

Toshev v. Tajikistan

Follow Up (as of December 2011)

CCPR/C/101/D/1499/2006
Communication No. 1499/2006
30 Mar. 2011 (adoption of views)
26 Sep. 2011 (180 days)

Recommendation and Implementation *Legend below

Recommendation	Implementation Grade
Remedy	C
Compensation	C
Prevention of Similar Violation	C
Publication	C

Implementation

- The Committee's decision on 30 March 2011 required an immediate release or a retrial of the victim with all the guarantees under the Covenant. The decision also required the State to publish it.
- The State has not recognized the Committee's decision; neither translated it or published it. The victim's family translated the decision into local language and made it published on several local newspapers. The family also handed the decision to some governmental organs, but has not yet received any response.
- There has been no retrial or release of the victim.

Assessment of Implementation

- As the State has not taken even the first step to recognize the decision, there is no implementation done so far.

Victim

- Today the victim is still in prison No.7 located in Dushanbe city. The victim appears to be in good health, though his family considers that he needs constant health care due to his age (of almost 60 years old).
- The domestic law of Tajikistan allows frequent family visits to prisoners. However the victim's relatives have very limited access to the victim (totally four times during last year), especially after the decision of the Committee has been publically known. The family also confronts some difficulties in getting the signature of the victim when they need him to sign some documentation. Lawyers are not allowed to visit the victim due to domestic procedural requirements. In addition, the access to the victim by other persons is also restricted. For example, when a journalist from Asia Plus news paper visited him in November, the journalist was not allowed to talk with the victim.
- After the decision of the Committee was publically known, the prisoner was deprived of prison tasks, and was under threats of physical harm if he or his lawyer continues to work on his case.

Violations

- Article 7
- Article 9 §1 §3
- Article 14 §1
§3(b)(d)(e)(g)

Concerns

- Lack of implementation
- Non-recognition of the decision
- Restricted access to the victim
- Physical threats

Sources

- NGO: Bureau of Human Rights and Rule of Law
- Mr. Iskandarov (the victim's son)

Legend

A: State party response / action largely satisfactory

B1: Substantive action taken, but additional information required

B2: Initial action taken, but additional information/action required

C: No action taken to implement the recommendation

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