

Country File

TAJIKISTAN



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Region	Asia and Pacific
Legal system	Civil Law
UNCAT Ratification/ Accession (a)/ Succession (d)	11 January 1995 (a)
Relevant Laws	<ul style="list-style-type: none">• Constitution of 1994• Criminal Code of 1998• Criminal Executive Code of 2001 (Law No. 32, 6 August 2001)
Relevant Articles	<ul style="list-style-type: none">• Prohibition of Torture:<ul style="list-style-type: none">- Article 18 of the Constitution- Article 10 of the Criminal Executive Code• Definition of Torture:• Penalties: Articles 117, 354, 373 and 403 of the Criminal Code
Languages Available	<ul style="list-style-type: none">• English
Other Relevant Information	

Relevant Articles – TAJIKISTAN

ENGLISH (Translation)

Constitution of 1994

Article 18

Every person has the right to life. No person may be deprived of life except by the verdict of a court for a very serious crime. The inviolability of the individual is guaranteed by the government. No one may be subjected to torture or cruel and inhuman treatment. Forced medical and scientific experiments on people are prohibited.

Criminal Code of 1998

Article 110 Intentional Major Bodily Injury

(1) Intentional major bodily injury which is life-threatening, or which has led to the loss of sight, speech, hearing, or any body organ, or inability of an organ to functioning, or expressed in irremediable damage to the face, as well as other injury to the health which is life-threatening or caused a disorder of health along with a stable loss of common capability to work not less than 1/3, or knowingly for the guilty person with the full loss of professional capability to work, or caused the miscarriage, mental illness, sickness of drug dependence or taxicomania is punishable by imprisonment for a period of 5 to 10 years.

(2) The same actions, if committed:

- a) towards two or more individuals;
- b) in relation to an individual or his relatives in connection with carrying out of his official or public duties;
- c) in relation to a minor or individual who is helpless knowingly for the guilty person;
- d) in relation to a kidnapped person or hostage;
- e) in relation to a woman being pregnant knowingly for an offender;
- f) with extreme brutality;
- g) with the manner dangerous for the lives of many people;
- h) by a group of individuals or in a conspiracy;
- i) in the process of mass disorder;
- j) with mercenary or by hiring, as well as along with robbery, extortion, or banditry;
- k) out of hooligan motives;

- l) with the goal of hiding another crime or facilitate the commitment of another crime, as well as along with rape or forcible actions of sexual character;
 - m) on the ground of national, racial, religious, locality hatred or hostility, or vendetta;
 - n) with the goal of using organs or tissues of a victim;
 - o) repeatedly or by an individual who has earlier committed murder or intentional major bodily injury except for the actions provided in the Articles 105, 106, 107, and 108 of the present Code, -
- is punishable by imprisonment for a period of 8 to 15 years simultaneously with confiscation of property or without it.
- (3) The actions, specified in paragraphs 1 and 2 of the present Article, if they:
- a) committed by an organized group;
 - b) committed by a dangerous or especially dangerous recidivist;
 - c) and, carelessly have led to the death of a victim, -
- are punishable by imprisonment for a period of 12 to 20 years simultaneously with confiscation of property.

Article 111 Intentional Minor Bodily Injury

- (1) Intentional minor bodily injury which is not life-threatening and does not result in consequences provided for in Article 110 of the present Code, but causes continuing health problems or major physical disability with the loss of 1/3 of the capability to work is punishable by up to 2 years of correctional labor, or up to 3 years of imprisonment.
- (2) The same action, if committed:
- a) towards two or more individuals;
 - b) in relation to an individual or his relatives in connection with carrying out of his official, civil, or public duties;
 - c) by a group of individuals or in a conspiracy;
 - d) with extreme brutality;
 - e) in the process of mass disorder;
 - f) on the ground of national, racial, religious, locality hatred or hostility, as well as vendetta;
- by an individual who has earlier committed major bodily injury or murder specified in Articles 104 and 110 of the present Code is punishable by imprisonment for a period of 3 to 5 years.

Article 117 Torture

- (1) Causing physical or mental sufferings by systematic assault or other forcible means if it does not lead to the consequences specified in Articles 110 and 111 of the present Code is punishable by up to 3 years of imprisonment.
- (2) The same actions, if committed:
- a) towards two or more individuals;
 - b) in relation to an individual or his relatives in connection with carrying out of his official, civil, or public duties;

- c) in relation to a minor or individual knowingly for an offender being careless or in financial or other dependence of an offender, as well as an individual kidnapped or taken d) as a hostage;
 - e) in relation to a woman knowingly being pregnant;
 - f) by a group of individuals or in a conspiracy;
 - g) by hiring;
 - h) by torture or cruelty;
 - i) on the ground of national, racial, religious, locality hatred or hostility, as well as vendetta, -
- is punishable by imprisonment for a period of 5 to 8 years.

Article 354 Enforcing the Duty to Testify by a Person Conducting Preliminary Investigation or Implementing Justice

- (1) Forcing a suspect, accused, victim, witness, expert to give testimony and opinion by means of threats, blackmail or other unlawful acts by a person who conducts preliminary investigation or implements justice, is punishable by limitation of freedom for a period of 1 to 2 years, correctional labor for up to 2 years or by up to 3 years of imprisonment.
- (2) The same actions:
- a) supplemented with insulting, torture or any other violence;
 - b) ...
- are punishable by imprisonment for a period of 3 to 10 years with deprivation of the right to hold certain positions or be engaged in certain activities for up to 3 years or without it.

Article 373 Violating the Rules of Conduct Prescribed by Military Regulations In Governing Relations Between Military Men Not Subordinated to Each Other

- (1) Violating the rules of conduct, prescribed by military regulations governing relations between military men who are not subordinated to each other, resulting in humiliation of honor and dignity, torture, light bodily injury or illegal deprivation of freedom, is punishable by confinement for up to 6 months, detention in a disciplinary military unit for up to 1 year, or by up to 5 years of imprisonment.
- (2) The same action, committed :
- a) repeatedly;
 - b) in relation to two and more persons;
 - c) by a group of persons, group of persons in a conspiracy or organized group;
 - d) using weapons;
 - e) with infliction of minor or major bodily injury or other grave consequences,
- is punishable by deprivation of freedom for a period of 5 to 10 years.

Article 403 Intentional Violations of Norms of International Humanitarian Law Committed in the Course of Armed Conflicts

- (1) ...

(2) Intentional violation of norms of International Humanitarian Law committed in the course of international or internal armed conflicts, aimed against persons who do not participate in battle operations, as well as against wounded men, sick men, medical and ecclesiastical staff, medical units or medical transport means, against prisoners of war, citizens, civil population being on occupied territories or in zones of battle operations, against refugees and stateless persons, resulting in:

a) ...

b) tortures and inhuman treatment, including biological experiments made upon persons;

c) grave sufferings or actions threatening physical or mental state;

d) ...

is punishable by imprisonment for a period of 15 to 20 years or death penalty.

Criminal Executive Code of 2001 (Law No. 32, 6 August 2001)

Article 10 Principle of humanity

1. ...

2. It shall be strictly prohibited to subject convicted persons to tortures or cruel, inhumane and degrading his dignity treatment, medical or any other scientific experiments, regardless of his consent, which may endanger his life and health.