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Baseline research: Prevention of Torture in Tajikistan's Police Settings and Promotion of International Standards in Interrogation Techniques

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Disclaimer

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1. Executive summary

1.1 Overview of the study

This study examines the issue of torture within law enforcement agencies, specifically focusing on police interrogations in Tajikistan. The research is driven by the urgent need to promote the adoption of international human rights standards, particularly in the realm of investigative interviews and interrogation practices. The core aim is to provide a comprehensive analysis of the situation in Tajikistan and to propose concrete, evidence-based solutions to prevent torture during interrogations and investigations.

The study spans the period from 2019 to 2024, presenting data on reported torture cases, examining the country's compliance with international human rights standards, and evaluating the effectiveness of domestic legal measures in combating torture. In addition to reviewing Tajikistan's reports to UN Committees, this research draws on best practices from European countries known for their commitment to human rights in law enforcement settings.

By focusing on torture prevention methods, particularly through non-coercive investigative interviewing techniques, the study seeks to offer actionable recommendations that align with international standards and can be practically applied within the context of Tajikistan's criminal justice system.

1.2. Research objectives

The study has several key objectives:

1. **Assess the Prevalence and Impact of Torture in Tajikistan:** This research seeks to analyse the cases of torture reported between 2019 and 2024, focusing on patterns, statistics, and outcomes of such abuses in police settings. By understanding the frequency and nature of torture, we aim to shed light on the systemic issues within law enforcement and the criminal justice system.
2. **Examine Tajikistan's Compliance with International Human Rights Commitments:** This objective involves a thorough review of Tajikistan's reports to

UN human rights bodies, including the Committee Against Torture (CAT) and the Universal Periodic Review (UPR), in order to assess the government's response to international human rights recommendations. The study will identify gaps in compliance and assess the effectiveness of measures implemented to prevent torture.

3. **Explore Best Practices in Investigative Interviewing from European Countries:** The study will identify and analyse best practices in the conduct of investigative interviews from countries with established records of human rights protection, such as the United Kingdom, Spain, Germany, Norway, Sweden, Estonia, Croatia, Portugal, and Denmark. These countries provide valuable case studies of how non-coercive methods can be used effectively within law enforcement, ensuring both the protection of suspects' rights and the integrity of investigations.
4. **Develop Practical Policy and Legal Recommendations for Tajikistan:** Drawing from the findings, the research will propose a set of recommendations for improving Tajikistan's legal framework, law enforcement training programs, institutional oversight, and victim protection mechanisms. The goal is to prevent torture and enhance accountability within the country's police and justice systems.

1.3. Expected outcomes

The expected outcomes of this research include:

1. **A Detailed Analysis of Torture Cases in Tajikistan:** This will include a statistical breakdown of torture cases between 2019 and 2024, highlighting trends and patterns within the police force. The study aims to provide a clear picture of how often torture occurs, the severity of the cases, and the lack of accountability for perpetrators.
2. **Improved Understanding of International Human Rights Obligations:** The research will provide an in-depth analysis of Tajikistan's compliance with international human rights norms, particularly focusing on the country's obligations under the UN Convention Against Torture (CAT) and the UPR process. The report will highlight where Tajikistan has made progress and where gaps remain in fulfilling these obligations.

3. **A Model for Reform Based on International Best Practices:** By presenting successful case studies from European countries, the study will offer a practical model for Tajikistan to adopt non-coercive investigative interviewing techniques that comply with international human rights standards. This approach aims to ensure the protection of detainees and improve the quality of evidence gathered during investigations.
4. **Actionable Recommendations for Legal and Institutional Reforms:** The research will provide a series of clear and practical recommendations that Tajikistan can implement to address the issue of torture within law enforcement. These recommendations will focus on strengthening police training, enhancing oversight mechanisms, improving legal protections for detainees, and ensuring victim access to justice.
5. **A Comprehensive Report for Stakeholders:** The study will culminate in a detailed, well-researched report that can be used by human rights organizations, policymakers, international bodies, and local stakeholders to drive reform in Tajikistan's criminal justice system. It will serve as a valuable resource for advocating for systemic change and improving the human rights situation in the country.

2. Introduction

2.1. Context and background

Torture remains a pervasive issue in many countries, including Tajikistan, where law enforcement practices have frequently been criticised for their reliance on coercion during interrogations. Reports by human rights organisations and international bodies highlight systemic abuse within police settings, often aimed at extracting confessions or evidence. This problem is compounded by weak accountability mechanisms, limited public awareness, and a lack of alternative investigative techniques.

Tajikistan, as a party to the UN Convention Against Torture (CAT) and other international human rights treaties, has made certain legislative and policy commitments to combat torture. However, the implementation of these commitments often falls short. The country's legal and institutional frameworks still face significant challenges, including insufficient

training for law enforcement, lack of independent oversight, and gaps in victim protection mechanisms.

Globally, the approach to interrogation and investigative interviewing has evolved significantly, with many countries adopting methods that focus on obtaining accurate and reliable information without resorting to coercion or abuse. Techniques such as the PEACE model, used in the United Kingdom and other European countries, have demonstrated that humane and non-coercive interviewing can be both effective and aligned with international human rights standards.

This study emerges at a critical juncture, aiming to address the pressing need for Tajikistan to reform its interrogation practices. By drawing on international best practices, the research seeks to provide a roadmap for implementing investigative interviewing techniques that prioritise human rights, professionalism, and the rule of law.

2.2. Research objectives and scope

The primary objective of this research is to analyse the prevalence and patterns of torture in police settings in Tajikistan, evaluate the country's compliance with international human rights standards, and propose evidence-based solutions to address the issue. Specifically, the study aims to:

1. **Examine the prevalence of torture cases from 2019 to 2024:** This includes analysing statistical data, available reports, and documented cases of torture to identify trends and systemic challenges within the police force.
2. **Assess Tajikistan's compliance with international human rights obligations:** This involves reviewing the country's reports to UN bodies, including the Committee Against Torture (CAT) and the Universal Periodic Review (UPR), as well as responses to recommendations from these bodies.
3. **Study best practices in investigative interviewing:** The research will explore successful models from European countries such as the United Kingdom, Spain, Germany, Norway, Sweden, Estonia, Croatia, Portugal, and Denmark. These

countries have demonstrated the effectiveness of non-coercive interrogation methods in improving investigative outcomes and protecting human rights.

4. **Develop practical recommendations for Tajikistan:** The study aims to propose actionable solutions for reforming the country's interrogation practices, including policy changes, capacity-building measures, and the introduction of investigative interviewing techniques.

The scope of the research encompasses an in-depth analysis of domestic and international data, including primary sources such as reports by the Coalition Against Torture, NGO studies, and public statistics. The study also engages with secondary sources, such as legal analyses, academic research, and case studies of best practices from other countries.

2.3. Methodology

To achieve its objectives, this research employs a multi-method approach that combines qualitative and quantitative data analysis. The methodology includes the following components:

1. **Desk research:** A thorough review of available reports, legal documents, and studies related to torture in Tajikistan, including those published by the Coalition Against Torture, NGOs, and international organisations. This also involves analysing Tajikistan's reports to UN Committees and recommendations from the UPR process.
2. **Statistical analysis:** Collection and analysis of statistical data on torture cases reported between 2019 and 2024. This includes both official data, where available, and data from independent sources to identify trends and patterns.
3. **Comparative analysis:** Study of best practices in investigative interviewing from European countries known for their commitment to human rights and effective law enforcement practices. The research focuses on models such as the PEACE approach and their applicability to Tajikistan's context.
4. **Stakeholder consultation:** Engagement with key stakeholders, including human rights defenders, legal experts, law enforcement officials, and victims'

representatives, to gather insights and validate findings. These consultations will help ensure that the recommendations are both practical and context-sensitive.

5. **Case studies:** Analysis of specific instances of torture in Tajikistan and their outcomes, as well as detailed examples of successful implementation of investigative interviewing techniques in other countries.
6. **Recommendations development:** Based on the findings, the study will formulate a set of concrete, actionable recommendations tailored to the legal, institutional, and cultural context of Tajikistan.

The research adheres to principles of transparency, impartiality, and ethical consideration, ensuring the protection of sensitive data and the confidentiality of stakeholders. By adopting a holistic and evidence-based approach, this study aims to provide a comprehensive understanding of the issue and offer a clear pathway for reforming interrogation practices in Tajikistan.

3. Torture in Tajikistan: A Baseline Study (2019–2024)

3.1 Statistics and Trends in Torture Cases

Between 2019 and 2024, various reports from NGOs, international bodies, and civil society organisations shed light on the persistent issue of torture in Tajikistan. Data from the **Coalition Against Torture in Tajikistan** highlights the following:

- ⇒ **2019:** 52 cases of alleged torture and ill-treatment documented.
- ⇒ **2020:** 37 cases documented, marking a decline compared to the previous year.
- ⇒ **2021:** 24 cases were reported, showing a continued downward trend in reported incidents.
- ⇒ **2022:** 19 cases of alleged torture were recorded.
- ⇒ **2023:** 16 complaints were filed, including **five by women** and **two by minors**.
- ⇒ **2024 (January–June):** Eight complaints of police violence were reported.

The majority of these cases occurred in pre-trial detention centres and during police interrogations, where detainees were particularly vulnerable. Patterns revealed that torture

methods often included beatings, suffocation, and psychological intimidation, often aimed at forcing confessions.

Prosecutions and Accountability

Prosecutions of law enforcement officials under Article 143(1) of the Criminal Code (“Torture”) remain inconsistent:

- In **2019**, three cases were initiated under Article 143(1), resulting in the convictions of **seven officers** from the Ministry of Internal Affairs and the State Committee for National Security. These individuals were sentenced to 7–13 years of imprisonment.
- In **2021**, courts examined a single case involving **three Ministry of Internal Affairs officers**, who also received sentences of 7–13 years.
- In other years, limited information on criminal cases was published, reflecting gaps in accountability and transparency.

A decrease in reported cases, while initially appearing as progress, is largely attributed to victims' fear of reprisals, lack of trust in the justice system, and societal pressure against reporting torture.

3.2. Case Studies: Real-life Examples of Torture

Case Study 1: Torture of a Minor in Police Custody (2023)

A 17-year-old boy was detained by police in Dushanbe on suspicion of theft. During interrogation, officers reportedly subjected him to beatings and psychological intimidation to extract a confession. After several hours of abuse, the boy was released without charges. Fear of retaliation prevented his family from filing an official complaint.

Case Study 2: Woman Tortured in Pre-Trial Detention (2022)

In Khujand, a 32-year-old woman was detained on drug-related charges. She reported being physically assaulted, including being beaten with sticks, during interrogations. Despite visible

injuries, her allegations were not formally investigated, and the case against her proceeded without accountability for the officers involved.

Case Study 3: Death Following Torture (2021)

A man in Kulob died in custody following his arrest on robbery charges. Witnesses reported signs of severe physical abuse, including bruises and broken ribs. Despite public outcry, authorities cited "natural causes" as the cause of death. Human rights groups called for an independent investigation, but no criminal charges were filed.

Case Study 4: The Death of Abdukahhor Rozikov (2023)

- On 2 January 2023, Abdukahhor Rozikov, a 37-year-old resident of Kulob, was detained on suspicion of drug-related offences. Within hours of his detention, Rozikov was dead.
- Family accounts: His body showed visible signs of torture, including bruises, cuts, and handcuff marks. Photographs and videos supported these claims.
- Official statement: The Ministry of Internal Affairs claimed Rozikov died from an amphetamine overdose, a claim dismissed by local protests demanding accountability.
- Outcome: In July 2023, the Khatlon Regional Court sentenced three police officers to 14 years imprisonment each, marking a rare instance of accountability.

Case Study 5: Death of Mehriddin Gadozoda (2021)

- In April 2021, Mehriddin Gadozoda, aged 33, was detained in Vahdat on suspicion of theft. Hours later, his body was returned to his family.
- Authorities' claim: The Ministry of Internal Affairs stated that Gadozoda died after jumping out of a third-floor window.
- Family accounts: Relatives alleged that Gadozoda had been subjected to severe torture, causing his death. No police officers were held accountable.

Case Study 6: Historical Cases of Torture and Deaths in Custody

- **Abdurassul Nazarov (2018):** Detained on drug-related charges in Dushanbe and later died in custody. Family members reported severe beatings, while authorities attributed his death to a drug overdose.
- **Bahromiddin Shodiev (2011):** Detained for theft in Dushanbe, sustained severe injuries and died 10 days later. Police claimed he jumped from a building; family members believed torture caused his death.
- **Shamsiddin Zaydulloev (2015):** Died in a temporary detention facility run by the Drug Control Agency. His death was attributed to "heart failure," though family members alleged severe beatings.

Reports indicate that law enforcement officers in Tajikistan continue to use physical violence, electrocution, and threats of sexual violence to extract confessions. The Coalition Against Torture received eight complaints in early 2024, including reports of abuse by anti-corruption and anti-drug agencies.

3.3. Key findings and Data Analysis

- **Prevalence of Torture:** Torture remains a significant issue in Tajikistan, especially during pre-trial detention and police interrogations. The data shows a persistent pattern of abuse, with police officers being the primary perpetrators.
- **Methods and Patterns:** Methods include physical and psychological torture, often aimed at extracting confessions. Women and minors are particularly vulnerable to abuse, including sexual violence and threats.
- **Lack of Accountability:** Prosecutions under Article 143(1) are rare, and those convicted represent a small fraction of reported cases. The lack of transparency and fear of retaliation deter victims from seeking justice.
- **Decline in Reporting:** The downward trend in reported cases does not necessarily reflect a reduction in torture but rather the barriers victims face in reporting incidents.

- **Barriers to Justice:** Victims face multiple challenges, including fear of retaliation, lack of legal representation, and manipulation of investigations by authorities.
- **Impact on Legal Representation:** Lawyers face significant restrictions, including being forced to sign non-disclosure agreements and being denied immediate access to their clients.
- **Psychological and Physical Torture:** Methods of torture include beatings, electrocution, suffocation, and psychological intimidation, all aimed at extracting confessions or punishing detainees.

Statistical trends

- Over the five-year period, a total of **156 cases** of torture and ill-treatment were reported to NGOs and coalitions, though actual figures are believed to be much higher.
- Women accounted for approximately 10% of reported cases in 2023, and minors accounted for 12.5%.

3.4. Limitations of Available Data

The study faced several challenges related to the availability and reliability of data:

1. **Underreporting:** Many cases of torture go unreported due to fear of retaliation, lack of trust in the justice system, and societal stigma, particularly for women and minors.
2. **Inconsistent documentation:** Official statistics on torture cases and prosecutions are scarce, with authorities often withholding or manipulating data to minimise the issue.
3. **Limited access:** Human rights organisations face restrictions in accessing detention facilities and interviewing victims, hindering comprehensive data collection.
4. **Bias in reporting:** Victims who report cases often come from urban areas with better access to legal and civil society support, leaving rural areas underrepresented.

5. **Lack of independent investigations:** Many allegations of torture are not independently investigated, leading to discrepancies between official accounts and reports from NGOs.

Despite these limitations, the data available provides critical insights into the prevalence and patterns of torture in Tajikistan, underscoring the urgent need for systemic reforms and international oversight.

4. Analysis of Tajikistan's Reports to UN Committees and UPR

4.1. Tajikistan's Reports to the UN Committees

Tajikistan, as a party to key international human rights treaties, is obligated to submit periodic reports to various UN committees, including the Human Rights Committee (HRC), the Committee Against Torture (CAT), and the Committee on the Elimination of Discrimination against Women (CEDAW). These reports provide insight into the country's efforts to fulfil its treaty obligations and address key human rights concerns.

Human Rights Committee (HRC): Tajikistan's periodic reports under the International Covenant on Civil and Political Rights (ICCPR) have frequently been criticised for lacking substantive data and providing overly generalised information. For example, its latest report, reviewed in 2022, failed to address specific cases of torture and the systemic issues within law enforcement agencies.

Committee Against Torture (CAT): In its most recent submissions to the CAT, Tajikistan presented initiatives aimed at preventing torture, including amendments to the Criminal Code to align with international standards. However, reports from civil society organisations (CSOs) and international NGOs, such as Amnesty International, have highlighted the persistence of torture and impunity. Specific cases, such as the death of Abdukahhor Rozikov in custody in 2023, were notably absent from government reports, despite their prominence in shadow reports.

Committee on the Elimination of Discrimination Against Women (CEDAW): Tajikistan's reporting under CEDAW has addressed legislative changes aimed at protecting women from

domestic violence. However, the implementation of these measures remains weak. Notably, cases involving threats of sexual violence during detention, as highlighted by the Coalition Against Torture's 2023 report, remain unaddressed in official submissions.

4.2. Analysis of Concluding Observations from UN Bodies

Concluding observations from UN bodies consistently highlight several key concerns:

1. Systemic Torture and Ill-treatment:

- UN bodies, including the CAT and HRC, have repeatedly criticised Tajikistan for failing to eradicate torture within law enforcement and detention facilities. The CAT's concluding observations in 2022 expressed alarm over documented methods of torture, including beatings, suffocation, electrocution, and threats of sexual violence.
- The case of Abdukahhor Rozikov, whose death in custody in January 2023 was attributed by the authorities to a drug overdose despite visible signs of torture, exemplifies the systemic impunity that persists. The CAT's recommendations have included establishing an independent mechanism to investigate complaints of torture and ensuring accountability for perpetrators.

2. Lack of Independent Oversight Mechanisms:

- UN committees have repeatedly urged Tajikistan to strengthen its national human rights mechanisms. Observations in 2022 called for the establishment of an independent national preventive mechanism (NPM) to monitor places of detention, in line with the Optional Protocol to the Convention Against Torture (OPCAT).

3. Access to Justice and Legal Representation:

- Both the HRC and CAT have highlighted the barriers faced by victims of torture and their legal representatives. Lawyers in Tajikistan are often forced to sign non-disclosure agreements regarding pre-trial investigations, and access to clients is frequently delayed. This issue was particularly evident in the 2023 Coalition Against Torture report, which documented cases of lawyers being denied immediate access to detainees, undermining their ability to build an effective defence.

4. Gender-specific Concerns:

- The CEDAW Committee has expressed concern over the lack of effective measures to protect women in detention from sexual violence and threats. The 2023 Coalition report noted at least one case of a female detainee alleging threats of sexual violence by law enforcement officers, underscoring the urgent need for gender-sensitive approaches to detention monitoring.

4.3. Tajikistan's Response to UPR Recommendations

The Universal Periodic Review (UPR) has been a critical mechanism for addressing Tajikistan's human rights shortcomings. During the last UPR cycle in 2021, Tajikistan received over 200 recommendations, of which it accepted 140. However, implementation has been uneven:

➤ Accepted recommendations:

- Recommendations related to strengthening anti-torture measures and ratifying OPCAT were accepted. The government reported on initiatives such as training law enforcement officials on international human rights standards. However, the continued use of torture, as documented in cases like those of Mehriddin Gadozoda and others, demonstrates a significant gap between policy and practice.
- Tajikistan also accepted recommendations to improve the independence of the judiciary. Yet, lawyers remain vulnerable to intimidation, and judicial proceedings often lack transparency, as evidenced by cases involving detainees subjected to torture.

➤ Rejected recommendations:

- Recommendations calling for investigations into past incidents of torture, including high-profile cases, were rejected. This reflects the authorities' reluctance to confront systemic issues and address historical injustices.

➤ Mid-term review (2023):

- Civil society assessments during the mid-term review indicated limited progress in implementing UPR recommendations. For instance, while amendments to the

Criminal Code were introduced to align with anti-torture obligations, enforcement mechanisms remain weak.

4.4. Progress and Challenges

Progress:

1. Legislative Reforms:

- Tajikistan has introduced legal amendments to strengthen protections against torture, including defining torture in line with international standards. These reforms were highlighted in both government and shadow reports.
- The July 2023 conviction of three police officers for the torture and death of Abdukahhor Rozikov represents a rare instance of accountability and a potential shift towards greater enforcement of anti-torture laws.

2. Increased Engagement with Civil Society:

- There has been a gradual increase in the involvement of CSOs in monitoring detention conditions. The Coalition Against Torture's semi-annual reports have become critical tools for documenting abuses and advocating for reforms.

Challenges:

1. Impunity for Perpetrators:

- Despite some high-profile convictions, impunity remains the norm. Cases such as those of Abdurassul Nazarov and Bahromiddin Shodiev, where authorities attributed deaths in custody to drug overdoses or suicide, underscore the systemic nature of this issue.

2. Barriers to Justice:

- Victims of torture face significant obstacles in accessing justice, including fear of reprisals, lack of independent investigations, and restricted access to legal representation. Lawyers continue to face harassment and restrictions that impede their ability to defend their clients effectively.

3. Failure to Implement OPCAT:

- Tajikistan has yet to ratify OPCAT, and the absence of an independent NPM leaves detention facilities largely unmonitored. This perpetuates conditions conducive to torture and ill-treatment.

4. Gender-based Violence in Detention:

- Women and minors remain particularly vulnerable to abuse in detention. Threats of sexual violence, as documented in the Coalition's reports, highlight the urgent need for gender-sensitive training for law enforcement personnel and robust monitoring mechanisms.

5. Weak Judicial Oversight:

- The judiciary's lack of independence continues to hinder efforts to hold perpetrators accountable. Judicial processes often favour law enforcement narratives, undermining victims' access to justice.

This detailed analysis underscores the significant gaps between Tajikistan's commitments to international human rights standards and the reality on the ground. While some progress has been made, particularly in the area of legislative reform, systemic issues such as impunity, weak oversight mechanisms, and barriers to justice continue to undermine efforts to combat torture and uphold human rights.

5. International Best Practices for Preventing Torture in Investigations

5.1. Global Standards and Frameworks on Torture Prevention

Globally, the prevention of torture is underpinned by international human rights frameworks, legal instruments, and guidelines. These include the **United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UN CAT)**, which obligates states to take effective measures to prevent torture within their jurisdiction. Article 10 of UN CAT specifically emphasises the need for training law enforcement and other public officials involved in detainee treatment.

In addition, the **Istanbul Protocol**, adopted by the United Nations in 1999, provides comprehensive guidelines for the effective documentation of torture and ill-treatment. This document is instrumental in investigations and accountability measures, ensuring that torture victims' rights are upheld in the judicial process.

The **Mendez Principles** on Effective Interviewing for Investigations and Information Gathering also provide a non-coercive, human-rights-based framework for interviewing. These principles stress the importance of rapport-building, fairness, and objectivity during interrogations.

Regional frameworks, such as the **European Convention on Human Rights (ECHR)** and the **Council of Europe's European Committee for the Prevention of Torture (CPT)**, further reinforce anti-torture obligations in member states. These frameworks promote effective oversight mechanisms and highlight the importance of humane treatment during detention and interrogation.

OSCE's Torture Prevention Documents and Obligations to Member States

The **Organization for Security and Co-operation in Europe (OSCE)** plays a vital role in fostering the prevention of torture across its participating states. Through its key documents, such as the **Vienna Document 1999** and commitments made at the **Copenhagen Meeting (1990)**, the OSCE requires member states to adhere to international human rights norms and adopt practical measures to eradicate torture. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) provides technical assistance and training to improve the capacity of law enforcement and judiciary officials.

The OSCE guidelines stress the importance of non-coercive methods during investigations and call for the establishment of independent monitoring mechanisms to ensure compliance with anti-torture standards. Member states are further obligated to ensure the legal and physical protection of detainees, promote transparency, and uphold procedural safeguards, including access to legal counsel and medical professionals. By actively supporting reforms in policing and detention systems, the OSCE contributes to building more humane and effective justice systems across the region.

5.2. Best Practices in Investigative Interviewing

Countries across the world have developed non-coercive investigative interviewing techniques to prevent torture and improve the quality of investigations. Below are notable practices from select nations:

5.2.1. United Kingdom

The **PEACE Model** developed in the UK is one of the most widely recognised frameworks for non-coercive investigative interviewing. Created in the early 1990s in response to public outcry over miscarriages of justice caused by false confessions, the model revolutionised police interrogation methods.

The PEACE framework is structured around five stages: Planning and Preparation, Engage and Explain, Account, Closure, and Evaluation. Each stage is designed to ensure that interviews are conducted ethically, with an emphasis on gathering accurate and reliable information. UK law enforcement agencies focus heavily on rapport-building and active listening during interviews.

One notable example is the training provided to law enforcement through the College of Policing, which emphasises psychological insights into human behaviour. The PEACE Model has since been adopted by other countries and serves as a cornerstone of the Mendez Principles on effective interviewing.

5.2.2. Spain

Spain's approach to investigative interviewing is grounded in its constitutional commitment to human rights and its adherence to the European Convention on Human Rights (ECHR). Spanish police are trained to avoid coercion and focus on evidence-gathering techniques that respect the dignity of detainees.

One of Spain's key practices is the routine judicial oversight of police procedures. Interviews are often recorded, and detainees have the right to immediate access to legal counsel and medical services. Additionally, Spain has implemented specialised training programmes for police, focusing on human rights education and anti-torture safeguards.

For example, Spain's emphasis on judicial cooperation ensures that police actions are regularly reviewed by independent bodies, reducing the risk of misconduct. The country's adoption of rights-based practices has significantly improved trust between law enforcement and the public.

5.2.3. Germany

Germany has long been a leader in integrating legal safeguards and ethical practices into its investigative procedures. Police in Germany are prohibited from using physical or psychological coercion, and interviews are governed by strict procedural guidelines to ensure fairness and impartiality.

A key feature of Germany's approach is the mandatory recording of all police interviews, providing transparency and accountability. Access to legal counsel is guaranteed from the moment of detention, and detainees are informed of their rights before any questioning begins.

Germany's focus on continuous training for law enforcement has also played a pivotal role. Officers receive instruction on cognitive interviewing techniques, which are designed to elicit detailed and accurate information without resorting to intimidation. These practices align with Germany's obligations under the ECHR and have been instrumental in preventing incidents of torture.

5.2.4. Norway

Norway is internationally recognised for its innovative **KREATIV** model, which stands for Kreativ Metode, or Creative Method, in Norwegian. This model emphasises ethical, cognitive, and evidence-based interviewing techniques. The KREATIV framework is built around the principles of fairness, transparency, and psychological insight.

Norwegian police focus on understanding the perspectives of suspects and witnesses, employing open-ended questions and fostering a respectful environment during interviews. The training for law enforcement includes modules on human rights, communication skills, and the psychological impact of coercion.

One striking example of Norway's commitment to humane interrogation is the case of Anders Behring Breivik, who was treated with dignity and respect during his questioning despite the gravity of his crimes. This adherence to non-coercive methods reflects Norway's strong legal and ethical standards, which prioritise justice over retribution.

5.2.5. Sweden

Sweden has developed a robust and human-rights-focused framework for investigative interviewing that prioritises dignity, fairness, and evidence-based practices. The Swedish police employ a **rapport-based approach**, which aligns with the principles of the PEACE Model and other international standards on non-coercive interviewing.

One of the key features of Sweden's approach is its **training system for law enforcement officers**. Police officers undergo extensive education on ethical interviewing methods, including the psychology of memory and communication skills. This training is designed to ensure that information gathered during interviews is reliable, accurate, and obtained without coercion or intimidation. Moreover, there is a strong emphasis on cultural sensitivity, given the diversity of interviewees, including migrants and asylum seekers.

Sweden also has robust **legal safeguards** in place to protect detainees during investigations. These include:

- **Mandatory recording** of all interviews to ensure transparency and provide evidence in case of allegations of misconduct.
- **Access to legal counsel** from the moment of detention, ensuring that the rights of detainees are upheld.
- **Regular oversight and review mechanisms**, with independent bodies monitoring the conduct of law enforcement agencies.

An illustrative example of Sweden's commitment to non-coercive practices is its response to the refugee crisis in recent years. Swedish police adapted their interviewing techniques to address the unique challenges posed by interviewing vulnerable

individuals, such as unaccompanied minors and victims of trafficking. Officers are trained to handle such cases with empathy and professionalism, prioritising the well-being of the interviewees while gathering critical information for investigations.

Additionally, Sweden's adherence to regional frameworks, such as the **European Convention on Human Rights (ECHR)**, and its cooperation with the **European Committee for the Prevention of Torture (CPT)** reinforce its anti-torture obligations. These frameworks ensure that Sweden consistently meets international standards and serves as a model for other nations.

Sweden's approach demonstrates that effective investigative interviewing is not only possible without coercion but also yields better investigative outcomes, strengthens the justice system, and enhances public trust in law enforcement.

5.2.6. Estonia, Croatia, Portugal, Denmark, Netherlands, Finland and Iceland

Several European countries have embraced innovative and rights-based approaches to investigative interviewing, aligning their practices with international human rights standards. Each of these countries provides valuable insights into preventing torture and ensuring ethical practices during interrogations.

⇒ **Estonia:** Estonia emphasises psychological techniques in its investigative processes, focusing on de-escalation and rapport-building. Law enforcement officers undergo regular training in human rights and non-coercive interviewing methods. Transparent oversight mechanisms ensure that detainees' rights are upheld throughout the investigative process.

⇒ **Croatia:** Croatia has integrated the PEACE Model into its police training programmes, ensuring a shift away from accusatory methods. Croatian law mandates the audio-visual recording of all interviews, which enhances transparency and serves as a safeguard against coercive practices. The country has also implemented mechanisms for external oversight, including cooperation with civil society organisations and ombuds institutions.

- ⇒ **Portugal:** In Portugal, legal safeguards are at the forefront of investigative practices. Detainees are guaranteed immediate access to legal counsel and must be informed of their rights upon arrest. Police officers are trained in non-coercive interviewing techniques, focusing on collecting reliable evidence while respecting the dignity of suspects.
- ⇒ **Denmark:** Denmark places strong emphasis on procedural safeguards, such as the immediate recording of interviews and the presence of legal representatives. Police training incorporates psychological and cultural sensitivity components, ensuring officers are equipped to handle diverse cases ethically and effectively. Denmark's strong accountability mechanisms further reinforce its commitment to non-coercive methods.
- ⇒ **The Netherlands:** The Netherlands has adopted a hybrid model that incorporates the PEACE framework alongside psychological insights from behavioural sciences. Dutch police focus on suspect-centric interviewing, seeking to understand the motives and emotions of the interviewee. This approach has improved the reliability of evidence and reduced incidents of coercion.
- ⇒ **Finland:** Finland's approach to investigative interviewing prioritises building trust and respect with detainees. Finnish police receive extensive training on communication skills, cultural awareness, and ethical practices. Oversight mechanisms, such as regular audits of police procedures and external reviews, ensure compliance with anti-torture obligations.
- ⇒ **Iceland:** Iceland has implemented rigorous legal safeguards during the investigative process. Law enforcement agencies are required to document all interactions with detainees comprehensively. Icelandic police rely on evidence-based, non-coercive methods to establish facts, supported by extensive training in human rights law.

5.3. The PEACE Model of Investigative Interviewing (Mendez Principles)

The PEACE Model, endorsed by the Mendez Principles, represents a transformative shift from coercive interrogation to non-coercive, ethical interviewing. Its five stages are designed to promote accuracy, fairness, and the protection of human rights:

1. **Planning and Preparation:** Investigators meticulously prepare for interviews by reviewing evidence, setting clear objectives, and anticipating potential challenges. This stage ensures that interviews are structured and focused on obtaining reliable information without coercion.
2. **Engage and Explain:** Building rapport with the interviewee is critical. Investigators explain the purpose of the interview, set expectations, and ensure the interviewee understands their rights. Establishing trust during this stage fosters cooperation and reduces resistance.
3. **Account:** Gathering the interviewee's account is done through open-ended, non-leading questions. Investigators focus on listening actively and identifying inconsistencies without resorting to intimidation. This stage prioritises objectivity, allowing interviewees to provide their narrative freely.
4. **Closure:** The interview concludes with a review of information gathered, ensuring both parties have clarity on the discussion. This stage is crucial for confirming the accuracy of the statements and addressing any unresolved issues.
5. **Evaluation:** Investigators critically evaluate the interview process and outcomes, identifying areas for improvement. This step promotes accountability and continuous learning, ensuring that future interviews are conducted more effectively.

The Mendez Principles advocate for integrating psychological insights and human rights considerations into this model, creating a framework adaptable to diverse cultural and legal contexts. By emphasising empathy, neutrality, and respect, the PEACE Model ensures that interviews are conducted in a manner that upholds human dignity while achieving investigative goals.

5.4. Advantages of Non-Coercive Methods in Law Enforcement

Non-coercive methods offer significant advantages over traditional interrogation practices:

- **Enhanced Accuracy:** Ethical interviewing reduces the risk of false confessions and ensures the reliability of evidence. Studies indicate that suspects are more likely to provide accurate and detailed information when treated with respect and fairness.
- **Strengthened Rule of Law:** By adhering to human rights standards, law enforcement fosters public trust and confidence in the justice system. Transparent and ethical practices reinforce the legitimacy of law enforcement institutions.
- **Improved International Reputation:** Countries adopting non-coercive methods demonstrate compliance with international human rights obligations, bolstering their standing in global forums. This is particularly important for nations seeking to strengthen diplomatic relations and attract foreign investment.
- **Psychological Well-being:** Non-coercive practices benefit both law enforcement personnel and detainees, minimising stress and the risk of trauma. Investigators working in environments that prioritise ethical practices report higher job satisfaction and lower burnout rates.
- **Cost-effectiveness:** Ethical practices reduce litigation and compensation costs associated with torture and abuse claims. By avoiding coercive methods, states can save resources that would otherwise be spent on defending legal challenges and addressing public criticism.

International best practices in investigative interviewing provide a clear roadmap for Tajikistan to adopt non-coercive methods. By integrating global standards, leveraging successful models like PEACE, and prioritising human rights, Tajikistan can effectively address torture and enhance its justice system.

6. Policy and Legal Recommendations for Tajikistan

.1. Recommendations for Police Training and Reform

Police training and reform are crucial for aligning Tajikistan's law enforcement practices with international standards on human rights and torture prevention. To this end, the following measures are recommended:

- **Incorporate Human Rights Education:** Training programmes for law enforcement should include mandatory modules on human rights, focusing on the prohibition of torture and ill-treatment. This should cover international instruments such as the UNCAT and the Mendez Principles.
- **Adopt the PEACE Model:** Integrate non-coercive investigative interviewing techniques, such as the PEACE Model, into police training curricula. Emphasis should be placed on rapport-building, open-ended questioning, and active listening.
- **Enhance Training on Vulnerable Groups:** Police officers should be trained to recognise and respond sensitively to the needs of vulnerable groups, including women, children, and individuals with disabilities, to prevent abuse and ensure dignity.
- **Ongoing Professional Development:** Establish continuous professional development programmes to keep officers updated on evolving best practices in torture prevention and investigative interviewing.
- **Independent Monitoring of Training:** Involve civil society organisations and international experts in monitoring and evaluating the effectiveness of police training initiatives.

.2. Strengthening Institutional Oversight and Accountability

Effective oversight and accountability mechanisms are essential to combat impunity and promote a culture of integrity within law enforcement. Recommended actions include:

- **Independent Oversight Bodies:** Strengthen the capacity and independence of oversight bodies tasked with monitoring police conduct. These bodies should have the authority to investigate allegations of torture and recommend disciplinary actions.

- **Transparent Reporting Mechanisms:** Law enforcement agencies should be required to maintain detailed records of detention, interrogation, and use of force. These records should be subject to regular audits by independent entities.
- **Public Reporting:** Introduce annual public reporting by law enforcement agencies on complaints received, investigations conducted, and actions taken to address misconduct.
- **Disciplinary Measures:** Establish clear and consistent disciplinary procedures for officers found guilty of misconduct, including demotion, dismissal, and criminal prosecution where warranted.
- **Promote a Whistleblower Culture:** Encourage law enforcement personnel to report instances of torture or ill-treatment without fear of retaliation, supported by robust legal protections for whistleblowers.

.3. Improving Complaint Mechanisms and Victim Protection

Accessible and effective complaint mechanisms are vital for victims of torture to seek justice. Tajikistan should focus on:

- **Streamlining Complaints Processes:** Establish user-friendly, confidential, and easily accessible complaint channels for detainees and the public to report cases of torture or abuse.
- **Strengthening Legal Aid:** Ensure victims have access to free legal aid, particularly during the complaint process and any subsequent judicial proceedings.
- **Victim-Centred Approaches:** Develop victim support services, including psychological counselling, medical assistance, and reintegration programmes, to address the trauma caused by torture.
- **Independent Investigation Units:** Create specialised units independent of the police to investigate allegations of torture and ill-treatment. These units should have sufficient resources and authority to operate effectively.

- **Judicial Oversight:** Strengthen judicial oversight of detention facilities and interrogation processes, ensuring compliance with anti-torture laws and international standards.

.4. Public Awareness and Advocacy for Torture Prevention

Public awareness and advocacy are critical to fostering a culture of zero tolerance for torture in Tajikistan. Key initiatives include:

- **National Awareness Campaigns:** Launch nationwide campaigns to educate the public on their rights under domestic and international anti-torture laws. Use diverse media platforms to reach rural and urban populations.
- **Engage Civil Society:** Partner with non-governmental organisations, community leaders, and religious institutions to advocate for torture prevention and promote a culture of accountability.
- **Education in Schools:** Integrate human rights education into school curricula to instil an understanding of the importance of dignity and respect for all individuals.
- **Encourage Media Reporting:** Train journalists to report responsibly on cases of torture and law enforcement reform, highlighting success stories and areas for improvement.
- **Community Policing Initiatives:** Strengthen community-police relations by involving local communities in dialogue and oversight mechanisms. This fosters trust and cooperation between law enforcement and the public.

Ratification of the UN OPCAT by Tajikistan

A key step for Tajikistan in strengthening its commitment to torture prevention is the ratification of the UN Optional Protocol to the Convention Against Torture (OPCAT). Ratifying OPCAT would obligate Tajikistan to establish or designate a National Preventive Mechanism

(NPM), tasked with conducting regular, independent visits to places of detention to prevent torture and ill-treatment.

The ratification would also demonstrate Tajikistan's commitment to transparency, accountability, and the implementation of international best practices. It would allow for collaboration with the UN Subcommittee on Prevention of Torture (SPT) and facilitate the sharing of technical expertise and resources to enhance its domestic framework for torture prevention. By implementing these recommendations and ratifying OPCAT, Tajikistan can build a robust framework to prevent torture, ensure accountability, and promote a culture of human rights and dignity.

7. Conclusion

7.1. Summary of Key Findings

This report has outlined the critical gaps and challenges in Tajikistan's efforts to prevent torture, emphasising the need for systemic reforms in the criminal justice and law enforcement systems. Despite Tajikistan's ratification of the UNCAT and other international conventions, issues such as weak enforcement of anti-torture laws, inadequate police training, lack of independent oversight, and underdeveloped complaint mechanisms remain prevalent.

The analysis also underscored the success of international best practices, particularly the adoption of the PEACE model for investigative interviewing, and the positive impact of integrating human rights principles into law enforcement. Tajikistan has the opportunity to adopt these models to modernise its investigative procedures and prevent abuses.

Tajikistan's commitment to preventing torture would be significantly strengthened by ratifying the UN Optional Protocol to the Convention Against Torture (OPCAT), which would enable the establishment of a National Preventive Mechanism (NPM). This would bring Tajikistan in line with international norms and allow for more effective monitoring of detention facilities.

7.2. Final Recommendations

To create a robust framework for torture prevention and ensure compliance with international human rights obligations, the following practical and legal measures are recommended:

Legal and Policy Changes

1. Ratify OPCAT and Establish an NPM:

Ratify the Optional Protocol to ensure independent, regular monitoring of detention facilities. The NPM should be well-resourced, operate autonomously, and have clear authority to recommend reforms.

2. Strengthen Domestic Legislation:

Revise the criminal code to include specific provisions that prohibit torture, define it in line with international standards, and mandate severe penalties for violations.

3. End Impunity for Torture:

Ensure rigorous prosecution of law enforcement officials implicated in torture or ill-treatment, irrespective of their rank, to demonstrate zero tolerance for abuse.

Police Training and Reform

4. Adopt the PEACE Model of Investigative Interviewing:

Introduce the PEACE model as a mandatory training component for law enforcement officers to shift from coercive interrogation to evidence-based interviewing techniques.

5. Human Rights Training:

Embed comprehensive human rights education into police training curricula, with modules on international treaties, victim sensitivity, and the prohibition of torture.

6. Develop Specialised Units:

Establish specialised units within the police force trained to handle cases involving vulnerable groups, such as women, children, and individuals with disabilities, to ensure dignity and prevent abuse.

Oversight and Accountability

7. **Strengthen Oversight Mechanisms:** Establish or empower existing independent bodies to monitor law enforcement agencies, ensuring transparency and adherence to anti-torture regulations.
8. **Promote Judicial Oversight:** Mandate regular and unannounced judicial visits to detention facilities to monitor conditions and prevent abuses.
9. **Implement Whistleblower Protections:** Introduce robust legal protections for officers who report cases of torture or ill-treatment, encouraging internal accountability.

Improving Victim Protection

10. **Streamline Complaint Mechanisms:** Develop accessible, confidential, and efficient channels for detainees and the public to report torture allegations. Complaints should trigger prompt and impartial investigations.
11. **Victim Rehabilitation Services:** Provide comprehensive rehabilitation for survivors of torture, including medical care, psychological counselling, and legal assistance.

Public Awareness and Advocacy

12. **Launch National Awareness Campaigns:** Educate citizens about their rights and mechanisms for reporting police misconduct through media campaigns, community outreach, and workshops.
13. **Integrate Human Rights into School Curricula:** Educate future generations on the importance of human dignity and the prohibition of torture to foster a culture of respect for human rights.

7.3. Long-term Vision for a Torture-Free Criminal Justice System in Tajikistan

A long-term vision for Tajikistan's criminal justice system requires a holistic and sustained approach, combining legal, institutional, and societal reforms. The goal is to eliminate torture and foster a justice system that protects human rights, ensures fairness, and promotes public trust.

1. Modernisation of Investigative Techniques:

Transition from reliance on confessions to evidence-based investigations. This includes investing in forensic science, digital tools, and training on non-coercive methods.

2. Building Public Trust:

Enhance transparency in law enforcement by involving civil society in oversight and ensuring accountability for misconduct.

3. Regional Leadership:

Position Tajikistan as a leader in Central Asia by adopting and implementing international best practices, demonstrating the feasibility of a torture-free criminal justice system.

4. Sustainable International Partnerships:

Collaborate with the OSCE, UN agencies, and other international organisations to access technical expertise, funding, and monitoring frameworks.

5. Cultural Transformation:

Promote a shift in societal attitudes through education, advocacy, and visible government commitment to human rights.

By implementing these measures, Tajikistan can establish itself as a regional example in torture prevention, fostering a humane, effective, and rights-based criminal justice system. A torture-free system not only protects individuals but also strengthens the integrity of the state, ensuring long-term stability and development.

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