



**International covenant
on civil and
political rights**

Distr.
GENERAL

CCPR/C/84/L/TJK
29 April 2005

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT**

**List of issues to be taken up in connection with the consideration of
the initial report of TAJIKISTAN (CCPR/C/TJK/2004/1)**

**Constitutional and legal framework within which the Covenant is
implemented; right to an effective remedy (art. 2)**

1. What is the status of the Covenant in domestic law? Can it be directly invoked before the courts? Is it applied by the courts?
2. Please describe the procedures in place for the implementation of the Committee's Views under the Optional Protocol. What specific measures have been taken to respond to the Committee's Views?
3. A number of persons sentenced to death were executed in spite of the fact that they had petitioned the Committee under the Optional Protocol, and that the Committee had issued a request under rule 92 of its rules of procedures not to carry out their executions, pending consideration of their cases by the Committee. Please provide information on the steps taken by the State party to prevent such incidents in the future.
4. What is the practical effect of a decision of the Constitutional Court? Please explain the outcome of the decisions of the Constitutional Court referred to in the report (paras. 18 and 19).

Equality between the sexes and non-discrimination (arts. 3 and 26)

5. What progress has been made in implementing the measures aimed at increasing the percentage of women in political life and in official positions, especially decision-making positions?
6. According to information before the Committee, domestic violence against women is widespread. What legal and protective measures are available to women to deal specifically with domestic violence and abuse of women? What sentences were imposed by the courts in relation to the criminal proceedings referred to in the report (para. 43)?
7. Forced marriages and polygamy are criminalized in Tajikistan (articles 168-170 of the Criminal Code). Please give examples of the application of these provisions in practice and provide statistical data on the number of complaints and court decisions rendered in this respect.

Derogations (art. 4)

8. Please explain how, in practice, the State party intends to guarantee respect for the requirement of non-derogation from the rights set out in articles 6, 7, 8, paragraphs 1 and 2, 11, 15, 16 and 18 in the event that a state of emergency is declared?

Right to life (art. 6)

9. A moratorium on the death penalty was declared in 2004 (para. 201). What is the current status of the moratorium? Does the State party intend to abolish the death penalty?
10. Please provide detailed information on the number of prisoners sentenced to death, the grounds for their conviction, and the number of individuals sentenced to death whose sentences have been commuted.
11. Does the State party prohibit expulsion, return or extradition to States where there is compelling evidence to suggest that a person may be tortured or may face the death penalty?

Freedom from torture; treatment of prisoners and other detainees; security of the person and freedom from arbitrary arrest (arts. 7, 9 and 10)

12. Please comment on allegations that torture is routinely used by police and security officials in order to extract confessions from suspects.
13. Please furnish statistics on the number of complaints specifically in relation to alleged acts of torture, ill-treatment or other unlawful actions by State officials under articles 117, 316, 348, 353 and 354 of the Criminal Code and other relevant laws, and on investigations, criminal prosecutions and punishments arising from them (paras. 204; 220).
14. Does the State party maintain a central register of detainees in all parts of the country? Please provide statistical data on the number of detainees in the various detention and penitentiary facilities.

15. How does the State party monitor compliance with the United Nations Standard Minimum Rules for the Treatment of Prisoners? What are the priorities which have been set in the context of the legal reforms aimed at the improvement of the penitentiary system (para. 333)?

16. Persons who are detained have the right to have the lawfulness of their detention reviewed by the procurator (para. 286). Please explain how this process is compatible with article 9 (3) and (4) of the Covenant. How long, from the moment of first deprivation of liberty, may a detention be prolonged on the sole order of a prosecutor, i.e. without a judicial order? What guarantees are enjoyed by persons detained by the National Security Service?

17. Do persons under administrative arrest have the right to consult a lawyer, and from what moment?

18. Please explain the extent to which arrangements for access to detained persons by defence counsel are considered inadequate (para. 289).

Right to a fair trial (art. 14)

19. Please provide information on the process whereby judges are reappointed. Under what circumstances a judge may be dismissed? Please provide information on the number of judges dismissed from their offices before expiration of their term of service.

20. What measures have been taken to ensure that court proceedings are open to the public, including local and international human rights monitors?

21. Please provide information on the principle of equality of arms and its practical implementation with regard to the competences and positions of the *prokuratura* and the defence lawyer in the course of criminal proceedings. Please provide statistical data on the number of advocates in Tajikistan and the number of cases in which an advocate was designated by the State party.

22. Please provide information on the government bodies responsible for counter-terrorism. Are persons suspected or charged of terrorist offences subject to any special legal procedures?

23. From what point does a detainee have right of access to counsel (para. 9)? Do any special rules apply in relation to persons suspected of terrorist offences?

Freedom of religion and belief (art. 18)

24. Please provide details of applications for registration of organizations under the Law on Religion and Religious Organizations which have been denied, and the grounds on which registration has been denied (para. 570).

25. Please provide details of any prosecution of activity arising from non-compliance with the registration provisions of the Law on Religion and Religious Organizations (paras. 570 and 571).

Right to freedom of expression, assembly and association; right to take part in the conduct of public affairs (arts. 19, 21, 22 and 25)

26. The Committee has before it information that in 2004, members of Hizb-ut-Tahrir were convicted of various crimes, including “organizing a criminal group, and inciting national, racial, religious and ethnic strife”, and were sentenced to terms of imprisonment. Please provide details of these cases and the provisions of the Criminal Code under which these persons were convicted.
27. Please provide information on the number of journalists arrested, prosecuted, charged or sentenced to fines and prison terms in relation to their professional activities.
28. Please comment on allegations that the authorities have refused to register certain political parties. Have there been any cases where a political party has been banned, and if so, for what reason?
29. The election law prohibits registration of candidates who have been charged, although not convicted, of criminal offences. Please explain how this is compatible with the right to be presumed innocent and the right to take part in the conduct of public affairs.
30. Please respond to authoritative criticisms that the national referendum to amend the Constitution in June 2003 was neither free nor fair.
31. What are the procedures for the registration of NGOs? In how many instances has registration been denied, and on what grounds? Does the State exercise control over the financial resources of NGOs?

Dissemination of the Covenant and the Optional Protocol

32. Please indicate what steps have been taken to disseminate information on the submission of the report and its consideration by the Committee. Please submit information on the education and training on the Covenant and its Optional Protocol provided to all categories of public officials, in particular schoolteachers, judges, lawyers and police.
