the second cycle UPR,³¹ and despite acceptance of recommendations that it ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, Tajikistan has taken no steps towards de jure abolition of the death penalty.³² In its concluding observations on the third periodic report of Tajikistan, the Human Rights Committee noted “the lack of progress made towards the abolition of the death penalty de jure and the accession to, or ratification of, the second Optional Protocol to the Covenant, aiming at the abolition of the death penalty (art. 6).”³³

Right or area 12.5. Prohibition of torture and cruel, inhuman or degrading treatment

15. Amnesty International reports that torture and ill-treatment continue to be pervasive in Tajikistan, despite ongoing reforms.³⁴ There have been “reports of beatings, torture, and other forms of coercion to extract confessions during interrogations” and a “culture of impunity and corruption weakened investigations and prosecutions.”³⁵
16. Torture pervades all aspects of criminal proceedings. It is used to obtain confessions, such as in the case of Saidmurod Abdurahmonov, Madadsho Yatimov, and Ibrokhim Kakhhorov, all of whom were arrested and tortured to obtain confessions for the unsolved murder of an official.³⁶ Torture has also been used to extract confessions from political opponents, such as members of the now-banned Islamic Renaissance Party (IRPT).³⁷

Although the law provides that confessions obtained by torture are inadmissible as evidence of guilt, courts do not implement this law in practice.³⁸

17. Detainees are routinely subjected to torture and inhuman treatment.³⁹ According to reports, detention center officials regularly subject imprisoned human rights lawyer, Buzurgmekhy Yorov, who defended members of the IRPT, to beatings.⁴⁰ Deputy leader of the IRPT, Mahmatali Hayit, who was sentenced to life imprisonment, told his wife he was tortured on a regular basis and showed her injuries inflicted by prison officials.⁴¹ Tajikistan has not granted sufficient access or information to international bodies or local human rights organizations to investigate allegations of torture, particularly allegations relating to opposition political figures and human rights lawyers.⁴²
18. In its August 2019 review of Tajikistan, the Human Rights Committee expressed concerns about “continued reports of torture or ill-treatment of persons deprived of their liberty, particularly for the purposes of extracting confessions, including against human rights defenders and political opponents . . . [and] the absence of an independent mechanism to investigate all allegations of torture or ill-treatment and the low number of investigations and prosecutions.”⁴³ Most victims of torture choose to remain silent rather than file reports and risk official retaliation,⁴⁴ leading to what the Committee Against Torture—in June 2018—termed a “culture of impunity.”⁴⁵
19. Corruption has weakened investigations into allegations of torture, and the State’s Office of the Ombudsman rarely investigates complaints of torture and other human rights violations.⁴⁶ The Committee Against Torture reported that “only four individuals had been criminally convicted of torture under Article 143(1) of the Criminal Code [of Tajikistan] and none of the sentences received by those individuals had exceeded three and a half years’ imprisonment.”⁴⁷ It also expressed “serious[] concern[] at the low proportion of criminal investigations opened into [allegations of torture] compared to the number of complaints about torture and ill-treatment.”⁴⁸ The Committee found the “Criminal Code of [Tajikistan] continues to provide for inappropriately low penalties for torture.”⁴⁹ The maximum term of imprisonment for torture is five years, though Tajikistan indicated to the Committee that it was considering increasing the maximum penalty to eight years.⁵⁰ Currently, the Tajikistan Criminal Procedure Code article 143(1) allows prosecutors to terminate investigations into torture “on the basis of repentance, conciliation with the victim [or] change of circumstances.”⁵¹ Torture is also subject to a statute of limitations.⁵²

Right or area 12.6. Conditions of detention

20. Human Rights Watch reports that conditions in prisons “remain abysmal,” with regular reports of torture and ill-treatment.⁵³ People in detention have reported “harsh and life-threatening conditions, including extreme overcrowding and unsanitary conditions.”⁵⁴ The Human Rights Committee voiced concerns about “overcrowding, the poor material conditions of detention, the high incidence of tuberculosis and HIV/AIDS among inmates and the lack of medical care . . . the reported use of . . . secret punishment cells . . . to subject inmates who have violated prison rules to physical abuse and degrading or humiliating treatment . . . [and] the harsh conditions of detention imposed on prisoners sentenced to life imprisonment through a special prison regime.”⁵⁵ Authorities have denied the existence of COVID-19 in detention facilities and have not introduced any measures to limit the spread of the virus.⁵⁶

21. In 2018 and 2019, numerous prisoners died in custody, including three senior IRPT members: Kurbon Mannonov, Nozimdshon Tashirpov and Ismonboy Boboev.⁵⁷ Two separate prison riots resulted in the deaths of 21 and at least 29 inmates at detention facilities in Khujand (November 2018) and Vahdt town (May 2019), respectively.⁵⁸ “Independent observers claimed that both riots were the result of the systemic torture and ill-treatment of prisoners.”⁵⁹ In July 2019, another 14 prisoners—most of whom were imprisoned on charges of terrorism and extremism—died under suspicious circumstances while being transported between detention facilities.⁶⁰ Authorities claimed the prisoners died of food poisoning, however, human rights organizations suggested overcrowding, high temperatures, poor ventilation, and inadequate food and water may have been the cause.⁶¹ The deceased were quickly buried, though relatives reported seeing bruises and other evidence of torture on the bodies of the victims.⁶² The Human Rights Committee expressed concerns at “the lack of information on any prompt, independent and impartial investigations” of these incidents.⁶³ The Committee Against Torture expressed concern at “the large number of cases in which the penitentiary authorities have not issued reports on the causes of death in custody.”⁶⁴
22. Although Tajikistan has established a Monitoring Group to visit detention facilities, the Monitoring Group does not have access to all places of detention and is not given access to specific detainees or permitted to follow up with detainees or relatives who complain of torture or ill-treatment.⁶⁵ Non-governmental organizations and the International Committee of the Red Cross are not allowed to monitor detention facilities.⁶⁶

Right or area 15.1. Administration of justice & fair trial

23. Corruption and inefficiency are reported to be “significant problems” in the criminal legal system.⁶⁷ Although defendants are afforded the presumption of innocence in theory, they are not afforded that presumption in practice.⁶⁸ Indeed, the acquittal rate for criminal defendants is approximately 0.1 percent.⁶⁹
24. The Human Rights Committee expressed concern that the judiciary is not fully independent, owing to: “the role of and influence exerted by the executive and legislative branches; the criteria for selection, appointment, reappointment and dismissal of judges, and the lack of security of tenure of judges.”⁷⁰ The Committee also noted “allegations of unfair trials, including violations of equality of arms . . . a bias in favour of the prosecution, violation of the presumption of innocence . . . unfair trials, closed to the public . . . and closed trials in cases not involving national security charges.”⁷¹
25. In 2017, Amnesty International reported that, since the introduction of the Advokatura Advocates’ Activities Act in 2015—which required all lawyers to retake the bar exam to retain their licenses⁷²—the number of licensed lawyers had fallen from over 1200 to 600.⁷³ The Human Rights Committee expressed concerns about the insufficient number of lawyers (a ratio of 1:13,000).⁷⁴
26. The Human Rights Committee and Committee Against Torture have noted that human rights lawyers and lawyers who take up politically sensitive cases, such as Buzurgmekhr Yorov, Nuriddin Makhkamov, Shukhrat Kudratov, Jamshed Yorov and Muazzamakhon Kadirova, are themselves subject to harassment and imprisonment.⁷⁵ Lawyers who took cases related to national security, counter-terrorism, and charges of extremism faced harassment, intimidation, ill-treatment, arbitrary arrest and prosecutions on politically motivated charges.⁷⁶ Government-appointed lawyers frequently provide poor and counterproductive defenses of criminal defendants.⁷⁷

IV. RECOMMENDATIONS

27. This stakeholder report suggests the following recommendations for the Government of Tajikistan:

- Immediately abolish the death penalty.
- Establish and publish a clear timeline with concrete steps to accomplish abolition of the death penalty and accession to, or ratification of, the Second Optional Protocol to the International Covenant on Civil and Political Rights by 2026.
- Ensure that at all stages of judicial proceedings, each person accused of a death-eligible crime is represented by competent counsel with experience in similar cases, and ensure equality of arms between prosecution and defense in these proceedings.
- Ratify the Optional Protocol to the Convention against Torture.
- Amend existing laws banning torture to enhance penalties to reflect the severity of the crime, eliminate the statute of limitations for torture, ensure prosecutors are not permitted to drop such charges when the evidence suggests torture or ill-treatment has occurred, and eliminate amnesty for perpetrators of torture and ill-treatment.
- Issue guidelines and conduct trainings on the steps judges must take when a defendant alleges that evidence was obtained under duress, including investigating all credible allegations and taking immediate steps to protect individuals alleging torture or ill-treatment from retaliation, and barring consideration of evidence obtained under duress in any criminal proceeding except a proceeding to hold the alleged perpetrator of torture or ill-treatment accountable.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who are charged with crimes that are eligible for the death penalty.
- Improve detention conditions to ensure compliance with the Nelson Mandela Rules, particularly with respect to food, health care, sanitation, torture and ill-treatment, and overcrowding.
- Allow non-governmental organizations and international groups—including the International Committee of the Red Cross—independent access to all places of detention and grant such organizations the ability to conduct private interview of individuals in detention about allegations of torture and abuse.
- Amend existing laws and practices to allow the Monitoring Group unrestricted access to detention facilities and people in detention who allege torture or ill-treatment.
- Enact legislation ensuring the independence of the judiciary from both executive and legislative branches, and ensuring higher pay to judges as a means of counteracting corruption.
- Ensure prompt investigation by an independent body of any allegations that lawyers are subject to harassment, intimidation, ill-treatment or arbitrary detention based on the clients they represent or the cases they take up, enact concrete measures to prevent future such reprisals targeting lawyers.

¹ Human Rights Council, *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21: Tajikistan*, (8 February 2016), A/HRC/WG.6/25/TJK/1 ¶ 19.

² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 10.

³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 10.

⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.46 Fully abolish the death penalty (Italy); ¶ 115.47 Fully abolish the death penalty, without delay (Lithuania); ¶ 115.48 Completely abolish the death penalty (Slovakia); ¶ 115.49 Abolish the death penalty (Costa Rica); ¶ 115.50 Eliminate the death penalty in all circumstances (Honduras); ¶ 115.51 Following the moratorium in force since 2004, undertake further measures to fully abolish the death penalty (Georgia).

⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.52 Formally abolish the death penalty for all cases and under all circumstances, as well as ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Portugal); ¶ 115.53 Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (France); ¶ 115.54 Abolish the death penalty in law and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia); ¶ 115.55 Proceed to a de jure abolition of the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Belgium); ¶ 115.56 Establish the abolition of the death penalty through the ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights (Spain); ¶ 115.57 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and abolish the death penalty without delay (Germany).

⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.9 Sign and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Turkey); ¶ 115.10 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro); ¶ 115.11 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (Slovenia) (Paraguay); ¶ 115.12 Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Uruguay).

⁷ Human Rights Committee, *Concluding observations on the third periodic report of Tajikistan*, (22 August 2019), U.N. Doc. CCPR/C/TJK/CO/3 ¶ 27.

⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 10.

⁹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 67.

¹⁰ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 67.

¹¹ Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.26.

¹² Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.58 Strengthen practical efforts to eliminate torture (Australia); ¶ 115.59 Take measures to render its criminal law consistent with the prohibition of torture which constitutes a norm of international law (Honduras); ¶ 115.60 Conduct effective awareness raising activities to combat torture (Kyrgyzstan); ¶ 115.61 Implement the recommendations of the United Nations Special Rapporteur on torture and meaningfully investigate all allegations of torture (Slovakia); ¶ 115.62 Take immediate and concrete steps to fulfil the recommendations made by the United Nations Special Rapporteur on torture in 2012 and 2014, including the establishment of an effective national preventative mechanism (Canada); ¶ 115.84 Ensure that prompt, thorough and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment (Denmark); ¶ 118.25 Urgently address the alleged systematic acts of torture and ill-treatment of persons in

detention, and also ensure that all perpetrators are brought to justice (Ghana); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.25.

¹³ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 117.4 Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Denmark) (Italy) (Senegal) (Costa Rica) (Slovenia) (Guatemala) (Paraguay) (Uruguay) (Portugal) (Norway); ¶ 117.5 Ratify the Optional Protocol to the Convention against Torture as soon as possible (Ghana); ¶ 117.6 Sign and ratify the Optional Protocol to the Convention against Torture (Turkey) (United Kingdom of Great Britain and Northern Ireland); ¶ 117.7 Consider ratifying the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and ensure effective implementation of national mechanisms in the area of identification and prevention of torture (Kazakhstan); ¶ 117.8 Ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism accordingly, and ensure that prompt, thorough and impartial investigations are carried out into all allegations of torture (Czech Republic); ¶ 117.9 Systematically implement the Convention against Torture; ratify the Optional Protocol to the Convention against Torture; and set up an effective National Preventive Mechanism as soon as possible (Germany); ¶ 117.10 Ratify the Optional Protocol to the Convention against Torture and establish an effective National Preventive Mechanism. In the meantime, unimpeded access to all places of detention should be granted to independent civil society organisations working to prevent torture in Tajikistan (Sweden); ¶ 117.11 Ratify the Optional Protocol to the Convention against Torture and establish a strong and independent national preventive mechanism (Switzerland); ¶ 118.26 Take all necessary measures to effectively fight against torture and ill-treatment, particularly in places of detention, by creating an independent national preventive mechanism and ratifying the Optional Protocol to the Convention against Torture (France); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.26.

¹⁴ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.82 Further strengthen the capacities of its prisons with a view to improving the custody conditions of detainees (Kazakhstan); ¶ 115.83 Continue the work to monitor and evaluate the penitentiary institutions (Kuwait); ¶ 115.84 Ensure that prompt, thorough and impartial investigations are carried out into all deaths in custody as well as all allegations of torture and ill-treatment (Denmark); ¶ 118.37 Ensure that detainees are afforded fundamental legal and procedural safeguards from the outset of their deprivation of liberty, and establish an independent National Preventive Mechanism in compliance with the requirements of the Optional Protocol to the Convention against Torture (Norway); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.37.

¹⁵ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 118.41 Grant missions sent by the International Committee of the Red Cross full access to prisons and detention centers for independent monitoring (Germany); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.41.

¹⁶ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.81 Take necessary measures to ensure the right to fair trial (Turkey); ¶ 118.35 Take all necessary measures to strengthen the independence of the judiciary and respect for the right to a fair trial, including as part of the ongoing trial against the leaders of the Islamic Renaissance Party of Tajikistan (France); ¶ 118.36 Introduce measures to ensure the free, fair and open conduct of trials in accordance with international standards including access to Legal Counsel in pre-trial custody (United Kingdom of Great Britain and Northern Ireland); 118.67 Provide human rights defenders, including defence attorneys and political figures detained as a result of their political activities, such as Burzurgmehr Yorov, Shuhrat Qudratov, and Ishoq Tabarov and his sons, with fair, open, and transparent trials, including the substantive protections and procedural guarantees in accordance with Tajikistan's international obligations (United States of America); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc.

A/HRC/33/11/Add.1 ¶ 118.35, ¶ 118.36; ¶ 118.67.

¹⁷ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 115.78 Ensure the full independence of the judiciary (Poland); ¶ 115.79 Continue taking further steps for the strengthening of judicial system (Azerbaijan); ¶ 115.80 Continue the programmes to reform the judicial sector and penitentiary facilities (Sudan); ¶ 118.35 Take all necessary measures to strengthen the independence of the judiciary and respect for the right to a fair trial, including as part of the ongoing trial against the leaders of the Islamic Renaissance Party of Tajikistan (France); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.35.

¹⁸ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 118.38 Ensure lawyers freedom to exercise their professional duties by guaranteeing unhindered access to their clients, freedom to represent their clients without threats from state or other actors and that such threats are promptly investigated (Norway); ¶ 118.39 Refrain from and prevent any executive interference with lawyers' conduct of their professional duties (Austria); ¶ 118.40 Make the necessary amendments to the law on "Advokatura" of 2015 in order to remove any obstacle to the independence of the profession of a lawyer, in parallel with actions promoting the independence of judges (Belgium); ¶ 118.67 Provide human rights defenders, including defence attorneys and political figures detained as a result of their political activities, such as Burzurmehr Yorov, Shuhrat Qudratov, and Ishoq Tabarov and his sons, with fair, open, and transparent trials, including the substantive protections and procedural guarantees in accordance with Tajikistan's international obligations (United States of America); Human Rights Council, *Addendum 1 to Report of the Working Group on the Universal Periodic Review: Tajikistan*, (7 September 2016), U.N. Doc. A/HRC/33/11/Add.1 ¶ 118.38; ¶ 118.39; ¶ 118.40; ¶ 118.67.

¹⁹ Article 18, *Constitution of Tajikistan*, 6 November 1994.

²⁰ Criminal Code of the Republic of Tajikistan, art. 104, May 21, 1998.

²¹ Criminal Code of the Republic of Tajikistan, arts. 179(4)(d), May 21, 1998.

²² Criminal Code of the Republic of Tajikistan, art. 179(4)(a-c), May 21, 1998.

²³ Criminal Code of the Republic of Tajikistan, art. 138(3), May 21, 1998.

²⁴ Criminal Code of the Republic of Tajikistan, arts. 398, 399, May 21, 1998.

²⁵ O.S.C.E. ODIHR, Human Rights Section, *The Death Penalty in the OSCE Area*, p. 31-32, Background Paper 2004/1, Human Dimension Implementation Meeting, Oct. 2004; O.S.C.E. ODIHR, Human Rights Section, *The Death Penalty in the OSCE Area*, p. 7, Background Paper 2010, Human Dimension Implementation Meeting, Jun. 30, 2010.

²⁶ Cornell Center on the Death Penalty Worldwide, *Tajikistan*, <https://deathpenaltyworldwide.org/database/?country=Tajikistan®ion=&method=> (last visited 3 Mar. 2021).

²⁷ Human Rights Committee, *Concluding observations on the third periodic report of Tajikistan*, (22 August 2019), U.N. Doc. CCPR/C/TJK/CO/3 ¶ 27.

²⁸ Human Rights Committee, *Concluding observations on the third periodic report of Tajikistan*, (22 August 2019), U.N. Doc. CCPR/C/TJK/CO/3 ¶ 27.

²⁹ Human Rights Committee, *Concluding observations on the third periodic report of Tajikistan*, (22 August 2019), U.N. Doc. CCPR/C/TJK/CO/3 ¶ 23.

³⁰ U.S. Department of State, *Country Reports on Terrorism: Tajikistan*, <https://www.state.gov/reports/country-reports-on-terrorism-2019/tajikistan/> (accessed 19 February 2021).

³¹ Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Tajikistan*, (14 July 2016), U.N. Doc. A/HRC/33/11 ¶ 10.

³² Human Rights Committee, *Concluding observations on the third periodic report of Tajikistan*, (22 August 2019), U.N. Doc. CCPR/C/TJK/CO/3 ¶ 27.

³³ Human Rights Committee, *Concluding observations on the third periodic report of Tajikistan*, (22 August 2019), U.N. Doc. CCPR/C/TJK/CO/3 ¶ 27.

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