



## **The Civic Solidarity Platform**

**MONITORING OF OBSERVANCE OF HUMAN RIGHTS IN  
CONNECTION WITH THE SPECIAL OPERATION  
CONDUCTED ON 24 JULY 2012 IN KHOROG, TAJIKISTAN**

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## TABLE OF ACRONYMS

AKDN – Aga Khan Development Network  
AKF – Aga Khan Foundation  
CC – Criminal Code  
CPC – Criminal Procedure Code  
CSS – Centre for Strategic Studies  
DIAU – District Internal Affairs Unit  
DMIA - Department of the Ministry of Internal Affairs  
GBAO – Gorno-Badakhshan Autonomous Province (*Oblast*)  
HPS – Hydroelectric Power Station  
IAO – Internal Affairs Office  
IAU – Internal Affairs Unit  
ICCPR – International Covenant on Civil and Political Rights  
IRPT – Islam Renaissance Party of Tajikistan  
MCC – Medical Consultation Commission  
CES – Committee on Emergency Situations  
MIA – Ministry of Internal Affairs  
NGO – Non-Governmental Organization  
NHC – National Health Centre  
NVI – National Vehicle Inspection  
OMON – Special Purpose Police Unit  
OSCE – Organization for Security and Co-operation in Europe  
RO – Registry Office  
RT – Republic of Tajikistan  
SCNS – State Committee for National Security  
SIZO – Special Isolation Facility  
TSS – Technical Support Station  
UN – United Nations  
USD – United States dollars

## INTRODUCTION

This report is published with the financial support and as part of the activities of the Working Group on Crisis Situation of the Civic Solidarity Platform, coordinated by the Helsinki Foundation for Human Rights (Warsaw, Poland)<sup>1</sup>. Monitoring activities were conducted jointly by the following Tajik civil society organizations that either cooperate with or are part of the Civic Solidarity Platform: Pamir Lawyers Association, Bureau of Human Rights and Rule of Law, Independent Human Rights Protection Centre, Human Rights Centre, Children's Rights Centre and Nota Bene Foundation, supported by the Warsaw-based Helsinki Foundation for Human Rights. The report includes an analysis of the special operation conducted by government authorities in Khorog, Gorno-Badakhshan Autonomous Province (GBAO), in July 2012 and its consequences from the perspective of international human rights standards and the national legislation of Tajikistan.

From the beginning of the special operation in Khorog there was speculation about the authorities' motives and objectives and the likely consequences of the operation. Some representatives of the opposition characterised the operation as an attempted "ethnic purge" against the Pamiri inhabitants of the region. According to the official version of the security organs in Dushanbe, the operation was directed against criminals linked to militant groups in Afghanistan.<sup>2</sup> Lack of access to reliable information was conducive to the emergence of rumours and unjustified fears, including regarding the number of casualties among the local population and the security forces, which ranged, depending on the source, from 18 to 200 people.

The basic goal of this monitoring is to provide support to the country's government in implementing a series of urgent political, legislative and human rights measures to ensure stability and prevent the recurrence of events such as those that occurred in the summer of 2012 in GBAO.

The study includes the following key human rights issues:

1. Access to information for the local inhabitants during and after the special operation;
2. Documentation of casualties during the special operation;
3. Access to medical aid for the injured during the special operation;
4. Investigation of cases of death during the special operation;
5. Compensation of losses;
6. Measures adopted by the state for recovery in the region.

We express our deep appreciation to the chairmen of neighborhood (*makhalla*) committees of the Khlebzavod, Bar Khorog and UPD districts, as well as to the employees of the Pamir Lawyers Association: Manouchehr Holiknazarov, Odinaev Mamaddodu, Navruzov Nekruz, Chorshanbiev Mahmatali, Shozedova Manzura for their assistance with the organization of monitoring meetings. In addition, the monitoring group expresses its gratitude to the population of the city of Khorog, the representatives of local government bodies in the Gorno-Badakhshan Autonomous Republic, the Ministry of Internal Affairs of Gorny Badakhshan,

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<sup>1</sup> The Civic Solidarity Platform consists of more than 40 non-governmental, human rights organizations from Europe, Central Asia and North America. For more information about the Platform, please see <http://www.civicsolidarity.org/>.

<sup>2</sup> Avesta.tj, "CSS [Centre for Strategic Studies] of the President of Tajikistan made a statement on the events in Khorog," 03.08.2012, <http://www.avesta.tj/government/13452-csi-pri-prezidente-tadzhikistana-vystupil-s-zayavleniem-po-sobytiyam-v-horoge.html>

the Committee for Emergency Situations and Civil Defense of Gorny Badakhshan, the Regional Hospital of Gorny Badakhshan, the Cardiological Hospital of Gorny Badakhshan, the First-Aid Station in Khorog, the Regional Tuberculosis Center of Gorny Badakhshan, the Education Department of Gorny Badakhshan, representatives of the mediation “Group of 20”, as well as all those without whom it would have been impossible to conduct the monitoring activities.

## KEY CONCLUSIONS AND RECOMMENDATIONS

Results of the monitoring of observance of human rights in connection with the special operation of 24 July 2012 in Khorog, the administrative centre of GBAO, show that during and after the special operation rights and freedoms of civilians living on the territory of Khorog were violated.

1. Above all, the state did not and still does not respect the *right to the truth*, guaranteed in the **Set of Principles for Human Rights Protection and Promotion by Fighting Impunity** and the **Basic Principles and Guidelines on the Right to Legal Defence and Compensation for Victims of Gross Violations of International Human Rights Standards and Serious Violations of International Humanitarian Law**, adopted by the UN General Assembly in 2005. A year after the special operation conducted in Khorog on 24 July 2012 there is no access to information about:
  - the motives for and key goals of the special operation; the unit names and number of law enforcement and armed forces personnel that participated in the special operation; or the course of the operation;
  - the exact number of victims among the local population and the law enforcement and security bodies killed and injured during and after the special operation;
  - investigations carried out into the cases of death and injuries.
2. The special operation involved serious violations of the right to life and the right of access to information :
  - ***Lack of information about plans for the special operation and evacuation of civilian population.*** Tajikistan's national legislation obliges the state authorities to inform citizens in advance about the start of military activities and to take steps to ensure the evacuation of the population from zones of military activities. The state authorities did not take any such steps, however, to evacuate citizens from the zones in which the special operation was conducted. The local population was not informed about the start of the special operation, as a result of which people were unable to evacuate in time, which led to victims among the civilian population.
  - ***Lack of access to information.*** During and after the special operation, mobile, fixed-line and internet communications with Khorog were disconnected for almost a month. Entrance to and exit from the city was also limited. In the period July–August 2012 some websites that actively reported about the events in Khorog were also blocked.
  - ***Disproportionate use of force and firearms.*** International human rights standards provide clear requirements on the proportionality and necessity of the use of force and firearms and on planning of any special operations in such a manner as to reduce to a minimum the risk to the life of their participants and the general population. National legislation does not include provisions regarding the exceptional nature of the use of force and firearms and does not contain requirements regarding proportionality and the necessary use of force and firearms.

3. One of the most important elements of the right to the truth is *exact identification of the number of victims and their identities*. Until now there has been no official statement on the number of victims among the civilian population and among governmental forces and armed groups in Khorog. According to some data, during the special operation 22 locals and from 18<sup>3</sup> to 23<sup>4</sup> members of the security forces participating in the special operation were killed. There is no reliable information about the number of wounded among the local population.
4. Governmental bodies did not *conduct an effective investigation of deaths and injuries during and after the special operation of 24 July 2012 in Khorog*. In accordance with its international commitments, in case of crisis situations resulting in the death of civilians, the state should conduct a rapid, effective and impartial investigation of all cases of deaths and injuries. National legislation provides for the Prosecutor's office to be notified of each case of the use of force and firearms resulting in death; however, it does not obligate the Prosecutor to investigate them. There is no indication that the government formed any group or commission to investigate the events of July 2012 in Khorog, or about the results of any such investigation. Most families of the victims have received no information about the circumstances of the deaths of their relatives or about whether criminal cases were brought, and—in the case of criminal trials—about the course of any investigations. There was no forensic examination of the bodies of the victims. In some cases the facts of death were not documented, and relatives of the victims have still not received death certificates.
5. The monitoring group identified problems related to *compensation of loss* caused to civilians as a result of the special operation, which caused great loss to the city and its population. According to official data, “public property and personal property of inhabitants of Khorog sustained losses in the amount of 1,901,226.57 somoni [approximately USD 400,000].”<sup>5</sup> In conformity with a presidential decree, in August 2012 a state commission was appointed from representatives of local government and law enforcement bodies to assess material losses from the special operation. In total, according to the Committee for Emergency Situations, 740 households received compensation totalling 1,274,000 somoni (USD 267,200). Compensation has not been paid in cases of civilian deaths. There were isolated cases of payment of compensation to people injured during the special operation.
6. The monitoring group considers that the government failed to make sufficient efforts to identify and hold accountable the officials responsible for planning and carrying out the special operation, as a result of which at least 22 people were killed and losses were caused to the civilian population.

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<sup>3</sup> See section 12 of Information on issues raised in connection with considering of the second periodical report of Tajikistan on the International Covenant on Civilian and Political Rights (ICCPR), adopted by the Committee at the 108<sup>th</sup> session, 11–28 March 2013. CCPR/C/TJK/Q/2/Add.1. 13 June 2013.

<sup>4</sup> From interview with a representative of the local government.

<sup>5</sup> See section 12 of Information on issues raised in connection with considering of the second periodical report of Tajikistan on the International Covenant on Civilian and Political Rights (ICCPR), adopted by the Committee at the 108<sup>th</sup> session, 11–28 March 2013. CCPR/C/TJK/Q/2/Add.1. 13 June 2013.



**The recommendations presented below describe certain basic steps that need to be taken urgently by the authorities and other relevant structures to react effectively to these problems and ensure that similar cases of human rights violations do not recur in the future.**

- Conduct a rapid and impartial investigation of all civilian deaths that occurred during the events of July–August 2012 in Khorog;
- Bring to accountability the individuals responsible for the death of civilians in Khorog;
- Adopt political, socio-economic and legal measures to support the restoration of trust, relations and cooperation between the parties, preventing a return of conflict;
- Conduct permanent work with the population by means of meetings and establishing of a dialogue between central and local authorities, and actively engage the public in debate on problematic issues and the development of joint initiatives;
- Ensure psychological aid to the population of Khorog, especially women and children, and ensure the presence of qualified psychologists in the city's medical centres;
- Ensure access for the population to official information about the events in Khorog and about all current political processes and decisions related to criminal proceedings in connection with the events of 2012;
- Ensure respect of legal regulations among security structures in their decision making; and
- Support the independence of courts and the impartiality of rulings for all parties.

## METHODOLOGY

To conduct the monitoring, non-governmental organizations Pamir Lawyers Association, Bureau for Human Rights and Rule of Law, Independent Human Rights Protection Centre, Human Rights Centre, Children's Rights Centre and Nota Bene Foundation signed on 1 August 2012 a memorandum on cooperation and monitoring of the situation in Khorog.

Given the lack of objective information, from 8 to 12 August 2012 three representatives of the above-mentioned organizations stayed in Khorog for a preliminary analysis of the situation. Based on this assessment a concept of monitoring and appropriate instruments were developed.

The monitoring was conducted from February to March 2013. Monitoring groups had a series of meetings and interviews in Khorog with representatives of the state authorities, local citizens, representatives of the Group of 20,<sup>6</sup> and relatives of people killed during the special operation.

The group based its development of the monitoring concept on the basic human rights principles and standards established in international documents on human rights ratified by the Republic of Tajikistan, including the International Covenant on Civil and Political Rights, as well as a Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, namely: right to the truth, right to justice and right to reparation, including restitution, rehabilitation, satisfaction and guarantees of non-recurrence of similar violations in the future.

The method selected for the monitoring consisted of interviews with the population of the microdistricts where active military operations were conducted (victims, relatives of people killed or injured during the operation), representatives of the public (political parties, mass media, NGOs and international organizations), representatives of the Group of 20 and representatives of the local authorities (representatives of the *hukumat* (government administration), law enforcement bodies and medical institutions). Media coverage of the events of July 2012 in Khorog was also monitored.

Before the research was conducted, letters of notification regarding the start of the monitoring were sent to relevant state authorities, and relevant inquiries were sent to the General Prosecutor's Office, Ministry of Internal Affairs (MIA) and the Government of the Republic of Tajikistan (RT).

Interviews were conducted with:

1. Relatives of victims (including the killed and the injured) – 15 people
2. Local population – 33 people
3. Representatives of the Group of 20 – 9 people
4. Representatives of political parties – 3 people
5. Representatives of local government – 1
6. Representatives of provincial hospital in Khorog – 7 people
7. Representatives of provincial cardiologic hospital – 1
8. Representatives of ambulance station in Khorog – 1

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<sup>6</sup> A mediation group called the "Group of 20" was established on 25 July 2012 by local activists, city Majlis representatives, members of parliament from Khorog and religious leaders to support cooperation between the authorities and the local population.

9. Representatives of tuberculosis clinic in GBAO – 1
10. Representatives of Committee of Emergency Situations Department for GBAO – 1
11. Representatives of MIA Department for GBAO – 6
12. Representatives of the media - 2
13. Representatives of international organizations – 2

## I. CHRONOLOGY OF EVENTS OF JULY 2012 IN KHOROG

Gorno-Badakhshan Autonomous Province (GBAO) is one of the most geographically isolated regions of Tajikistan. GBAO occupies 63,700 km<sup>2</sup>, which accounts for 44.5% of the total territory of Tajikistan. The population of the province is 206,000 and accounts for 4% of the total population of the republic. The administrative centre of GBAO is the city of Khorog. The province consists of five districts, one city and 42 rural jamoats. The vast majority of the population belong to the Ismaili branch of Islam. Inhabitants of GBAO speak the Shughni, Rushani, Yazgulami and Wakhi languages. Tajik is the official language of the state and the language of general communication.

The Badakhshan region is the least economically developed region of the republic. Due to a high unemployment rate, tiny area of fertile land and lack of major industrial enterprises, a great part of the region's male population has to work in the Russian Federation as labour migrants.

### **Operation in Khorog: conditions and reasons**

On 24 July 2012, at about 4 a.m., law enforcement forces of the Republic of Tajikistan, with the support of the Defence Ministry of the RT, launched a simultaneous assault in a few microdistricts of Khorog—UPD, Upper Khorog (Barkhorog) and Khlebzavod—which are the places of residence of former Tajik civil war field commanders and other informal leaders of the province Tolib Ayombekov (Khlebzavod), Imomnazar Imomnazarov (UPD) and Makhmadbokir Makhmadbokirov (Barkhorog). In response, the informal leaders and their supporters put up armed resistance. After more than 16 hours of exchange of fire the Government of Tajikistan announced a ceasefire and guarantees of security to all individuals who would voluntarily hand over their arms.

The military operation in GBAO started with the killing of the head of the provincial office of the State Committee for National Security (SCNS), General Abdullo Nazarov. He was killed on the evening of 21 July 2012 two kilometres away from Khorog. According to the SCNS, Nazarov died of knife wounds received during an attack by an unknown group. Persons associated with former field commander Tolib Ayombekov<sup>7</sup> were accused of killing the general.

According to some eyewitnesses, General Nazarov was fatally wounded at about 5 p.m. on 21 July as a result of a fight two kilometres away from Khorog. In Khorog the reason of the conflict between Nazarov and Ayombekov was said to be smuggling of tobacco products. It is unknown why the general was brought to the provincial hospital in Khorog only at about 8 p.m., a full three hours after being wounded.<sup>8</sup>

The next day, 22 July, a special committee was appointed to investigate the incident. The committee consisted of General Prosecutor's Office, MIA and SCNS representatives. Law enforcement bodies demanded the handover of individuals allegedly involved in the killing of General Nazarov, including Tolib Ayombekov. According to representatives of law

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<sup>7</sup> Tolib Ayombekov was a field commander during the Tajik civil war (1992-1997). After the peace agreement between the opposition and the government, Ayombekov received a position in the governmental forces. He was promoted to the rank of colonel and appointed head of the Ishkashim region border detachment. General Nazarov inspected the territory of this region on the eve of his death.

<sup>8</sup> Source: <http://www.facebook.com/groups/321227944638873/permalink/322431571185177/>

enforcement structures, during preliminary negotiations Ayombekov agreed to hand over people involved in the general's killing. But when on 22 July the Alpha special forces group of the SCNS and units of the Ministry of Defence, National Guard and MIA came to Khorog in helicopters, Ayombekov refused to continue negotiations, believing that the forces had been brought in not to catch the killers of Nazarov but to get rid of all former field commanders.<sup>9</sup> Ayombekov claimed that the individuals suspected in Nazarov's death were ready to surrender on the condition of a fair investigation of the case.

On 23 July, more MIA and SCNS units started arriving in Khorog. In addition, in the city were Defence Ministry units that had recently participated in the "Khifz-2012" military exercises. According to Defence Ministry press secretary Faridun Makhmadaliev, the participants of the exercises included Khorog garrison soldiers, units of law enforcement forces stationed in GBAO and servicemen of other law enforcement bodies. The basic purpose of the exercises was to organize cooperation in conducting military operations in high mountains and to check the skills of the Khorog garrison soldiers and officers.<sup>10</sup> According to the local population, about 3,000 people from the Defence Ministry, National Guard and Committee for Emergency Situations were brought in to GBAO to participate in the exercises.

On 3 August the management of the Centre for Strategic Studies under the President of the RT (CSS), quoting information from Afghanistan's government, announced that the primary reasons for introducing additional forces to GBAO was a concentration in Afghan Badakhshan's Varsich ravine of between 400 and 1000 soldiers who planned to destabilize the situation in GBAO. "These factors were the reason of the increased number of soldiers in the GBAO territory. In other words, the socio-political situation in the region, including the situation in neighbouring Afghanistan, forced the Government to strengthen security measures in the region," the CSS noted.<sup>11</sup>

Defence Minister Sherali Khayrullaev, answering questions regarding the reasons for bringing in the army and the subsequent attack on Khorog, responded that at the very beginning the whole operation had been started only to intimidate.<sup>12</sup>

According to the Minister, on 24 July at 3 a.m., Khorog's deputy general prosecutor, together with other people, was caught by armed local residents and taken in an unknown direction. Supposedly, they were taken from the building of the city military recruitment office, where they were deployed, which forced the defence minister to give the order to attack.<sup>13</sup> Eyewitnesses claim, however, that the General Prosecutor's Office employees were captured by GBAO residents *after* the assault started. According to them, after shooting started in the Khlebzavod microdistrict, a few people burst into the building of the city military recruitment office to get hold of arms. At that time, employees of the prosecutor's office were there. As a result of the conflict, one representative of the prosecutor's office was injured. Later it was reported that they had been taken along with the arms to Barkhorog, where they were kept until their liberation.

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<sup>9</sup> Asia-Plus, "Dark clouds over Khorog." See <http://news.tj/ru/newspaper/article/temnye-tuchi-nad-khorogom>

<sup>10</sup> [http://centralasiaonline.com/ru/articles/caii/newsbriefs/2012/07/11/newsbrief-11?change\\_locale=true](http://centralasiaonline.com/ru/articles/caii/newsbriefs/2012/07/11/newsbrief-11?change_locale=true)

<sup>11</sup> <http://news.tj/ru/news/tssi-tadzhikistana-obyasnil-vvod-pravitelstvennykh-sil-v-gbao>

<sup>12</sup> Asia-Plus, "Minister of defence: 'We only wanted to scare...'", <http://news.tj/ru/newspaper/article/minister-oborony-my-khoteli-tolko-ustrashit>

<sup>13</sup> Ramzia Mirzobekova, Asia-Plus, "Defence Minister talked about the operation in Khorog," 05.09.2012, <http://news.tj/ru/news/ministr-oborony-rasskazal-ob-operatsii-v-khoroge>

According to the Defence Minister, initially the military forces aimed and shot only at the mountains. But when they understood that local inhabitants were putting up resistance, they started shooting at people.

The order to attack was given directly by the defence minister. The local population was not evacuated during the operation. The defence minister explained this as follows: “As nobody shot at peaceful inhabitants, the defence ministry did not consider it necessary to disturb them.” Regarding the order to attack, according to the minister, he has the right to make decisions of this type on his own.<sup>14</sup>

In January 2013 the public prosecutor of GBAO Mukhammad Abrorov announced that the investigation of General Nazarov’s killing was completed and handed over to the court. Based on the investigation, two GBAO residents were accused of killing the general: Okil Ayombekov (brother of Tolib) and Hamza Murodov (also known as Gulnazar). Both of the accused had surrendered themselves voluntarily to the authorities in August 2012.<sup>15</sup>

### **Cut-off of communications with Khorog**

After the assault started, on 24 July 2012, mobile, fixed-line and internet communication with Khorog was cut off. According to the head of the Communications Service, Beg Zukhurov, communication with GBAO was broken because during the special operation in Khorog a bullet hit a fibre-optic cable.<sup>16</sup> Zukhurov also noted that the Communications Service had not received any orders “from the top” to cut off communication.<sup>17</sup> Communication with GBAO was restored on 28 August, after almost a month.

### **Killing of Imomnazar Imomnazarov**

Great outrage among GBAO’s population was caused by the killing of Imomnazar Imomnazarov, who, according to the general prosecutor’s office, died at 4 a.m. on 22 August 2012 as a result of an explosion in his house.<sup>18</sup> The general prosecutor’s office accused Imomnazarov of smuggling drugs and precious stones, human trafficking, non-repayment of a bank loan, establishing of armed groups and capturing hostages. According to the defence minister, Sherali Khayrullaev, people from Imomnazarov’s close circle did not allow representatives of law enforcement bodies to inspect the site where the killing took place. Supporters of Imomnazarov denied this statement. Relatives and people close to Imomnazarov said that his house was inspected and a video recording of the inspection was submitted to the editors of the “Asia-Plus” newspaper. The video recording shows four people in military uniforms inspecting Imomnazarov’s house after his killing.

### **The Group of 20**

An active role in the process of regulating the conflict in Khorog was played by the Group of 20, established on 25 July 2012. One of the group’s basic tasks was to mediate between the government and local population. Members of the group were active representatives of the

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<sup>14</sup> Asia-Plus, “Defence minister: ‘We only wanted to scare...’”, <http://news.tj/ru/newspaper/article/minister-oborony-my-khoteli-tolko-ustrashit>

<sup>15</sup> Radio Ozodi, “Prosecutor’s office completed investigation of killing of Abdullo Nazarov,” <http://www.rus.ozodi.org/articleprintview/24879081.html>

<sup>16</sup> Vechorka Novaya Gazeta Dushanbe, “A stupid bullet cut off communications with Khorog,” [ru.ozodagon.com/n/tj/3495-2012-07-26-12-01-23](http://ru.ozodagon.com/n/tj/3495-2012-07-26-12-01-23)

<sup>17</sup> Information agency Ozodagon, “B. Zukhurov: We did not receive orders to disconnect communication in GBAO,” <http://ru.ozodagon.com/n/tj/3495-2012-07-26-12-01-23>

<sup>18</sup> Asia-Plus, “Khorog: Death of Imomnazar and a new meeting,” <http://news.tj/ru/newspaper/article/khorog-smert-imomnazara-i-novyi-miting>

public, religious leaders and representatives of various NGOs in GBAO. The group was dissolved on 28 July after the heads of the Aga Khan institutions—Aga Khan Development Network head Munir Mirali and Aga Khan Foundation head Yodgor Fayzov—joined the negotiation process.

In the opinion of representatives of the Group of 20, on 25 July local inhabitants went to a meeting where they demanded information regarding the reasons for opening fire against the population of the city. Representatives of the city *hukumat* proposed that 10–15 representatives of each microdistrict of the city should enter the *hukumat* building to conduct negotiations. During the meeting, provincial governor Qodiri Qosim decided to create the Group of 20, made up of representatives of each microdistrict.

The group included no representatives of international organizations or the media. Each member was selected by the governor of GBAO himself. Some local activists insisted on including in the group the “Asia-Plus” newspaper journalist Ramzia Mirzobekova, but GBAO governor Qodiri Qosim was categorically against her presence at meetings of the group.

Group of 20 members started their work in the second half of the day on 25 July. There was no document regulating the group’s activity, but records were kept of its meetings.

Each issue was actively discussed among the group members actively and all decisions were adopted after joint debate. Representatives of the group participated in negotiations on the handover of arms with informal leaders. (Imomnazar Imomnazarov and Tolib Aembekov were also present during collection and handover of weapons.) In the opinion of respondents, the informal leaders were not against handover of weapons in return for guarantees of the cessation of shooting at the civilian population and a fair, impartial investigation of General Nazarov’s killing.

Group of 20 representatives did not take part in drafting the lists of victims of the Khorog events or in assessment of the losses caused to local residents by the special operation. They knew, however, all the individuals who died as a result of shooting.

### **Handover of weapons: facts and contradictions**

The situation in the city returned to normal after a message of the Ismaili spiritual leader Aga Khan IV was read to GBAO residents on 28 July. He asked his followers to remain calm and allow the authorities to settle the situation through the relevant state structures. The Aga Khan also appealed to his followers to cooperate and support the authorities in achieving peace and order.

To prevent further escalation of conflict in the region, Tajikistan’s president offered guarantees of security to all people who voluntarily hand over their weapons on the basis of the Order of the President of the Republic of Tajikistan No. 2 of 2 December 1994 “On voluntary handover of weapons, ammunition and military equipment by the population of the Republic of Tajikistan.” Thus, from 30 July to 2 August 2012 in Khorog and its surroundings, weapons were handed over. In accordance with preliminary agreements, handover of weapons was anonymous and was controlled by district representatives. The process of handover of weapons was even video recorded.

In conformity with an announcement of Minister of Internal Affairs Ramazon Rakhimov, persons who handed over weapons received guarantees of exemption from criminal

prosecution if prior to the operation (i.e., before 24 July 2012) they were not prosecuted for other offences. From the very beginning, representatives of people who put up resistance during the military operation insisted that all relevant documents should be signed only with the participation of representatives of the OSCE Office in Tajikistan.<sup>19</sup>

### **Process of handover of weapons**

According to the records of handover of weapons, the whole process was managed by the head of the MIA Inquiry Department Abdullo Navjuvon, deputy head of District Department of Internal Affairs (DDIA) for the Rasht group of districts Iskandarov M. and representatives of the State Committee of National Security (SCNS), as well as representatives of the Aga Khan Foundation, UN World Food Programme (in the capacity of a private person) and representatives of the public, who signed all records.

In the course of monitoring, a document was received on execution of the order of the President of the RT on collection of weapons in GBAO, approved by Minister of Internal Affairs Ramazon Rakhimov on 5 November 2012. This document was also signed by all participants of the process of collection of firearms and ammunition in GBAO from 30 July to 2 August 2012.

### **Protest demonstration on 23 July 2012 in protest against introduction of troops to the territory of Khorog**

The protest gathered spontaneously and was not approved by the authorities. A total of 100–120 people participated in the protest, which lasted 5–6 hours. Many of the participants learned about the protest from their neighbours and relatives. The basic demand of the participants was withdrawal of troops from GBAO.

Monitoring results show that initially nobody from among representatives of the local authorities came to meet the protest participants. Later, Khorog's mayor came to them with a promise to fulfil their demands. After reaching an agreement, the protestors dispersed. According to respondents, however, the protestors' demands were not fulfilled.

According to information received, on the square were representatives of law enforcement bodies, but the police personnel were there to ensure the security of the city administration building rather than to ensure the security of the protestors.

During a protest on 23 July 2012, head of the city branch of the Islamic Renaissance Party of Tajikistan (IRPT) Sabzali Mamadrizoev spoke to the public, sharply criticizing the government of the republic in connection with socio-economic life in the country. According to the IRPT, immediately after the protest Mamadrizoev was detained by law enforcement structures and three days afterward his body was found near the Khorog border detachment.<sup>20</sup> On 30 July IRPT leaders called on Tajik authorities to investigate thoroughly Mamadrizoev's death.<sup>21</sup>

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<sup>19</sup> Ria Novosti, "Peace returns in Pamir but in Tajikistan there are fears of a division of the country," <http://ria.ru/analytics/20120731/713687993.html#ixzz2K7l25tqm>, <http://ria.ru/analytics/20120731/713687993.html>

<sup>20</sup> <http://www.islamnews.ru/news-135565.html>

<sup>21</sup> <http://news.tj/ru/news/pivt-prizyvaet-provesti-tshchatelnoe-rassledovanie-ubiistva-lidera-partii-v-gbao>



### **Protest demonstration on 12 August 2012 in protest against shooting of a car at Bidurd checkpoint, which resulted in killing of two civilians**

On 10 August 2012 at Bidurd checkpoint a Mercedes car with five passengers came under fire. According to representatives of regional Department of the Ministry of Internal Affairs the driver, going to Khorog at a high speed, initially ignored militaries' demand to stop, after which a shot was fired in the air, and then the car was fired upon. As a result of this incident, two people died and one was wounded. According to a source, a criminal case was brought to court and an investigation of the incident's circumstances initiated.<sup>22</sup> As of now, however, no information about the course of the investigation and its results is available.

Results of the monitoring show that approximately 300-400 people participated in the 12 August meeting protesting the shooting. The protest was organized spontaneously, without approval of the authorities. The principal demands of the protestors included withdrawal of troops from Khorog, immediate investigation and punishment of the individuals involved in shooting the car at the Bidurd checkpoint as well as restoration of mobile communication in the region.

A representative of the province *hukumat* and the Khorog mayor promised to the protestors that in the nearest future the remaining troops would be withdrawn and law enforcement bodies would proceed with investigation of the car shooting and passenger deaths.

### **Protest demonstration on 22 August 2012 in protest against the killing of Imomnazar Imomnazarov**

The killing of local informal leader Imomnazar Imomnazarov resonated greatly with the GBAO population. According to the General Prosecutor's Office, he died at 4 a.m. on 22 August as a result of an explosion in his house.<sup>23</sup>

The killing of Imomnazarov caused a great outrage among Khorog's population. According to various eyewitness estimates, from 3 to 5 thousand inhabitants of the region participated in the resulting protest. The protestors accused the authorities of involvement in the killing of Imomnazarov and of breach of the agreement on voluntary handover of weapons and withdrawal of troops.

The protest started in the morning on 22 August and ended on 23 August late at night (about midnight). The basic demands of the population included investigation of Imomnazarov's death and a full withdrawal of the remaining troops from the territory of Khorog. According to respondents, it was decided at the protest to convene an extraordinary session of the provincial parliament. A motion was presented to the Majlis in the city to approve the protest. The motion was declined by the provincial governor, who stated that at the moment there was an emergency situation in the region, therefore conducting of an extraordinary session of the provincial parliament was impossible. At the same time the head of the province was unable to give a clear answer to the question of who had declared the emergency situation.

During the protest, community (*mahalla*) representatives met defence minister Sherali Khayrullaev, MIA representatives and the mayor. As a consequence of negotiations between the armed forces, city activists and the Group of 20, an agreement was signed that became the

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<sup>22</sup> <http://ria.ru/world/20120811/721051207.html>

<sup>23</sup> <http://news.tj/ru/newspaper/article/khorog-smert-imomnazar-i-novyi-miting>

first written document since the beginning of the special operation in Khorog on 24 July. All previous agreements were oral.

Respondents noted that law enforcement bodies had not ensured security of the protestors. Moreover, on the first day, when Khorog residents took Imomnazarov's body to the main square, law enforcement personnel started shooting both in the air and at people, as a result of which five or six of the protestors were wounded in their legs.

## II. REVIEW OF INTERNATIONAL DOCUMENTS IN THE AREA OF HUMAN RIGHTS

Issues of observance of human rights during conflict situations are regulated by various **norms of international human rights law** and humanitarian law, such as the International Covenant on Civil and Political Rights (ICCPR), the Geneva Conventions of 12 August 1949 and Additional Protocols to them of 8 July 1977.

### **International Covenant on Civil and Political Rights**

**Right to life.** In accordance with art. 6 (1) of the ICCPR, “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.” In its general comment no. 6 to art. 6 the UN Human Rights Committee emphasized the necessity of adopting appropriate security measures, limitation of the use of force to the degree which is absolutely necessary and investigation of cases of suspicious death to make sure that deprivation of life was not “arbitrary.”

Use of force and firearms should meet the following criteria: a) it has a justified and lawful reason; b) it is necessary and proportional. In determining “arbitrary use of force,” one should consider not only the use of force as such but also whether a governmental operation was conducted and planned appropriately and whether it reduced to a minimum the risk to the lives of its participants. If in the course of the operation there were failures that led to use of force, that use of force may be disproportional.

In each case of deprivation of life an obligation arises for the state to ensure a detailed and independent investigation of the death, an obligation that is closely related to the right to effective means of legal defence in case of a probable violation of human rights.

The obligation to conduct an effective investigation entails not only obtaining of a result but also the process. “The law should strictly regulate and limit those circumstances in which any human being may be deprived of life. Serious consequences of use of fire arms, resulting in death, are a sufficient justification to conduct at least a minimal separate investigation of potential involvement in the death case of law enforcement forces of the member state. The burden of proof in such cases is on the state because only the member state has access to relevant information and it should in good faith investigate all claims on violation of the Convention.” The very fact of absence of an adequate investigation constitutes sufficient grounds for violation of the right to life.<sup>24</sup>

### **Basic reasons for use of force and firearms by law enforcement officials** (*Adopted by the Eighth United Nations Congress on Prevention of Crime and Treatment of Offenders, Havana, Cuba, 27 August—7 September 1990*)

In all cases when the use of force or firearms is inevitable, law enforcement officials should: a) show restraint in such use of force and act depending on how serious the offence is and on the lawful goal which should be achieved; b) bring to the minimum the possibility of causing harm and injuries and protect human life; c) secure provision of medical and other aid to the injured or victims as soon as possible; d) ensure that relatives or close friends of the injured or victims are notified as soon as possible.

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<sup>24</sup> See *Umetaliev vs. Kyrgyzstan*. Human Rights Committee. Communication No. 1275/2004, adopted on 30 October 2008.

Law enforcement officials should not use firearms against people. In any case, deliberate use of force resulting in death may take place only when it is absolutely necessary to protect life.

Norms and provisions on the use of firearms by law enforcement officials should include guidelines that: a) determine circumstances in which law enforcement officials are authorised to carry firearms and specify permitted types of firearms and ammunition; b) provide that firearms should be used only in appropriate circumstances and only in such manner that enables reduction of the risk of causing excessive harm; c) prohibit use of such types of firearms and ammunition that cause extremely heavy injuries or constitute a source of unjustified risk.

Governments and law enforcement bodies should establish effective procedures of submission and analysis of all reports on use of force and firearms and ensure an effective process of investigation and possibility of conducting in appropriate circumstances of their jurisdiction activities by independent administrative bodies or court prosecution bodies. In case of death and serious injury or other heavy consequences a detailed report should be immediately submitted to competent bodies responsible for independent administrative investigation of the case and court control.

Victims of the use of force or firearms or their legal representatives should have access to an independent investigation process, including court trial. In case of death of the people involved, this provision is extended correspondingly to their dependents.

An important role in determining basic standards in the area of human rights is played by the **Set of Principles for Human Rights Protection and Promotion by Fighting Impunity and Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law** adopted by the UN General Assembly in 2005. The Set of Principles provides for:

- **Right to the truth** – identification of facts, reasons of human rights violation, and those responsible;
- **Right to justice** – includes investigation of human rights violations and prosecution of those guilty as well as ensuring of effectiveness of national justice systems;
- **Right to reparation** – ensuring of effective means of legal defence for victims of human rights violations, including restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence of similar violations in the future.

Promotion of the truth, ensuring of justice, reparation and guarantees of non-repetition constitute a set of measures that are interrelated and may strengthen one another when they are adopted to overcome a legacy of mass abuse and violations of human rights. Overcoming a legacy of such violations means above all strengthening those human rights norms that were systematically or grossly violated.

#### **Goals of promotion of the truth, initiatives in the area of justice and compensation and guarantees of non-recurrence**

Special Rapporteur on Promotion of the Truth, Justice, Reparation and Guarantees of Non-Recurrence of Violations Pablo de Greiff in his annual report (A/HRC/21/46; 09/08/2012) determined the following basic goals:

**Recognition** – Practically in all cases, without exception, one of the first demands of victims concerns recognition of the fact that they were wronged. It is important to recognise that the victims were wronged, and that is only possible with reference to legal norms and recognition that the victim has rights. This entails not only the right to seek possibilities of reparation of the harm done in order to diminish suffering but also to reinstate those rights of the victim that were grossly violated and confirm the victim’s position as a person entitled to take legal action on the basis of his or her rights and not simply out of sympathy or for other reasons.

Reparation represents a material form of recognition of the victims’ rights and supports efforts to ensure recognition, demonstrating sufficiently serious intent to invest resources and (via well-thought-out programs) letting beneficiaries understand that the state cares about their interests. Finally, institutional reform, including checks of trustworthiness, is guided by the idea of ensuring conditions in which individuals may act in relation to one another and in relation to the authorities as having equal rights.

**Trust** – Trust in this context should be understood as including trust of individuals in one another and in state institutions. Trust in the institutions means understanding that their underlying principles, values and norms are shared by members or participants and are considered by them as binding. Court institutions, particularly in situations when they traditionally function as an instrument of the authorities, become trustworthy if they can prove that no one is above the law. Identification of the truth may be conducive to consolidation of trust, having responded to the needs of those whose trust was undermined by experience of violence and/or cruel treatment and who are afraid of recurrence. Reparation is conducive to consolidation of trust, proving how seriously various institutions now treat violation of rights. Recognition and trust are necessary conditions and means of justice.

**Reconciliation** – Reconciliation should not be perceived as an alternative to justice or as a goal that can be achieved without adopting a comprehensive approach to all four measures (truth, justice, reparation and guarantees of non-recurrence). Reconciliation means that individuals under the jurisdiction of a specific state are sufficiently devoted to the norms and values by which the governing structures are guided. Real trust in institutions may require changes in the general attitude toward the fact that implementation of the measures may set the foundations for that process but may not start it. Such change in the general attitude requires implementation of initiatives aimed to a greater extent at personal and, to a smaller extent, institutional aspects of reforms. Among such initiatives, official apology is of primary importance. That should not end on a general admission of responsibility and could play an important role in contributing to the indispensable change of the general attitude.

**Consolidation of supremacy of law** – One of the tasks of justice is to promote supremacy of law. For example, practically all commissions for identification of the truth use this concept both as explanation (on closer analysis it turns out that lack of respect for the principle of supremacy of law is one of the factors that leads to violation of rights) and as object of their work (their recommendations are recognized as aimed at consolidation of the supremacy of law).<sup>25</sup> Criminal proceedings, that respect all procedural guarantees, are a sign of respect for

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<sup>25</sup> See, for example, the report to the UN Security Council “From mindlessness towards hope: twelve-year war in Salvador: Report of the Truth Commission in Salvador,” S/25500, Chapter V; Truth and Reconciliation Commission, “Institutional Hearing: The Legal Community,” in Truth and Reconciliation Commission of South Africa Report (London, Macmillan Reference Limited, 1998), especially vol. 4, chap. 4; Comisión de Verdad y Reconciliación de Peru, “Los factores que hicieron posible la violencia,” vol. VIII, No. 2, in Informe Final (Lima, Comisión de Verdad y Reconciliación, 2003), especially chap. 1, part 4.

the rule of law. In addition, 1) activities focused on establishing the truth may help understand numerous problems preventing legal systems from protecting people's rights and may also provide basis, on which legal systems may in the future operate *a contrario*; 2) reparation programmes established in response to human rights violations, even if *ex post facto*, show that legal norms are of great importance; institutional reforms, even most basic ones focusing on dismissing officials who had abused their position, increase stability of rule of law.

**International humanitarian law** obliges the states conducting a military operation to take all possible security measures to avoid accidental losses among the civilian population, injury to civilians and accidental damage to civilian facilities, or in any case to reduce them to a minimum.

According to art. 13 of the **Additional Protocol II**<sup>26</sup>, "Civilian population and individual civilians are subject to general protection from dangers arising in connection with military operations."

The UN General Assembly in its resolutions **on Respect of Human Rights in Armed Conflict, 1968, and on Basic Principles of Protection of Civilian Population during Armed Conflicts, 1970** calls on states to make all efforts during military operations to protect civilian populations from destructive war activities and *take all necessary security measures* to avoid physical suffering, death among the civilian population or harm done to it.

All necessary security measures should be adopted to protect the civilian population from the effects of weapons use.

According to amendments to art. 3 (10) of **Protocol II** of the **Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects (hereinafter Convention on Certain Conventional Weapons)**, *possible security measures* mean such security measures as "are practically feasible or practically possible taking into account all circumstances existing at a given moment, including human and military considerations."

These circumstances include but are not limited to the following *measures to protect civilians by information and observation; presence and feasibility of use of alternative systems, etc.*

The UN General Assembly in its Resolution 2675 **on Basic Rules of Protection of Civilian Population during Armed Conflicts, 1970** provides for observance of the following rules during an armed conflict:

- 1) Basic human rights as recognised in international law and established in international documents continue to fully apply in situations of armed conflicts;
- 2) While conducting military operations during armed conflicts there should always be a distinction between people actively participating in military activities and civilian population;
- 3) While conducting military operations all efforts should be made to protect civilian population from destructive war activities and all necessary security measures should be adopted to avoid physical suffering, death among the civilian population or harm done to it;

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<sup>26</sup> Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1125 U.N.T.S. 609, entered into force Dec. 7, 1978.

- 4) Civilian population as such should not be the object of military operations;
- 5) Residential buildings and other buildings used only by civilian population should not be the object of military operations.

Medical personnel dedicated only to performing medical duties should be respected and protected in any circumstances.

Medical formations and means of sanitary transport should be respected and protected at any time and may not be the object of attack during an armed conflict, according to art. 11 of the **Additional Protocol II**.

According to international humanitarian law, it is prohibited to use means and methods of conducting a war that may cause excessive injury or cause unnecessary suffering.

**Protocol II** with amendments to the **Convention on Certain Conventional Weapons (art. 3.8)** prohibits indiscriminate use of weapons. Indiscriminate use is any aiming of such weapons:

- a) which takes place not on a military facility or is not aimed against it. In case of doubt whether a facility conventionally used for civilian purposes, e.g., a place of worship, residential building or school, is used for making an effective contribution to war activities, it is assumed that the facility is not used for war purposes; or
- b) which takes place by a method or means of delivery not allowing aiming of the activity at a concrete object; or
- c) which may be expected to cause accidental losses of life among civilian population, injuries to civilians or damage to civilian facilities, or all of these jointly, where the injuries and damage are excessive with respect to the expected, concrete and direct military advantage.

It is prohibited to use any weapons whose essential action consists in injuring by shrapnel not detectable in the human body by X-rays, in accordance with **Protocol I Convention on Certain Conventional Weapons**.

### III. REVIEW OF NATIONAL LEGISLATION OF THE REPUBLIC OF TAJIKISTAN

The Constitution of the Republic of Tajikistan, determining the status of GBAO, imposes on the central bodies of legislative and executive power to agree determined types of activities with province authorities. It is prohibited to change the GBAO's borders without consent of the Majlis, the local parliament of the province (art. 81), and the Majlis has the right of legislative initiative (art. 82).

According to art. 13 of the Constitutional Act of the Republic of Tajikistan on the Gorno-Badakhshan Autonomous Province, the **competence of the GBAO governor** includes taking steps related to consolidation of law and order and intensification of the fight against crime, **ensuring security of citizens**, protection of their rights and interests, and **organization of work** in other extreme (**emergency**) situations.

National legislation on defence provides that “civil defence on the territory of the Republic of Tajikistan or its individual localities starts at the moment . . . of actual start of military activities” and imposes on the local bodies of executive power the responsibility for “**informing in a timely manner the population about military activities and risks arising as a consequence of conducting of military activities**; preparation of secure districts and medical institutions for placing of the evaluated population; **taking steps to evacuate the population** ... to secure districts, their location, deployment of medical and other institutions necessary to care primarily for civilian victims.”<sup>27</sup>

**Tajikistan's President**<sup>28</sup> has the competence to announce a partial mobilisation and start of military activities by the armed forces of the state on the territory of the state or its individual parts.

According to the Regulations of the Committee for Emergency Situations and Civil Defence of the Government of the Republic of Tajikistan, its competence includes organizing to inform civil defence management bodies and the population about the risk and the start of military activities. In connection with that, the Committee has the right to request and obtain, in the determined mode, information necessary for decisions within the Committee's competence, and to have, in the mode determined by law, special means of transport signed with identification signs, light and sound signalling and means of communication.

The conducting of operations and inquiry activities to prevent, disclose and discontinue such operations is entrusted to Tajikistan's national security bodies, which should in their activity cooperate with other law enforcement bodies.<sup>29</sup> Prosecution bodies are entrusted with general coordination of activity of fighting against crime conducted by internal affairs bodies, security bodies, tax bodies, customs and other law enforcement bodies.<sup>30</sup>

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<sup>27</sup> See art. 11 of the Law of the RT On Civil Defence.

<sup>28</sup> See art. 7 of the Law of the RT On Defence.

<sup>29</sup> See art. 15 of the Law of the RT on National Security Bodies.

<sup>30</sup> See art. 10 of Constitutional Law of the RT on Prosecution Bodies of the RT.



## Right to life and the use of force and firearms

According to art. 18 of Tajikistan's constitution, everybody has the right to life. Criminal legislation of the state provides for criminal liability for killing, including killing in a situation exceeding the limits of necessary defence or exceeding the measures necessary to detain an offender,<sup>31</sup> and causing of death accidentally as a result of undue performance of professional duties, or causing death accidentally to two or more people.<sup>32</sup>

The legislation also provides for criminal liability for exceeding of official responsibilities with the use of weapons or special means and with causing of serious consequences.<sup>33</sup>

The criminal code determines as a crime a **deliberate violation of the norms of international humanitarian law committed during an armed conflict**, including internally, which is defined as “an attack on the civilian population or on individual civilians, an indiscriminate attack affecting the civilian population or civilian facilities, ... and resulting in death or a serious injury to the physical or mental condition of any person or resulting in major damage,” as well as “aimed against people who do not participate in military activities or do not have means of defence.”<sup>34</sup>

The Law of the RT on Weapons determines the general norms of carrying and using weapons. According to art. 22 of the law “it is prohibited to use firearms ... with a considerable concentration of people where innocent people can suffer, except for cases of attack, armed resistance, group or armed attack which create risk for human life. Each case of use of weapon resulting in bodily injury should be reported by the weapon holder without delay, but **not later than within 24 hours**, to internal affairs bodies territorially competent for the place of use of weapon.”

The Law of the RT on Internal Troops of the MIA of the RT **does not provide for an exceptional nature of use of force and weapons**, not to mention proportionality of the use of force or weapons. If the law establishes restrictions on the use of special means and weapons<sup>35</sup>, it does not do so for the use of physical force. When using physical force, special means and weapons, the serviceman is obliged to warn of his intention, allow time sufficient to fulfil the demand, ensure provision of first aid, report about their use to superiors and notify a prosecutor about injury or death in accordance with art. 19 of the law.

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<sup>31</sup> Art. 107 of the Criminal Code of the RT provides for punishment in the form of deprivation of freedom for up to two years.

<sup>32</sup> Art. 108 of the Criminal Code of the RT provides for punishment in the form of deprivation of freedom for a period from two to five years.

<sup>33</sup> Art. 316.3 provides for punishment in the form of deprivation of freedom for a period from five to ten years.

<sup>34</sup> Art. 403 of the Criminal Code of the RT.

<sup>35</sup> The Law of the RT on Internal Troops of the MIA of the RT, art. 21. Use of special means –

“It is prohibited to use special means toward women with clear symptoms of pregnancy, persons with clear symptoms of disability and juveniles, except for cases when they put up armed resistance or commit an attack constituting a risk for human life and health”.

The Law of the RT on Internal Troops of the MIA of the RT, art. 22. Use of weapons –

Weapons are used without warning in repelling an attack committed with the use of arms, military equipment, means of transport, flying machines and sailing vessels, in the case of escape from detention with weapons or with the use of means of transport, flying machines as well as escape in conditions of limited visibility and escape from means of transport in motion. It is prohibited to use weapons toward women, persons with clear symptoms of disability and juveniles, except for cases when they put up armed resistance or commit an attack constituting a risk for human life”.

The Law of the RT on Police in its chapter 4 develops, although only slightly, the provisions of the previous law, allowing the use of physical force, special means and firearms “depending on the circumstances as judged by the policeman,” practically in the cases analogous to the previous law. Analogous norms are contained in the Law of the RT on National Security Bodies (art. 21).

Legislation of the state does not provide for the obligation to ensure a detailed and independent investigation of each case of injury or deprivation of life.

## **IV. KEY RESULTS OF THE MONITORING**

### **1. RIGHT TO THE TRUTH**

#### **4.1.1. Informing the population about the start of the special operation**

The population of Khorog was not informed that on the morning of 24 July a special operation affecting a few microdistricts of the city would start. After the introduction of military units on the territory of Khorog from 22 to 23 July, the population expected that the troops would have the task only to detain individuals involved in General Nazarov's killing. Residents of microdistricts UPD and Barkhorog, however, did not expect that military activities would be conducted on the territory of their microdistricts. The majority of people were woken up at about 4 a.m. on 24 July by the sounds of shooting. Some respondents and members of their families stated that at the beginning of the shooting they thought that a war against Khorog's residents had started.

Generally, the population learned about the special operation conducted by armed forces and law enforcement bodies only at about noon on 24 July from *mahalla* heads and other unofficial sources.

The GBAO authorities were not informed about the special operation either. A representative of the province commented that the failure to agree with the local government on the decision to conduct the special operation with involvement of law enforcement bodies (SCNS, MIA, Prosecutor's Office and Defence Ministry) showed the weak position of the national government in the region (i.e., in GBAO).

From the beginning of the special operation and continuing for about a month, there was no access to full communication in the region. Only three telephone helplines worked, and daily they received more than one thousand calls from people living outside GBAO.

According to the regional Department of the Ministry of Internal Affairs (DMIA), immediately after General Nazarov's killing, employees of the DMIA for GBAO started investigation work jointly with prosecution bodies. In the course of the investigation, individuals involved in the crime were identified. Law enforcement forces in the province were unable, however, to bring them to justice due to hindering of the investigation and the criminal proceedings by local criminals. This fact was reported to the MIA and General Prosecutor's Office. Assistance from Dushanbe was requested for purposes of further investigation of the criminal case, and before the start of the special operation representatives of the General Prosecutor's Office arrived in Khorog.

Nevertheless, local police did not have information about dates, place or scale of the conducting of the special operation. As with the rest of the population, police did not have access to mobile or fixed communication. Only the DMIA headquarters, which coordinated their work, had communication.

According to personnel of the provincial hospital, hospital staff had not been notified about the start of the special operation. On 23 July, however, they were given instructions to release all patients from the hospital to make space in the wards.

A day before the start of the military activities (23 July), a group of doctors from Dushanbe came to the city, including a neurosurgeon, an anaesthesiologist and therapists, with a large quantity of dressing materials, medicines and blood (there is no blood bank in the province), as well as equipment for surgeries. The official version of the reason for their arrival was consultations with local medical personnel. According to respondents, the doctors from Dushanbe themselves were not aware of the true purpose of their business trip. They were given a separate space within the hospital building for accommodation and work. According to the local personnel, the doctors stayed at the province hospital for three days, helping local doctors conduct complex surgeries.

The medical personnel noted that the provincial hospital did not have access to means of communication and only the head doctor had access to a mobile network. The monitoring group was able to talk with the head doctor of the province hospital, who said he was also a member of parliament and because of that status he was entitled to access to mobile communication during the special operation.

The GBAO cardiologic hospital (in UPD district) was also not informed about the special operation. Before the start of the special operation the hospital had 25 patients in standard treatment. In connection with the tense situation in Khorog on 23 July, most of the patients were released on their own request, except for one person whom doctors refused to release because of his severe condition. Some doctors were unable to go to work on 24 July because there was intense shooting in the district. Nurses who did not manage to go to work during the special operation provided medical aid to people in their area. One of the nurses gave first aid to a heavily injured person, but he died anyway as it was impossible to take him urgently to a hospital to save his life. Hospital staff living outside Khorog had to remain in the hospital for three days.

During the special operation the hospital had no communication, no telephones worked and law enforcement bodies did not ensure security of the hospital. On 23 July, 3–4 armed servicemen came to the hospital, inspected the hospital area and building, then announced that a post would be established in the attic and nobody would be admitted to that area.

Representatives of GBAO's Education Department were also not informed about the upcoming special operation. On the days of the special operation, educational institutions were closed in connection with the summer holiday.

#### **4.1.2. Access to means of communication**

About midnight on 23 July, mobile and fixed-line communication with Khorog was blocked. Access to the internet was also blocked, and the Dushanbe–Khorog road was closed. Fixed-line communication was restored on 28 July, and on 25 August mobile communication was restored within the Khorog and Shugnan areas. According to the official version, the lack of communication was due to a damaged cable. According to an announcement by the head of the Communication Service Beg Zukhurov, **“At the time of the events in Khorog a bullet hit some cables** because they [the cables] were above the ground.”<sup>36</sup>

In the course of the monitoring, however, it was discovered that mobile telephones of the heads of law enforcement bodies, the GBAO *hukumat* and some locals acting as mediators in

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<sup>36</sup> Asia-Plus, “B. Zukhurov: A bullet hit cables and that is why there is no communication with Khorog,” 26.07.2012, <http://news.tj/ru/news/b-zukhurov-odna-pulya-popala-v-provoda-poetomu-s-khorogom-net-svyazi>

negotiations were connected to the Tcell mobile network, which contradicts the official version on cable damage. The majority of GBAO's population, including local authorities, did not have access to means of communication. At the same time, **heads of governmental bodies** enjoyed uninterrupted mobile and landline communication services.

Due to unavailability of communication, the local population was unable to receive any information about the attack on the city or communicate with relatives living outside GBAO. As a result, the region's population did not have access to reliable and trustworthy information, which in turn generated a huge amount of rumours and ungrounded fears.

#### **4.1.3. Mass media**

At the start of the special operation in Khorog, a number of websites were blocked in Tajikistan, including websites of the Asia-Plus media group ([news.tj](http://news.tj)), [RIA Novosti](http://ria.ru), [Vesti](http://vesti.ru), [Centr Azia](http://centr-azia.ru), [Lenta.ru](http://lenta.ru) and [Pamir Vesti](http://pamir-vesti.ru). Despite governmental claims that access to the websites was blocked in connection with technical and maintenance work, an analysis of the media allows the conclusion that the reason for blocking the websites was coverage of the events in Khorog. For example, YouTube and the analogous [TajTube](http://tajtube.ru) were blocked after a video appeared on Youtube with a recording of the meeting in Khorog at which locals protested against the introduction of additional armed forces.

The population lacked access to official information about the number of victims, including the number of those killed and injured. All respondents answered that from 24 to 27 July they did not have access to means of communication (internet, fixed-line and mobile communication).

According to the respondents (22 out of 33), the events of 24–28 July were broadly covered by the media, mainly in such Russian channels as RBK and NTV, Kazakh TV channel K+ and in such newspapers as Asia-Plus. They identified as the most reliable sources the newspapers Asia-Plus, Farazh and the printed edition of the IRPT's Najot. According to the respondents, the most accurate and objective information was provided by K+, RBK and the Asia-Plus news agency, whose special correspondent was in Khorog from 24 July onward.

Nevertheless, six respondents noted that some Russian channels provided inaccurate information, especially regarding the number of victims and the true reasons of the special operation. The most negative evaluation was given to the public TV channels of the RT and local television channel Badakhshan, which according to respondents informed about the events non-objectively and with ungrounded criticism of some of the victims among Khorog's residents. Four respondents said that after restoration of communication they obtained information on the internet.

#### **4.1.4. Informing the population about the course of negotiations**

Already on 25 July, at the initiative of province governor **Qodiri Qosim**, the Group of 20 was established from among local activists, the Khorog city Majlis and spiritual leaders. The group played an active role in the process of negotiations to regulate the conflict. One of the group's basic tasks was to support cooperation between the authorities and the local population. According to Group representatives, each member was selected by the governor himself. According to information received, group members started work on 25 July. After the parties reached an agreement on voluntary handover of weapons on 28 July, the group was dissolved. Nevertheless, according to respondents, after some time members of the group

resumed their work because representatives of local authorities did not manage to establish a dialogue with the city population. One of the basic reasons for dissolving the Group of 20 was that on 28 July Aga Khan Foundation representatives joined the negotiation process. They explained that the mission of the group was over and that they would conduct further negotiations. It should be noted that other international organizations whose mandate includes peaceful regulation of crisis situations were not involved in the process.

Monitoring results show that most respondents did not have full information about the course of negotiations between governmental forces and local armed groups. Due to lack of mobile and fixed-line communication, all information available was essentially based on rumours. Only active representatives of the community had access to information about the course of negotiations, as those people participated directly in all processes and thereby had access to accurate information. Other respondents basically received information from Group of 20 representatives at meetings, from neighbours and friends and from Aga Khan Foundation representatives (including Yodgor Fayzov). Only two respondents said that they had received information from the media, i.e., public national and local TV.

#### **4.1.5. Evacuation of the population from the special operation zone**

The city's population was not informed about the upcoming attack, as a result of which people were unable to evacuate even from those microdistricts hit the heaviest by governmental troops. The monitoring group received information that civil servants and employees of educational institutions had been informed not to come to work on 24 July.

According to unofficial data, a day before the attack, on 23 July, foreign citizens and employees of international organizations working in the region were evacuated. About 40 foreign tourists remained in the city. They managed to leave for Dushanbe only on 27 July.

Local bodies of executive power did not have any idea about the scale of the operation, and thus evacuation of the population was not planned in time.

A representative of the Directorate of the Committee for Emergency Situations and Civil Defence for GBAO said that the directorate belonged to the evacuation commission, both in the province and in districts. The directorate had not been informed about the special operation. Before the special operation, however, it had been asked to provide tentative information about the number of households and the population in places of the special operation. They said that after employees of the prosecutor's office had been taken hostage, law enforcement bodies started the special operation to fight bandit groups. According to the respondent, if they had been informed in advance about the time, date and exact place of the special operation, then their directorate would have had the possibility to prepare to evacuate the population.

As a result, local authorities did not announce an evacuation from the zones of military activity. During the special operation on 24 July the respondents and members of their families stayed at home, because due to the exchange of fire it was impossible to move about the city. Additionally, according to respondents, in the whole perimeter of the city, in particular around the microdistricts in which military activities were conducted, there were snipers who shot also at peaceful inhabitants. It was only after 25 July that the residents of Khorog were able to leave their houses and move out temporarily to stay with relatives and friends.

An exception were women and children living in the territory of Barkhorog microdistrict who managed to leave on their own the zone of military activities immediately on the day of the special operation. It was possible thanks to the fact that the only road leading to this microdistrict was blocked by the local population. Precisely this section of the road allows departure from the city boundaries in the direction of a small hydroelectric power station and the neighbouring villages of the Shugnan and Roshtkala districts. The male population of the microdistrict, however, was unable to leave the city, as they would risk being killed by snipers deployed along the whole perimeter of Khorog, both on the right- and left-bank sides.

## **2. RIGHT TO JUSTICE**

### **4.2.1. Information on people who died during the special operation**

A year after the special operation there is no reliable information about the number of the injured and killed members of the civilian population or representatives of law enforcement structures and armed forces participating in the special operation. The monitoring group directed inquiries to governmental bodies requesting relevant information, but there was no response. According to official information presented to the UN Human Rights Committee, the government stated that “as a result of armed clash and use of force against state officials such as employees and servicemen of the structures of internal affairs, security, defence ministry and national guard, 18 military and law-enforcement staff were killed and more than 45 injured.”<sup>37</sup>

According to a representative of local bodies of executive power said that, according to official data, during the special operation 45 people died: 22 civilians and 23 security forces. Representatives of the local authorities, however, did not work on documentation of the situation in the region.

During an official dialogue with the delegation of the Republic of Tajikistan on 9 July 2013, members of the Human Rights Committee requested information about the number of peaceful civilians who died during and after the special operation of 24 July 2012. The Deputy General Prosecutor said that during the special operation in Khorog only two peaceful civilians died—one hit by a stray bullet and the other due to a heart attack.

According to an announcement of the defence minister, most of the people killed on 24 July were members of criminal groups and were killed while putting up resistance to law enforcement bodies.<sup>38</sup>

On 3 July 2013, at one of the sessions of the Preparatory Human Dimension conference, a defence ministry representative announced that two people were killed from among defence ministry personnel during the special operation.

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<sup>37</sup> See section 12, Information on issues raised in connection with considering of the second periodical report of Tajikistan on the International Convention on Civil and Political Rights (ICCPR), adopted by the Committee at the 108<sup>th</sup> session on 11–28 March 2013. CCPR/C/TJK/Q/2/Add.1. 13 June 2013.

<sup>38</sup> Asia-Plus, “Defence minister talked about the operation in Khorog,” 5.09.2012, <http://news.tj/ru/news/ministr-oborony-rasskazal-ob-operatsii-v-khoroge>

Local human rights organisations documented 18 cases of civilian deaths during the special operation in Khorog, most of whom were peaceful inhabitants who had not managed to evacuate in time from the city due to lack of information about the upcoming attack.

In total we managed to document 22 cases of civilian deaths. These death cases occurred in the period from the beginning of the special operation in Khorog on July, 24, until August, 22, 2012.

*List of the killed* (documented data on circumstances of death are presented in Appendix 1)

#	Surname, Given Name	Birth Year	Area, Notes
1	Mamadrizoev Sabzali – Head of province cell of IRPT	1981	Microdistrict UPD
2	Iskandarkhonov Rustam	1980	Microdistrict UPD
3	Imomnazarov Sultonnazar Ogonazarovich	1968	Microdistrict UPD
4	Shiribekov Zokir Gulbekovich	1987	Microdistrict UPD
5	Abdulnazarov Alisher Sokhibnazarovich	1982	Microdistrict UPD
6	Mamaddodov Sobir Ayembekovich	1978	Microdistrict UPD
7	Sultonnazarov Safarbek Mirzonazarovich	1973	Microdistrict UPD
8	Zoirbekov Zoirbek Mirzomamadovich	1959	Microdistrict UPD
9	Nizomiddinov Jaloliddin Somiddinovich	1972	Microdistrict UPD
10	Bakhtuljamolov Toshbek	1948	Microdistrict UPD
11	Mulkamonov Mamadasan Nazarovich	1967	Microdistrict UPD
12	Karamkhudoev Bakhtibek Sultonmamadovich, who had two dependent disabled children	1946	Microdistrict UPD
13	Raisov Rais	1985	Microdistrict Barkhorog
14	Mamadibroimov Ermamad	1964	Microdistrict Barkhorog
15	Gaesiev Suraj Muravvatovich	1974	Microdistrict Nivodak
16	Sadonshoev Eraj Shirinovich	1971	Microdistrict Khichordef
17	Pulodov Abdulnabi Tokhirovich	1996	Microdistrict Bizmich
18	Bakhtovarshoev Farid Komilshoevich	1992	Microdistrict Bizmich
19	Shodmonbekov Rashid	1987	Shot dead on 10 August by sentry duty policemen in Microdistrict Barkhorog
20	Shodmonbekov Vokhid	1991	Shot dead on 10 August by sentry duty policemen in Microdistrict Barkhorog
21	Imomnazarov Imomnazar	unknown	22 August Microdistrict UPD



22	Mirzokhasanov Pissarjon	09.07.1985	Resident of Murgabsk district, shot dead on 24 July near burnt Khorog university hostel
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The monitoring group managed to meet families of 15 victims who died during and after the special operation in Khorog. During the monitoring it was discovered that most people do not have information about the circumstances of death of their relatives. In one case the victim (born in 1946) was shot dead while attempting to look out of a window. In another case, Toshbek Bakhtuljamolov (born in 1948) died of a heart attack, because due to intense exchange of fire his relatives were unable to take him to a hospital in time; on arrival at the hospital the man was dead. Because the road in the direction of the provincial hospital in Khorog was blocked, his relatives were able to retrieve the dead man's body only on 25 July.

Some of the dead were killed in their own yards by sniper shots or by fragmentation grenade explosions. For example, Jaloliddin Nizomiddinov (born in 1972) sustained a deadly wound in the heart area in the yard of his own house at 5 a.m. on 24 July. Farid Bakhtovarshoev (born in 1992) was mortally wounded with mortar shell shrapnel in the chest and head. In the remaining cases—Zokir Shiribekov (born in 1987), Safarbek Sul-tonnazarov (born in 1973), Rais Raisov (born in 1985) and Ermamad Mamadibroimov (born in 1964)—relatives were informed about their deaths 42 hours after the operation. Dead bodies of some of the killed remained lying in the street for two days. In other cases dead bodies were delivered to the city morgue by ambulance service.

The monitoring disclosed cases of deaths among the civilian population before and after the special operation:

**Sabzali Mamadrizoev** – During the protest on 23 July, the head of the Khorog branch of the IRPT Sabzali Mamadrizoev (born in 1981) spoke to the public with a sharp criticism of the government of the republic in connection with socio-economic life in the country and forcing of the overwhelming majority of GBAO's able-bodied population to become labour migrants in the Russian Federation.

According to the IRPT, immediately after the protest Mamadrizoev was detained by law enforcement structures. Three days later his body was found near the Khorog border guard detachment in a waste dump.<sup>39</sup>

Videos appeared soon on Youtube from sites of the events, including recordings of the protest of Khorog residents, videos of half-destroyed and burning houses and of actions of some security personnel. The latter videos included images in which representatives of governmental forces were mocking a dead body, kicking and dragging it and finally throwing it in a waste dump. IRPT leaders associated those pictures with Mamadrizoev's death and called on Tajik authorities to investigate his death thoroughly.<sup>40</sup>

<sup>39</sup> <http://www.islamnews.ru/news-135565.html>

<sup>40</sup> <http://news.tj/ru/news/pivt-prizyvaet-provesti-tshchatelnoe-rassledovanie-ubiistva-lidera-partii-v-gbao>

According to information obtained from Mamadrizoev's widow, neither law enforcement bodies nor medical services documented the fact of death, and there was no forensic examination. According to her, on Mamadrizoev's body there were bruises around the eyes and hematoma on the neck in the form of red stains.

**Death of a teenager** – In spite of the ceasefire announcement, on 25 July teenager Abdalnabi Pulodov (born in 1996) was killed next to his house by a sniper shot. According to relatives, early in the morning Abdul went out to the toilet in the yard of the house. After a few minutes sounds of a machine gun burst were heard. The teenager's father went out to the yard and saw his son, who was sitting in hiding afraid to get out. When the teenager saw his father the boy moved toward the father. At that moment a sniper, who according to the father was positioned in the neighbouring house at a distance of about 50 metres, shot. The boy was mortally wounded by a firearm in the area of the liver and died after arrival at the hospital.

According to the father of the killed boy, the authorities did not conduct a forensic examination and the death was not documented. Relatives have still not received a death certificate, and law enforcement bodies have not started an investigation of the incident.

**Shooting at cars** – On 10 August at one of the checkpoints a Mercedes car with five people inside was shot at. As a result, two young people died—Rashid Shodmonbekov (born in 1987) and Vokhid Shodmonbekov (born in 1991)—and one female passenger was injured. According to information obtained from relatives of the dead, the authorities did not conduct a forensic examination of the bodies.

Immediately after the incident, families of the killed applied to the authorities requesting an official investigation. According to available information, the Shugnan district prosecutor's office initiated a criminal case. Despite assurances by the authorities of immediate investigation of the incident, however, until now there has been no information about the conducting of an official investigation.

**Imomnazar Imomnazarov** – On 22 August at 4:00 a.m., as a result of shooting in his house, the Pamiri opposition leader Imomnazar Imomnazarov Imomnazar was killed by unknown individuals. This caused outrage among Khorog's residents, who gathered in a protest at which, according to various data, there were from 3 to 5 thousand inhabitants of the region.

#### **4.2.2. Injuries and medical aid**

According to information obtained from the medical personnel of the provincial hospital in Khorog, during the first hours of military activities wounded civilians did not have access to the hospital, and instead were forced to turn to other medical institutions, in particular the tuberculosis hospital and the district hospitals of Rushan, Roshtkala and Shugnan districts. Only after the ceasefire, at about 7 p.m. on 24 July, the injured started asking for medical aid at the provincial hospital. Due to barricades in the streets, however, there were obstacles to transporting the injured to medical institutions in time.

Generally, the injuries were sustained in the street from stray bullets, sniper shots and explosions of fragmentation grenades. As all documented cases of providing expert medical aid to people with firearm wounds were handed over to law enforcement bodies, who would then need to conduct an official investigation, most of the young injured people refused further hospitalisation out of fear of persecution by law enforcement bodies.

The monitoring group did not manage to obtain official information about the number of the injured among representatives of the governmental bodies.

As a result of the interviews, the monitoring group managed to obtain and document information about 25 people injured during or after the special operation. Six out of the 25 sustained severe injuries of various degrees.

As a result of interviews with representatives of medical institutions, the monitoring group obtained various data about the number of the injured. Not having concrete personal data of those people, however, the monitoring group did not include this information with the documented data (26 people) presented below.

Additionally, as a consequence of the unexpected attack on the city, many people's conditions worsened, especially pregnant women and people suffering hypertension. A few cases are known of spontaneous miscarriages among women in the city during and immediately after the special operation. One of the respondents said that his mother died of suffering related to the death of her grandson killed during the special operation on 24 July.

At the time of the interviews in the city, there were still people with firearm injuries. The monitoring identified two cases in which doctors of the provincial hospital were unable to remove a bullet from the body of the injured. Due to fears of persecution by the authorities, however, those victims still cannot move outside the provincial borders for further treatment.

Although employees of the DMIA for GBAO did not participate in conducting the special operation together with armed forces of the MIA and defence ministry, two employees of the DMIA sustained injuries: one suffered a light firearm wound and the other a firearm wound in the area of his hip joint, after which his leg was amputated. According to information of representatives of the DMIA for GBAO, the former received qualified medical aid, undergoing treatment in Dushanbe. In accordance with an order of the MIA minister, he received appropriate material compensation and continues his service in the internal affairs bodies.

To provide urgent medical aid, a unified service was established consisting of medical personnel of the provincial hospital, including surgeons, therapists, an anaesthesiologist and a neurosurgeon who had arrived from Dushanbe. The doctors remained in the hospital for 12 days and provided around-the-clock medical aid to those seeking it.

According to the data of representatives of the provincial hospital, on the first day of military activities, the emergency surgery unit alone received 12 heavily injured people, many of whom had shrapnel wounds. There were also injuries caused by fragmentation missiles. According to a source, two of 12 people died of injuries sustained, while the others were successfully operated on and transferred to other wards. In total, 15 injured people were admitted to the provincial hospital. Some of them refused further hospitalisation out of fear of persecution from the security forces. According to doctors, all documented cases of providing emergency medical aid to people with firearm wounds were subsequently handed over to law enforcement officials, who officially conducted investigations. In particular, upon request of law enforcement officials on a number of occasions information was provided on names of the injured and the nature of injuries sustained.

According to medical personnel, generally the injuries were sustained in the street from stray bullets and sniper shots. In particular, a wound in the area of the lower part of the back was

sustained by a two-year child, to whom medical aid was provided. People with other physical injuries did not show up. Women who started to give birth prematurely were delivered to the maternity unit, but there was no information about miscarriages.

Generally, the people brought to the provincial hospital were local inhabitants, while injured and killed security personnel were directed to the defence ministry military hospital situated in the military section on the edges of Khorog and to the hospital of the SCNS border guard detachment.

During the special operation, unidentified corpses were also delivered to the hospital; they were subsequently identified by relatives and taken for burial. Respondents noted that due to the lack of proper conditions at the morgue of the provincial hospital, there were no conditions there to preserve the dead.

According to provincial hospital respondents, in the first two days there were no problems with availability of medicine. The medicine and preparations on stock at the hospital were used. As the hospitals do not have blood banks, blood was donated by close relatives and volunteers; the plasma brought by the doctor from Dushanbe was also used. Already on the third day, however, according to doctors from the casualty unit, a problem appeared with anaesthetic preparations, which subsequently had to be taken from the stock of the international organization Aga Khan Foundation. Respondents noted that if the special operation had lasted some time longer, the hospital would have been unable to provide further medical aid due to lack of stock of medical preparations for provision of urgent assistance to the injured.

According to the respondents, during conducting of the special operation there were no limitations in water and power supply, as they are supplied centrally. Additionally, the conditions at the hospital allow autonomous power and water supply, as the hospital is equipped with a power station and an artesian well pump.

The respondent also indicated that during the special operation, protection of the hospital area was not provided. Nevertheless, there was no pressure on medical personnel of the hospital and none of the doctors were injured. After the special operation, GBAO's Health Care Department expressed gratitude to all personnel of the provincial hospital.

The *GBAO cardiologic hospital* is situated on the territory of the microdistrict UPD, where military activities were conducted, therefore access of the population to the hospital was hindered. According to hospital representatives, on 25 July a person living in one of the houses close to the hospital died of a heart attack. Due to lack of communication and intensive shooting in the district, however, his relatives were unable to call an ambulance and take him in time to the hospital.

In the first three months after the special operation, nobody applied to the hospital for treatment because most of the patients are inhabitants of GBAO and due to the events that occurred they were afraid to apply for treatment.

On 24 July, all three teams of the *ambulance service* worked. During the special operation ambulances delivered seven injured persons to the provincial hospital. The injured were also taken to the tuberculosis hospital and the hospital in Roshtkala district. Among the injured there was a young man who had a wound in the groin and both legs hit by shots. In one

family, two children staying at home sustained shrapnel injuries. According to a respondent, the military ambulance service also worked with them, collecting the injured and corpses of security personnel. There were no victims among the ambulance service personnel. All employees were at work and participated in providing medical aid.

The first request for help to Khorog's ambulance service came in the second half of the day on 24 July, when a young man was wounded in the back in the UPD microdistrict, where the highest number of people with bullet wounds was recorded. An ambulance going to help him was shot at, as a result of which traces of two bullets remained on the vehicle. In the respondent's opinion, the shots were not deliberately aimed but meant as a warning. Upon visual inspection of one of the ambulances by a monitoring group representative, a hole was detected on the driver's door, presumably from firearms.

Security forces did not hinder the movement of ambulances. On 25 July information was provided that a group of about 25 women with small white flags went out to the streets to gather the corpses. After arrival of an ambulance, the women refused its help, expressing indignation with the late arrival of the ambulance. Nevertheless, the women indicated to the ambulance staff one of the houses in whose yard there were five corpses. The inhabitants wanted to bury them in a common grave. But the head doctor managed to convince them to take the dead bodies to the morgue to subsequently bury them in conformity with tradition and customs. The people were in shock and did not express any emotions; they did not even cry.

The ambulance service received information that on the territory of Khlebzavod there were also many dead bodies. During one of the rounds the ambulance staff found a few bodies, including those of two security personnel, which were then brought by ambulance to the provincial hospital. According to the respondent, they were unable to identify what sort of troops or armed forces unit the killed personnel belonged to, which explains why the ambulance took them to the provincial hospital. After the end of the main phase of the special operation, ambulances delivered corpses from the morgue to relatives.

During the special operation the entire medical staff of the *GBAO tuberculosis clinic* was on duty, including doctors from other hospitals who were unable to get to work in other medical institutions of Khorog, and people with medical education (hospital orderlies, laboratory assistants, et al.).

The first injured persons began arriving at the clinic at 9 a.m. on 24 July. In total, during two days of the special operation 25 arrived at the clinic. Two of them were heavily injured and subsequently died. One of the dead had a serious wound in the head and chest and the other had a puncture wound in the neck.

Other injured persons had bullet wounds in the legs and shrapnel wounds in the back. The medical personnel mainly provided first aid, dressing wounds and giving painkilling medicines and injections. The injured stayed in the clinic up to two hours, after which relatives took them to district medical institutions.

One ward was emptied to make space to receive the injured. All medicines were provided from the stock from humanitarian aid. City residents also provided to the hospital a lot of medicine. It was impossible to register personal data of the victims with injuries because people accompanying them were excited or in shock.

During the events, there were 40 patients (adults and children) in the hospital. After the special operation they all went home, but after 15 days they returned to continue their treatment. Deterioration of their conditions was not recorded. During the special operation there was no supply of food products; medical institutions relied on their own stock of food.

Only on the fifth day after the special operation, the GBAO administration expressed concern about the supply of medicines for Khorog's medical institutions. After the events of 24 July, Red Crescent representatives distributed to the personnel first-aid kits with a supply of medical preparations. On request they also provided 30 sheets and covers. The SCNS supplied 80 kilograms of meat and two bottles of honey.

GBAO's Health Care Department expressed gratitude to the hospital staff. There was no pressure on personnel. The hospital personnel had never received special training on how to act in emergency situations during an armed conflict; that is why doctors are still in shock.

As the military special operation was conducted during summer holidays, victims in the area of educational institutions were avoided. According to the *GBAO Education Department*, however, a change in children's conduct was recorded after the special operation. They became more withdrawn and unsociable. Such a situation continued for almost five months. At present the situation is again normal. In the region there is a desperate need for psychological aid to children. According to a respondent, in the province only the president's secondary school has a psychologist.

#### **4.2.3. Effective investigation of the events of 21–24 July 2012 in Khorog, including cases of death and injury**

##### ***Human rights violations by law enforcement bodies during the special operation***

Most respondents said that from the personnel participating in the military operation there were no acts of violence toward the respondents themselves, their family members or their neighbours. Twelve out of 33 respondents said that such acts had taken place, but mainly this took the form of heavy swearing, raising of the voice and insults, while in two cases men were searched at gunpoint. One of the respondents said that when he and his relative had been hostages at home, his relative had been forced at gunpoint to state that the security personnel treated them very well and that they had no complaints.

The monitoring disclosed a few cases of intrusion into residential buildings and taking positions there by law enforcement personnel. Three respondents said that during the exchange of fire on the morning on 24 July, people in military uniforms burst into their houses (according to the respondents the people were members of the Alpha group) and had taken them hostage. According to one respondent, the security personnel had kept them hostage using them as a living shield because they claimed that "while hostages were with them nobody would dare to shoot at this position."

In the second case security personnel took hostage a whole family (the respondent, his wife and two children) and kept them in one room until 25 July, allowing them only to go to the toilet. It was impossible to go to the kitchen to eat or prepare food because the personnel did not allow them to leave the room. In both cases, from 24 to 25 July (during the exchange of fire), security personnel did not allow the hostages to eat or drink.

On the day of the attack, security personnel did not hinder residents leaving the city. Only on the second day, 25 July, were checkpoints organized, in particular next to the city power station (HPS) and at Bidurd post, where personnel sometimes stopped and checked residents who were returning home.

One respondent said that a few days after the special operation he had been beaten up by 20 security personnel as a result of a skirmish that had arisen between him and the men. The young man was taken to the provincial hospital with a concussion.

Interview results show that victims from among the local population in most cases had not reported to law enforcement bodies violations of their rights by security personnel and police. According to respondents, the population lost faith in a fair consideration of their reports.

### ***Handover of weapons***

In accordance with a declaration of Minister of Internal Affairs Ramazon Rakhimov, all individuals who voluntarily handed over weapons were to be exempted from liability on the condition that they had not committed other illegal acts prior to 24 July 2012.<sup>41</sup>

From 30 July to 2 August in Khorog and its surroundings weapons were handed over, with the participation of representatives of the MIA, the Aga Khan Foundation, the UN World Food Programme,<sup>42</sup> and representatives of the community. In accordance with preliminary agreements, handover of weapons was anonymous and was conducted with participation of district representatives. The process was recorded on paper and video.

Despite the written records and video recordings, however, at a press conference in January 2013 General Prosecutor Sherkhon Salimzoda quoted numbers that were significantly higher than the quantity stated in written records<sup>43</sup> (see Appendix 2). The General Prosecutor's Office announced that it had discontinued investigation of criminal cases for those who had voluntarily handed over weapons in the period from 25 July to 20 December 2012.<sup>44</sup>

### ***Ensuring fair and impartial investigation of the events***

According to an official statement of the MIA and SCNS, a criminal group led by Tolib Ayombekov, former field commander and opposition member during the civil war, who until 21 July 2012 had occupied the position of deputy head of Ishkashim border detachment, was charged with killing General Abdullo Nazarov.

On 22 July a special commission was appointed to investigate the incident, consisting of MIA and SCNS representatives and GBAO members of the Majlisi Oli Majili Milli (Tajikistan's Parliament). Representatives of law enforcement bodies demanded the handover of individuals allegedly involved in Nazarov's killing, including Tolib Ayombekov and his close relatives.

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<sup>41</sup> "Peace returns in Pamir but in Tajikistan there are fears of a division of the state", <http://ria.ru/analytics/20120731/713687993.html>

<sup>42</sup> According to the information of a UN representative, he participated as a private person, but in all official documents he is recorded as a UN representative.

<sup>43</sup> Asia-Plus, "General Prosecutor: Operation in Khorog – lesson for all criminal groupings," 9.01.2013 <http://news.tj/ru/news/genprokuror-operatsiya-v-khoroge-urok-dlya-vsekh-prestupnykh-gruppirovok>

<sup>44</sup> Ibid.

Soon the authorities also presented charges for former field commanders Yodgor Shomussalomov, Mukhammadbokir Mukhammadbokirov and Imomnazar Imomnazarov, accusing them of smuggling drugs, precious stones and tobacco products, non-repayment of bank loans and human trafficking. The Drug Control Agency then presented a dossier in which all four leaders were accused of supplying heroin from Afghanistan to Kyrgyzstan and other countries.<sup>45</sup> At present Ayombekov, Shomussalomov and Mukhammadbokirov are in Khorog with a written commitment not to leave the city.

### ***Investigation of deaths among the civilian population***

Relatives of victims in interviews with the monitoring group indicated lack of information about the course of investigation of the fact of civilian deaths during the events of July 2012. Relatives of the victims said that the authorities had not ensured a forensic examination of corpses and in some cases the facts of death of their relatives had not been documented.

Monitoring results show that as of today not a single effective investigation has been conducted into the facts of deaths of victims of the July 2012 events. Relatives of the victims do not have information whether criminal proceedings were instituted and whether criminal investigation of the cases is being conducted.

### ***Arrests and detentions***

According to official SCNS and MIA data, during the special operation about 40 people were detained and transported to Dushanbe. According to law enforcement bodies, among the arrested there were also citizens of Afghanistan. The monitoring group registered only one person missing—head of the city branch of the IRPT Sherik Karamkhudoev—who subsequently was found in the special isolation facility (SIZO) of the SCNS and sentenced to 14 years of deprivation of freedom. Monitoring results show that during the special operation four citizens of Afghanistan legally staying on the territory of Tajikistan and working as mechanics at the local Technical Support Station (TSS) were detained. According to the TSS owner, his workers were beaten up by Special Purpose Police Unit (OMON) personnel. Their money and mobile phones were taken away from them. Additionally, according to him, they were forced to put on military clothes and carry weapons, and photographs of them were taken. After that, information appeared in the media that the detained individuals were Afghan mujahideen. According to information obtained from the TSS workers, a few days later their Afghan colleagues were released and deported to Afghanistan.

Despite the previously announced guarantees to all participants of the events of 24 July in Khorog, law enforcement bodies continue to persecute some individuals who allegedly participated in resistance to governmental forces in July 2012.

In October 2012 the media reported that during the visit of SCNS chairman Saymumin Yatimov to Khorog, locals reported groundless persecution of citizens by law enforcement structures. According to Radio Ozodi, Yatimov himself confirmed the fact of the summoning of 30 people for interrogation. An SCNS representative, however, said that the interrogations were conducted exclusively to verify information.<sup>46</sup>

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<sup>45</sup> Asia-Plus, “DCA presented a dossier on four people who stood behind the events in GBAO,” 30.07.2012, <http://www.news.tj/ru/news/akn-vylozhilo-dose-na-chetyrekh-lits-stoyashchikh-za-sobytyami-v-gbao>

<sup>46</sup> Radio Ozodi, “Mothers in Khorog worried about interrogations of their children,” 10.10.2012, <http://rus.ozodi.org/content/article/24735195.html>



The DMIA for GBAO confirmed the information about detention of individuals suspected of involvement in committing offences and in participating in illegal armed structures. The detentions were conducted on the basis of written orders of investigation and prosecution bodies. According to the respondent, interrogations of the detained were conducted not in the DMIA for GBAO, as the law requires, but in the building of the military commissariat, because the population of Khorog insisted on that. The interrogations were conducted by investigation officials of the General Prosecutor's Office.

According to the respondents, the detained were interrogated for no longer than three hours, in conformity with Tajikistan's legislation, and only during daytime and in the presence of a lawyer (Pamir Lawyers Association employee Nozir Navjuvonov) or close relatives of the detained. After the interrogation the detained were released.

According to the respondents, all participants of armed resistance were covered with an amnesty based on the decision of the Government of the Republic of Tajikistan and at present are free from criminal liability.

During its research the monitoring group obtained information about the existence in the law enforcement bodies of lists of people who put up resistance to governmental forces on 24 July 2012. One of the respondents said that when his wife applied to the city *hukumat* for financial compensation for her husband's injury during the special operation of 24 July, she had been asked to bring a certificate from the city police department that her husband had not participated in activities against the authorities and had sustained the injury as a result of the special operation. On 7 February 2013, the MIA department for Khorog issued to her certificate No. 6/185 stating that on 24 July 2012 during the special operation the respondent had been injured but had not participated in resistance to governmental forces. Police officials denied the existence of any official lists of people who participated in armed conflict.

### *Criminal proceedings of participants of the events of July 2012*

In January 2013 the GBAO prosecutor's office announced that the investigation of General Nazarov's killing was completed and handed over to the court. According to the investigation results, two GBAO residents were accused of killing the general: **Okil Ayombekov** (Tolib Aembekov's brother) and **Hamza Murodov**. Both voluntarily surrendered to the authorities in August 2012. On 28 February 2013, a court ruling sentenced Ayombekov to 17.5 years and Murodov to 16.5 years of deprivation of freedom for murder, theft of weapons and use of violence toward representatives of the authorities.<sup>47</sup>

Court proceedings were closed, and thus the monitoring group was unable to send observers to the trial. According to attorneys and relatives of the accused, the trial was conducted with a series of violations of procedural norms. Additionally, relatives of the sentenced do not agree with the sentence issued by the court, in particular toward Hamza Murodov, who is accused only of "non-reporting" of an offence that had been committed.

On 5 April 2013 in the Supreme Court proceedings started concerning Sherik Karamkhudoev and Dimon Ashurov (Davlatbek Davlatbekov), accused of organization of and participation in resistance to governmental forces on 24 July 2012.

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<sup>47</sup> <http://rus.ozodi.org/content/high-court-sentenced-17-years-prison-killers-general-nazarov-/24914940.html>

**Sherik Karamkhudoev** – The head of the city branch of the IRPT went missing as a result of the special operation on 24 July 2012 in Khorog. On the same day, the IRPT announced that its representative went missing. Two weeks later the SCNS stated that Karamkhudoev had been detained and was in the SCNS SIZO in Dushanbe. Only on 17 September 2012 was Karamkhudoev’s mother allowed to see him. During the visit she noted injuries on his head and body, which indicated that he had been tortured.<sup>48</sup> On motion of Karamkhudoev’s attorney Zebo Kasymova, on 4 October 2012 in the Dushanbe SIZO in the presence of SCNS and General Prosecutor’s Office representatives a forensic examination of her client was conducted. Results of the examination “did not confirm facts of use of torture” and the traces on the body of the detained were identified as the “consequence of a fall.”<sup>49</sup>

Karamkhudoev was accused under art. 187 (Organization of a criminal association) and 195 (Illegal acquisition, transfer, sale, keeping, transport or carrying of weapons, ammunition, explosives) of Tajikistan’s criminal code.

**Dimon Ashurov (Davlatbek Davlatbekov)** was arrested in August 2012 on charges of fraud. At the time of detention he jumped out of the second-floor window of the DMIA in Khorog. As a result of the fall Ashurov broke two legs; he was then transported to the provincial hospital in Khorog, where he was operated on a few times. According to the official version of the law enforcement bodies, throughout the whole stay in hospital (August–December 2012) Ashurov was in custody. In December 2012, media reported that Ashurov had escaped to China. According to his relatives, he required an operation due to the risk of gangrene and he obtained a visa and officially crossed the border of China. On 8 January 2013 in a clinic in Urumchi Ashurov was arrested and extradited to Dushanbe, where he was placed in the SCNS SIZO. Initially Ashurov was accused of fraud and escape from under guard from the provincial hospital in Khorog. After he was transported to Dushanbe, however, charges were presented to Ashurov under articles 87 (Organization of a criminal association), 188 (Participation in riots), 328 (Use of force toward a representative of the authorities) and 365 (Escape from custody) of Tajikistan’s criminal code.<sup>50</sup>

The criminal case was classified as secret and thus proceedings were closed. Attorneys reported that the trial had been conducted with multiple violations of Tajikistan’s criminal procedure code. In particular, the court without any grounds rejected the motion of the defence to call to the trial key witnesses, including representatives of the authorities responsible for the military operation of July 2012.<sup>51</sup>

At the same time the prosecution called to the trial dozens of witnesses whose testimonies were the basis of the sentence. Basically, these were relatives of the killed security personnel who were not directly related to the events in Khorog and were not eyewitnesses of the events.

According to the media, 61 victims testified in court against Dimon Ashurov and Sherik Karamkhudoev in connection with the events of July 2012 in Khorog. Ashurov’s mother, Zebo Mamadnazarova, said that at the hearing on 11 April testimonies of 10 witnesses were

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<sup>48</sup> <http://notorture.tj/news/eksperty-ne-podtverdili-fakt-primeneniya-pytok-v-otnoshenii-sherika-karamhudoeva>

<sup>49</sup> “Tajikistan: supporters of a prominent Islamist report torture,” [http://www.bbc.co.uk/russian/international/2012/11/121112\\_tadjikistan\\_islamist\\_detention.shtml](http://www.bbc.co.uk/russian/international/2012/11/121112_tadjikistan_islamist_detention.shtml)

<sup>50</sup> <http://news.tj/ru/news/v-sekretnom-dele-dimona-ashurova-poyavilis-novye-obvineniya>

<sup>51</sup> “In Dushanbe a prominent islamist was sentenced to 14 years in prison,” [http://www.bbc.co.uk/russian/mobile/international/2013/05/130510\\_tajikistan\\_court\\_islamists.shtml](http://www.bbc.co.uk/russian/mobile/international/2013/05/130510_tajikistan_court_islamists.shtml)

heard. She herself considers their testimonies as “unfair” because, according to her, some of them accused Dimon Ashurov and Sherik Karamkhudoev of killing soldiers during the special operation conducted by governmental troops in Khorog.<sup>52</sup>

On 10 May 2013 the Supreme Court declared Sherik Karamkhudoev and Dimon Ashurov guilty of all charges and sentenced them to 14 and 12 years respectively of deprivation of freedom. Attorneys of the accused learned about the declared prison sentence terms from relatives of their clients.

### **3. RIGHT TO COMPENSATION AS A FORM OF REPARATION**

#### **4.3.1. Property loss caused to civilians as a result of the military operation**

The special operation in Khorog in July 2012 caused major losses to the city and its population. According to official data, “the loss caused to state property and to personal property of Khorog inhabitants was worth 1,901,226.57 somoni [approximately USD 400,000].”<sup>53</sup>

During the monitoring it was discovered that representatives of governmental forces participating in the special operation took positions on the roofs of residential buildings and shops. Eleven out of 33 respondents disclosed facts of destruction of property or seizure of personal property for purposes of the security personnel during the military operation. Ten respondents said that the walls and roofs of their houses had been shot at and windows had been broken. Three respondents reported theft of property and valuable objects. One of the respondents said that his house had been occupied by security personnel for eight days, from 24 July to 2 August. During their stay the personnel broke the furniture (while looking for weapons) and took gold, a camera, two tonometers, shoes and clothes. According to the respondent, the neighbouring houses were also robbed (including the house of the respondent’s sister and parents), as well as two shops owned by the respondent’s family that were situated next to his house. Additionally, according to the respondent, money in the amount of 9,000 somoni (USD 1,890) disappeared from the house.

In the second case, security personnel damaged the attic, windows, doors, kitchen set and mattresses, ate the entire stock of food and stole bed linens, money in the amount of USD 1,200, a laptop, a telephone, a camera and jewelry. According to the respondent, the total loss was evaluated at 18–20,000 somoni (USD 3,780–4,190).

In the third case, windows, doors and a roof were also damaged, money in the amount of USD 1,000 and 800 somoni (USD 168) was stolen, as well as a digital camera, two mobile phones, dishes and other objects (used for various public events). The total loss was evaluated at USD 4,000.

One of the respondents said that the security personnel shot at his brother’s shop. All food products from the shop were seized. The shop owner officially applied to the authorities requesting investigation. Up to the present, however, there have been no results.

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<sup>52</sup> <http://rus.ozodi.org/content/dimon-sherik-court-tajikistan-/24955096.html>

<sup>53</sup> See section 12 of Information on issues raised in connection with considering of the second periodical report of Tajikistan on the International Covenant on Civilian and Political Rights (ICCPR), adopted by the Committee at the 108<sup>th</sup> session, 11–28 March 2013. CCPR/C/TJK/Q/2/Add.1. 13 June 2013.

Residents' means of transport were also damaged during the military operation. The government has not allocated any funds to compensate the damage to vehicle owners. One of the respondents said that during the military operation, after a search of the house, security personnel blew up a Tangem vehicle. According to the respondent, the vehicle was new and had been acquired for USD 6,000.

Some of the respondents reported to the prosecutor's office the facts of destruction and theft of property by security personnel and representatives of law enforcement bodies. As of the present time, however, they have not received any response.

#### **4.3.2. Compensation of loss**

*Private sector.* In conformity with a presidential decree, in August 2012 a state commission was appointed from representatives of local government and law enforcement bodies to assess material damage caused by the special operation in July 2012. Issues of proportionality of the damage to the proposed compensation, however, remain an acute problem.

According to information from a representative of the Directorate of the Committee for Emergency Situations and Civil Defence for GBAO, whose responsibilities included assessment of damage and payment of compensation, the commission inspected the residential buildings damaged during the shooting. According to him, the basic obstacle to the commission's work was that 50% of the population had abandoned their houses and had been away for a long time. That is why inspection of such houses was conducted only visually, from the outside.

According to the respondent, property assessment in each case was conducted by visual inspection. The basis used were market prices for a given property on the GBAO territory. For example, if a square metre of a pane of glass cost 53 somoni, the amount of 60 somoni was paid out, including the cost of labour for window repair. The compensation was paid in cash and in the presence of representatives of local government and of the Agency for Financial Control and the Fight against Corruption.

According to the Committee for Emergency Situations, 740 households from the private sector received compensation totaling 1,274,000 somoni (USD 267,200).

According to information obtained from local residents who suffered losses as a result of the special operation, there was no detailed assessment of material damage. According to the respondents, the assessment was visual and in most cases compensation was paid in part. Numerous respondents noted that they had been asked to sign notification of receiving compensation without any written record of an assessment. The average amount of compensation paid was about 400–500 somoni (USD 84–105). According to the respondents, however, the money was not enough to buy even a bag of flour and some food products. One of the respondents paid 3,800 somoni (USD 800) for roof repair.

According to the Committee for Emergency Situations, during the special operation 34 private vehicles were damaged. The total compensation for that amounted to 276,000 somoni (USD 57,900). According to the Committee representative, as of now compensation payment is pending for owners of five vehicles. A decision on compensation has already been taken, however, and the owners will receive compensation soon.

Most respondents were unable to answer clearly who paid the compensation for the damage. Some mentioned *hukumat* representatives, others the Group of 20, while still others were unable to answer at all where they had received the compensation from. None of the respondents has a receipt or a copy of any document confirming the receipt of the money, but all signed a general notification.

According to information obtained from a local government representative, the money for compensation of damage was from the funds of the national budget. The government of Tajikistan directed to GBAO and distributed a big convoy of humanitarian aid.

Additionally, according to the Committee for Emergency Situations, aid from reserve funds of the government was provided in the form of food supply to the poorest population groups: flour, sugar and 20 litres of oil.

Humanitarian aid was also provided by the international organization Focus, which provided 150 households with construction materials and food, and by the Red Crescent Movement, which provided hygiene products and food to 1,600 families.

Additionally, according to respondents, numerous residents received aid collected by Pamiri diasporas on the territory of the Russian Federation, the United States, Canada and other countries.

*Public sector.* As a result of the special operation, damage was caused to 31 public institutions for the total amount of 704,000 somoni (USD 147,600). In particular, the hostel of the State University of Khorog, built in the Finnish house style (wooden construction), burnt down. According to eyewitnesses, the building took mortar fire on 24 July 2012. All inhabitants of the hostel were able to evacuate to a safe place.

From the governmental budget the University was given the book value of the hostel building. Inhabitants of the hostel temporarily moved to free facilities. For each family member of those living in the hostel compensation was provided in the amount of 11,900 somoni (USD 2,500). Only one inhabitant, who presented evidence of his actual property before the fire expressed quantitatively and qualitatively in the form of checks, certificates and photos, received additional compensation in the amount of 20,000 somoni (USD 4,200).

### **4.3.3. Compensation for deaths and injuries of the population**

Issues concerning investigation of the facts of deaths and injuries among the civilian population as well as subsequent payment of compensation were not within the responsibilities of the State Commission and remained unresolved. Till the present, compensation has not been paid for any case of death among the civilian population. In only one case did a family receive 500 somoni (USD 105) for a burial. According to information from relatives of the dead, many families did not apply to the authorities for compensation because they had lost faith in a fair investigation of the death of their relatives.

The majority of people injured during the special operation also did not receive compensation and paid for treatment at their own expense. As in the case of relatives of the dead, many injured people refused to apply to the authorities for compensation out of fear that they might be considered as members of the armed groups that had resisted governmental forces.

According to available information, in only two cases governmental structures paid a partial compensation to individuals injured during the special operation. According to information received from relatives of one of the victims, when the local authorities were asked for compensation, they demanded a certificate from the city police department confirming that the victim had not participated in activities against the authorities. Without presentation of such document the authorities refused to pay compensation.<sup>54</sup>

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<sup>54</sup> From interviews conducted with victims' relatives by local human rights organizations during the monitoring (February–March 2013).

## **Appendix 1. Information about the dead**

### **Victim no. 1: Sabzali Makhmadrizoev, born in 1980**

The victim was respondent's spouse. According to the respondent, Sabzali Makhmadrizoev, aged 32, was killed on 24 July 2012 in circumstances still not clarified. His dead body was found in the locality of Tirschid near the border guard detachment in a waste dump. It was impossible to provide him with medical aid.

The respondent said that Makhmadrizoev's death was not documented by law enforcement bodies or medical services and there had been no forensic examination. Relatives were able to observe the custom and bury the body. On Makhmadrizoev's body, according to the respondent, there were bruises around the eyes and a hematoma on the back in the form of red stains.

A death certificate was received. Relatives did not request an investigation of the death. No official investigation was conducted. The respondent did not receive any compensation for the death of a family member.

### **Victim no. 2: A juvenile**

A teenager aged 16 (his relative refused to give his name), born in 1996, was respondent's son and was killed in the morning of 25 July 2012 next to his house. The teenager went out to the toilet in the morning. On that date the authorities announced a ceasefire. After a few minutes the father heard the sound of a machine-gun burst and went out to the son, who was sitting in hiding and was afraid to get out. When the teenager saw his father he went toward him. At that moment a shot was fired. According to the respondent it was a sniper who occupied a position in a neighbouring house at a distance of about 50 metres. The teenager was fatally wounded with a firearm in the area of the liver. Urgent medical aid was necessary. The boy's father managed to arrive at the nearest hospital by car, which also came under fire on the way.

According to the respondent, the hospital was open but there were no doctors. Relatives and friends themselves had to transport doctors to the hospital. When doctors arrived they said they were unable to help because the injury had severely damaged the liver.

The death was not documented by the authorities. Until now nobody from the *hukumat* has come or shown interest. There was no forensic examination either. The relatives were able to take the teenager's body immediately. It was impossible to conduct the burial immediately, however, because the place was surrounded by security personnel. The burial took place elsewhere, near the provincial hospital, where it was calmer.

The respondent said he had not received a death certificate. The respondent did not request investigation of the death. The respondent does not want the assistance of lawyers because he considers that it would be useless. According to the respondent, no official investigation was conducted. The respondent did not receive any compensation and does not want to receive it.

### **Victim No. 3: Farid Bakhtovarshoev, born in 1992**

He was respondent's nephew and died of shrapnel wounds on 27 July 2012. Bakhtovarshoev was wounded on 24 July 2012 next to his house by shrapnel of a mortar missile in three places: two shrapnel pieces hit the chest and one the head. The body was found next to his house on the territory of the microdistrict.

Urgent medical aid was necessary but it was not provided in time. The respondent said that when the missile exploded the people gathered nearby thought that the young man had died on the spot. A little later it became known that he was alive, however, and a neighbour transported him to hospital.

The respondent does not know whether the authorities have documented the death. There was no forensic examination.

The respondent said that the body had been taken immediately from the hospital but it had been buried in the old cemetery because at the new one it was not safe.

The respondent does not know whether the parents have received a death certificate. The respondent also does not know whether the parents requested an investigation. The respondent had difficulty in answering further questions.

Parents of the killed refused to meet members of the monitoring group as they all still remained emotionally distraught.

**Victim No. 4: Rashid Shodmonbekov, born in 1987**

On 10 August 2012 Shodmonbekov was returning from work from the village Tang. He was a passenger in a car going in the same direction. On the way, after the Bidurd post near the tunnels at the Bidurd–Khorog section, security personnel opened machine-gun fire at the car from the back, as a result of which he was wounded by firearms.

Shodmonbekov needed urgent medical aid. The car driver immediately after the incident took all the injured to the provincial hospital, where Shodmonbekov was operated on. For two days he was in a coma. Without regaining consciousness, he died on 12 August.

None of the victim's relatives knows whether the death has been documented by law enforcement bodies because at that time no one from the law enforcement bodies was interested in the case.

There was no forensic examination. Immediately after statement of death, relatives were able to take the body and conduct the burial. On the victim's body, apart from traces of a firearm wound, there were no traces of violence. After the death relatives received a death certificate.

After the incident, the victim's relatives applied to law enforcement bodies requesting an official investigation. According to the information available to the victim's relatives, after the shooting of the car, the Shugnan district prosecutor's office initiated a criminal case. The relatives also reported the fact to the Khorog garrison military prosecutor's office but have not received any information about an official investigation. The victim's family members were not recognized as having sustained any loss in the case and, correspondingly, there were no actions toward them pursuant to criminal procedure regulations.

Although the victim's relatives applied to the law enforcement bodies a few times to find out about the course of the investigation, up to the present none of them has learned any investigation results. Nor do they have access to any documents, including case materials.



The victim's relatives did not receive any compensation for Shodmonbekov's death. Only a burial allowance was paid to them, in the amount of 500 somoni (USD 105). On 18 February 2013 the victim's daughter was born. She is now in the care of her mother.

**Victim No. 5: Vokhid Shodmonbekov, born in 1991**

On 10 August 2012 Vohid Shodmonbekov was returning from the village of Tang in a car going in the same direction. On the way, after the Bidurd post near the tunnels, security personnel opened fire in the direction of the car, as a result of which Vohid Shodmonbekov sustained a firearm wound in the neck area. After the shooting, the driver immediately took all the injured to the provincial hospital. The victim needed urgent medical aid, but doctors were unable to save his life.

The victim's relatives do not know whether the death has been documented by law enforcement bodies. There was no forensic examination to clarify the nature of the injury and the reason of death. Immediately after the statement of death, relatives were able to take the body and conduct the burial ceremony. On the victim's body, apart from the sustained firearm wound in the neck area, there were no injuries or traces of violence. Until now the victim's relatives have not received a death certificate.

Shodmonbekov's relatives have not requested an official investigation, but they want to receive a lawyer's assistance in drafting the application to the relevant authorities requesting an investigation of the case.

As the victim's relatives have not requested an official investigation they do not know whether a criminal case was brought in connection with shooting at the car, whether any investigation was conducted or at what stage the investigation proceedings are. At present Shodmonbekov's relatives have no access to any documents or investigation materials.

The victim's family is poor and lives in a hut without basic facilities. In the family there were two children. Shodmonbekov was the elder of the two, the only son and the only breadwinner for his mother. He was a second-year student of a technical university. At the time of the events he was in Khorog on holidays.

**Victim No. 6: Ermamad Mamadibroimov, born in 1964**

On 24 July after loud shooting started at 4 a.m., Mamadibroimov went out at about 6 a.m. in the direction of Upper Khorog but never returned home. On the following day his dead body was found in the Chinak section of the territory of microdistrict Barkhorog.

Mamadibroimov was killed with a shot from a sniper's rifle. His body was found only on 25 July. The fact of death as a result of the special operation, according to information from the victim's relatives, was not officially documented. There was no forensic examination.

As the exchange of fire lasted until the evening on 24 July, it was impossible for family members or friends to collect victims' bodies immediately. It was only on the following day, 25 July, that his body was found down the road and carried home.

Apart from the traces of a firearm wound on the victim's body there were no other traces or injuries.

Mamadibroimov's relatives received a death certificate, but they did not apply to law enforcement bodies to request an official investigation.

The victim's relatives noted that they did not want to use the services of a lawyer, because they considered it pointless to make any reports, as they did not believe that an investigation would be conducted carefully and that the guilty would be punished.

After the events and till the present there was no investigation. The victim's family members were not recognized as victims who had sustained any loss, and therefore there were no proceedings with their involvement.

The victim's relatives themselves did not apply anywhere, so they have no exact information whether a criminal case was brought in connection with the victim's death, whether any investigation was conducted or at what stage the investigation proceedings are.

The victim's family did not receive any compensation for the death. The respondent noted that when the victim's family had applied to the *hukumat* for a burial allowance, then-mayor Ibrokhimbek Gozibekov directly told them that compensations or allowances would not be paid to any victims. The victim's family did not receive a burial allowance.

Mamadibroimov's family was outraged that after the end of the special operation no one from the authorities, including the country's president during his visit to GBAO, officially expressed apologies to or sympathy with families of the killed or with the injured. They said that when in such situations there was no support from the head of the state himself, they could not expect help from other civil servants.

**Victim No. 7: Rais Raisov, born in 1985**

Relatives do not have exact information regarding how and in what circumstances Raisov was killed, but they know that he was killed by a sniper's rifle on 24 July in the Chinak section of the Barkhorog microdistrict. The victim's body was found on 25 July in the street and transported to the family for a burial.

The victim's relatives do not know whether the fact of death was documented by the authorities. There was no forensic examination to identify the seriousness of injuries and the reason of death.

The victim's relatives did not receive a death certificate. They did not request investigation of the death. The respondent said that she did not want to use a lawyer's services to prepare a relevant report because she did not have faith in fair proceedings.

According to the information of Raisov's relatives, there was no investigation of his death. The relatives were not recognized as victims, and there were no proceedings with their participation.

The victim's family did not receive any compensation for the death. No burial allowance was paid to them.

Raisov's father was killed during Tajikistan's civil war in 1992. Raisov was the only son in the family. At present Raisov's mother is in a poor emotional state. Before the July events she worked as a cook in the hospital of the border guard detachment. In connection with the loss

of her son, his burial and the deterioration of her health, she was unable to resume work immediately. After a month, when she went to work she was told that on orders of SCNS chairman S. Yatimov she had been dismissed from work. She associates her illegal dismissal with the fact that she is a sister of the informal leader Mamadbokir Mamadbokirov.

**Victim No. 8: Safarbek Sultonnazarov, born in 1973**

At about 8 a.m. on 24 July 2012 Sultonnazarov went out in the direction of the centre of UPD to help women and children evacuate from the dangerous zone where there was active exchange of fire. Around Varka cafe in the centre of UPD the car he was driving came under machine-gun fire, as a result of which he sustained two firearm wounds. Death was immediate. The body was found on the following day in the car. On the victim's body, apart from two firearm wounds, there were no other traces or injuries. The fact of death, according to the information of his family members, was not documented by the authorities and there was no forensic examination.

Safarbek's relatives received a death certificate but did not apply anywhere to request investigation of the death. Asked whether they wanted a lawyer's help in drafting a request to the authorities, they answered that, firstly, the victim could not be brought back to life and, secondly, the victim's family did not have faith in a fair investigation of the death. The respondent said that there had been no official investigation of the death. Family members had not been recognized as victims, and there had been no proceedings with their participation in the capacity of victims. Until now the victim's family has had no access to any documents or materials of the case, if there are any.

Safarbek's family members did not receive any compensation for the death of their relative. They received only a burial allowance provided by his workplace.

**Victim No. 9: Zokhir Shirinbekov, born in 1987**

On 24 July at about 6 a.m. the mother and sisters of Zokhir Shirinbekov evacuated to a safe place. After they left, Shirinbekov went toward the centre of UPD, where his grandparents live, to help them. On the following day, 25 July, his mother and sisters returned home, and about an hour later Shirinbekov's body was brought to them.

It turned out that on 24 July, on the way to his grandfather's house, Shirinbekov sustained a firearm wound. After the injury, locals transported him to the tuberculosis hospital but there it was impossible to help him, because the wound was severe and the tuberculosis clinic lacked specialists and the proper conditions to help in such cases. As the exchange of fire continued, it was impossible to call an ambulance. At the tuberculosis clinic the victim received a painkilling injection, but it was impossible to save his life with that, and he died.

His relatives do not know whether the fact of Shirinbekov's death was documented or not. There was no forensic examination. On the victim's body, apart from a firearm wound in the neck area, there were no other traces or injuries. Until now the victim's relatives have not received a death certificate.

The victim's family did not apply to the authorities requesting an investigation of the death, but they would like to receive a lawyer's help in drafting the relevant request to the authorities for a thorough investigation of Shirinbekov's death and bringing those responsible to criminal liability. As the relatives have not applied to the competent authorities, there was no

investigation of the death. None of the family members were recognized as victims, and there were no proceedings with their participation in the capacity of victims.

The victim's family members did not receive any compensation for the death of their relative. No burial allowance was paid to them.

**Victim No. 10: Toshbek Bakhtuljamolov, born in 1948**

Respondent Farkhod Bakhtuljamolov, the victim's son, reported, "On 24 July 2012 at 4 a.m., when the shooting started, my father felt pain in his heart. It was very dangerous to go out because there was an exchange of fire and snipers were everywhere, but in spite of that I drove my father to the cardiologic hospital. There were no doctors there. We returned home. My father felt worse, and at 1 a.m. on 25 July he died from a heart attack. The fact of death was not documented by the authorities and there was no forensic examination either. We buried my father together with other victims. Later the Registry Office issued a death certificate. We did not report anything and we do not want to because we do not have faith in justice. There was no official investigation by the authorities. I know nothing about any compensation. You have to ask my mother, but I think not. For sure not, otherwise I would know."

**Victim No. 11: Anonymous**

The respondent refused to give her and the victim's names. She said, "On 22 August 2012 early in the morning, at about 4 a.m., loud bangs woke me up. There were three bangs, I got up and ran toward the house of my relative from where the sound had come. There in the centre of a room there was a dead body and next to it there were two injured people. My relative died of a shot in the heart area. An ambulance came, looked at him, documented the death and left. We did not transport him to hospital; there was no forensic examination. There was no investigation. We did not apply anywhere officially, but when SCNS chairman Yatimov came to our district, we told him about this case. But he did not respond anything to us. We received a death certificate in September. We do not want to complain anywhere because it is pointless, and in any case nothing can be returned and nobody can help. There was no help from the government. Help came only from our fellow countrymen living outside Tajikistan."

**Victim No. 12: Anonymous**

The respondent refused to give her and the victim's names. She said, "Early in the morning on 24 July 2012 my son was returning home from work. On the way his car came under fire from security personnel. I do not know who they were exactly, as I was not there. Altogether in the car there were three people. My son and one other person were killed, and one was injured. My son did not die immediately. Initially he was hit in the leg, and he ran to a house, where the inhabitants dressed his wound. He left and wanted to get home but was killed with three shots in the back and, according to eyewitnesses, died on the spot. His corpse stayed in the street 24 hours because security personnel did not allow anyone to take the body. On the following day, women from this building took white flags and went out to collect corpses from the streets. When he was wounded, he needed medical aid, but it was impossible to get to the hospital as there was shooting everywhere, and he was helped by people who were nearby. I do not know whether the fact of death was documented by the authorities. I know only that my son's colleagues brought us food. There was no forensic examination, but a death certificate was issued to us by the Registry Office. I do not need a lawyers' help, as my son cannot return. I did not receive any compensation from the authorities."

**Victim No. 13: Anonymous**

The respondent refused to give her and the victim's names. She said, "On 24 July 2012, at about 7 in the morning, during a fire that broke out as a result of shooting at the house of prayer (*jamoatkhona*), my father looked out of the window to see what was going on. At that moment security personnel started shooting at him from a machine gun and one bullet hit him directly in the eye. My father died on the spot. The corpse stayed at home for three days, after which an ambulance took it to the morgue. The body stayed there for six hours, and then we took it back and buried it. His death was documented there and we received a death certificate. I did not apply with a report anywhere and I do not want to, because I do not believe that anybody will be punished. On the part of the authorities there was no official investigation. There was no compensation for his death from the authorities."

**Victim No. 14: Anonymous**

The respondent refused to give his and the victim's names. He said, "On 25 July 2012, at about noon, my father's dead body was brought home. From eyewitnesses I learned that on 24 July in the street he had been killed with a shot in the back and in the face. On the face, around the firearm wound there were traces of burns. I do not know where he was and how he was killed. They brought him, showed him to us quickly and then took him away for burial. I was shocked and did not even understand how it all happened. I do not want to apply anywhere because I know it is pointless. We have not received compensation from the authorities."

**Victim No. 15: Zoirbek Zoirbekov**

The respondent refused to give his name. The victim's name was Zoirbek Zoirbekov. The respondent said, "On 24 July I was at work. According to neighbours, Zoirbekov went out and next to his house in the street was shot dead. He died of a firearm wound in the heart area. A trace of the shot in the chest was very big. His body was in the morgue; I do not now who had taken it there, or how. We learned about his death on 25 July, that is, on the following day at noon, and we were told that the body had been in the morgue all this time. We buried him on 25 July. On the body there were no traces of violence. There was no forensic examination. Until now we have not received a death certificate because we did not ask for it. Investigation was not conducted by the authorities, and anyway I do not want it because it is pointless. No compensation was paid by the authorities."

**Victim No. 16: Jaloliddin Nizomiddinov, born in 1972**

The respondent, Ayniddin Nizomiddinov, talked about his killed elder brother Jaloliddin Nizomiddinov, born in 1972.

"On 24 July 2012 at 5:10 in the morning my brother went out to wash himself in the yard and was shot right in the heart. He died on the spot from a firearm wound in the heart area. It was impossible to take him to the hospital because there was shooting everywhere. It was impossible to call an ambulance as there was no communication. My brother's corpse stayed at home a day and a half. We were unable to bury him because of the continuing fire. The authorities did not document the fact of death. We received a death certificate. I want lawyers to help us. My brother had a family—a wife and children. We are very poor, so it would be good if the government paid some compensation for the death of the breadwinner. Until now no compensation has been paid. Investigation has been in progress for half a year now, but there are no results. The city prosecutor says that an investigation continues, and that is all."

## **Appendix 2. Information about the injured**

### **Respondent No. 1: Man, aged 46**

On 24 July 2012 at 6 a.m. in the UPD district, the respondent's relative was shot dead. At about 11 o'clock the respondent went to the victim's house to report the tragedy. On the way, in the UPD district, security personnel came out from the Varka cafe and told him to remain in place. The respondent explained that he was a peaceful inhabitant and was going to the burial of his brother-in-law, but they started shooting in his direction, as a result of which he was injured in the leg. The respondent, fearing for his life, started running away. The security personnel continued to fire at him. When he was running, the respondent was wounded again in the right arm. He fell to the ground and lost consciousness. After some time, having regained consciousness, he got up and ran on. But the security personnel again opened fire at him, and as a result shrapnel pieces hit his back.

The respondent needed urgent medical aid. He went straight to the tuberculosis clinic, because at that time it was possible to get only there. There was no access to the provincial hospital, due to the continued exchange of fire. At the tuberculosis clinic urgent medical aid was given to him.

After the ceasefire, the respondent three times went to the provincial hospital for treatment but was not admitted. Therefore he went to the hospital in the village of Dekhbast (Navobod). The respondent underwent two months of treatment in the Dekhbast hospital and then after some time was treated in the provincial hospital. He paid for his treatment himself. At present the respondent needs additional treatment because there are shrapnel pieces in his body and the wound in his arm has not fully healed.

After the July events, the respondent was classified as having a disability of the third grade, but he does not have information on whether the fact of his injuries was documented or not. Although a month had elapsed from when the respondent was declared as disabled (via a medical certificate), a disability benefit for him had not been granted.

After the incident, when the respondent asked for help at the tuberculosis hospital, he talked in detail about what had happened to members of the medical staff. After leaving the hospital he also reported the incident to the police a few times, but there was no investigation of the attack on him.

Compensation for the injury was paid to the respondent in the amount of 1,000 somoni (USD 210), but this amount was insufficient to cover treatment expenses. On receipt of the compensation the respondent signed some document, but a copy of this document was not given to him.

The respondents needs urgent surgery to remove the shrapnel pieces and restore his health but lacks money for that. The disability benefit has not been granted yet either. The victim badly needs help and does not know where to turn. The respondent applied to the city *hukumat* a few times but no assistance beyond the 1,000 somoni was provided.

### **Respondent No. 2: Man, aged 56**

After the announcement of a ceasefire on 25 July, the respondent decided to go to a square, because people had gathered there, but on the way, in the Chinak section of Barkhorog, he

was attacked by a sniper and hit on the rebound. The respondent needed urgent medical aid, so he turned to the tuberculosis clinic, where medical assistance was provided to him. The respondent did not follow up the treatment because he was afraid of persecution from law enforcement bodies. He was forced to do self-treatment at home. At the time of the interview, the respondent needed additional treatment.

In the tuberculosis clinic where the respondent asked for urgent medical aid, his contact details were recorded as well as the information that he had sustained a firearm wound. The respondent believes that the fact of his firearm injury was documented there.

After the injury the respondent did not apply to the authorities requesting an official investigation. It was enough for him that the shooting had stopped. At the time of the interview he did not want to apply to law enforcement bodies with a report or complaint. The respondent has not received any compensation for the injury.

**Respondent No. 3: Man, aged 46**

On 24 July the respondent with other inhabitants of the microdistrict was standing next to the barricade in the Chinak section. The respondent did not hold weapons. At about 5–6 p.m. security personnel opened fire at them from two sides. He started running toward houses, but the personnel continued to shoot at him. As a result, the respondent was injured in the leg. Urgent medical aid was necessary. The young people who were next to him took him to the tuberculosis clinic, and he received medical assistance there. He left the medical institution and underwent self-treatment at home.

At the time of the interview the respondent did not need additional treatment. The fact of the injury was not documented and he was not recognized as disabled. The respondent did not apply to the authorities requesting an official investigation. He said that he did not want to turn to law enforcement bodies with a report and that he did not need a lawyer's assistance. The respondent expressed distrust in law enforcement bodies, and he does not have faith in the conducting of a fair investigation. No compensation was paid to the respondent for the injury.

**Respondent No. 4: Man, aged 54**

On 24 July the respondent sustained a firearm wound and needed urgent medical aid. He managed on his own to get to the tuberculosis clinic, where he received medical aid. Then, to continue the treatment, the respondent periodically went to the hospital in Dekhbast. The respondent himself paid for the treatment.

At the time of the interview the respondent did not need additional treatment, the fact of the firearm injury was not documented and he was not declared as disabled.

The respondent did not request investigation of the injury and at the time of the interview did not wish to turn to law enforcement bodies. The respondent has not received any compensation for the injury. Additionally, the respondent said that he did not consider it necessary to support a government that shot at civilians, including women and children.

**Respondent No. 5: Man, born in 1983**

On 24 July the respondent went out in the Barkhorog microdistrict and a sniper fired at him. The injured respondent needed urgent medical aid. Microdistrict residents tried to transport him to the provincial hospital but there was no access to get there. As a result, they were

forced to transport him to the tuberculosis clinic. As the specialists at the tuberculosis clinic were unable to provide qualified assistance, he was transported to the hospital in Dekhbast, where he received urgent medical aid.

The respondent was treated in this hospital for 15 days. He paid for the treatment himself and spent about USD 400. Asked whether he needed additional treatment, the respondent said that he was unable to answer the question precisely, because he was unable to assess the harm done. According to him, the fact of his injury was not documented and he was not recognized as disabled.

After the injury the respondent did not request an official investigation, but he said he needed assistance of a lawyer who could help him present a request to the law enforcement bodies. The respondent has not received any compensation for the injury.

**Respondent No. 6: Man, born in 1985**

On 24 July the respondent went out in the Barkhorog microdistrict and during an exchange of fire sustained a bullet wound. He needed urgent medical aid. He managed on his own to get to the tuberculosis clinic, where he received medical assistance. Then he left the hospital because security personnel were getting closer to the tuberculosis clinic and he feared for his life and security.

A friend of the respondent, having learned what happened, drove him to the hospital in Dekhbast, where he was treated for some time. Until now the bullet has not been removed from the victim's body. The victim paid for the treatment at his own expense. According to doctors, the bullet does not constitute a risk for the victim's life. Nevertheless, he says that after sport activity he feels pain in the abdomen area. No compensation for the injury has been paid to the respondent and he has not been recognized as disabled. According to the respondent, it will be possible to consider removal of the bullet when it becomes possible for him to go to a clinic in Dushanbe. At present this does not seem possible, however, given that the respondent is afraid to leave the GBAO territory.

**Respondent No. 7: Man, born in 1961**

The respondent was undergoing methadone treatment for drug addiction at the drug abuse clinic in Khorog. On 24 July at about 11 a.m. in the company of another patient of the drug abuse clinic he was going in the direction of the UPD microdistrict to receive methadone. On the way, snipers started shooting at them from above, as a result of which the respondent sustained a puncture wound in the area of the right hip.

With the firearm wound the injured person needed urgent medical aid. Due to continued exchange of fire, however, it was impossible to transport him in time to a medical centre. Finally, his companion was forced to leave him in order to go and seek help. The respondent lay in the gutter, bleeding, for 24 hours. On the following day, 25 July, at about noon he heard children's voices and called for help. Teenagers discovered the injured man and helped him get to the main road. Then an ambulance transported him to the provincial hospital, where he was operated on and then treated for a month. The respondent himself paid for his treatment, but during his stay in the hospital blood was provided free of charge for him and the city administration paid him a compensation in the amount of 1,000 somoni (USD 210). At the time of the interview the respondent badly needed additional treatment. He walks with crutches. At present he needs a prosthesis to be able to move unassisted. After sustaining the injury the respondent was recognized as disabled with a second-group disability.



The fact of injury was documented by the authorities. When his wife then applied to the city *hukumat* for additional compensation, she was asked to present a certificate from the city police department confirming that her husband had not participated in activities against the authorities and had been injured as a result of the special operation.

On 7 February 2013 the city police department in Khorog issued certificate No. 6/185, indicating that indeed on 24 July during the special operation the respondent was injured but did not participate in resistance to force structures.

The respondent has not presented any request for an investigation. The respondent said he had applied to the city *hukumat* in the province, but he had basically focused on obtaining compensation rather than on an investigation, because above all he had been worried about his health. At present he cannot walk and badly needs medical assistance and a prosthesis. Additionally, the respondent said he needed a lawyer's help in drafting a request to the relevant authorities for an official investigation.

Regarding the compensation payment, the respondent noted that the first compensation in the amount of 1,000 somoni had been paid to him during his stay in hospital. As the amount was insufficient, the respondent applied to the *hukumat* to obtain additional compensation. On the basis of the provincial governor's decision No. 368 of 19 December 2012, an additional compensation, again in the amount of 1,000 somoni, was paid to him. In February 2013 he applied again to the *hukumat* to obtain additional compensation in the amount of 200 somoni after presentation of the certificate from the city police department.

With respect to payment of additional compensation, the GBAO Financial Directorate on 17 January 2013 in decision No. 02-6/27 answered the respondent's wife that in connection with the start of a new budget year, additional compensation was not possible. Thus, the total amount paid out to the respondent for his treatment and restoration of health was 2,000 somoni (USD 420).

The provincial health care directorate in GBAO on 22 January 2013 issued to the respondent Medical Consultation Commission (MCC) certificate No. 5, stating that he was referred to the National Health Centre (NHC) of the RT (Dushanbe) to continue treatment and needed to be accompanied. The provincial health care directorate in GBAO on 30 January 2013 issued referral No. 5 to the NHC of the RT for further treatment.

Additionally, there is the response of the health care directorate in GBAO No. 231 of 10.12.2012, according to which travel expenses of the injured for the trip from Khorog to Dushanbe for further treatment as well as expenses for travel back to Khorog will be covered by the provincial health care directorate.

Travel expenses will thus be reimbursed to the respondent. There is no information, however, about covering travel expenses for the person accompanying him or covering other expenses in Dushanbe, including food and accommodation expenses for the injured person himself and the person accompanying him.

#### **Respondent No. 8: Man, born in 1972**

The respondent was in his microdistrict and sustained a firearm wound while helping residents hide from the shooting. He needed urgent medical aid, but according to him it was

impossible to provide it because ambulances did not work and hospitals were closed. His neighbour helped him. The respondent said he needs additional treatment in the form of a surgery because a few shrapnel pieces remain in his leg.

According to the respondent, the fact of his injury was not documented by the authorities or by the medical centre. The respondent said he had not requested an investigation and added that, as a rule, those injured during the special operation did not apply to competent institutions, because that might have made the authorities suspicious and they might have accused the injured of involvement in illegal armed groups. The respondent wants to receive a lawyer's help in preparation of a request, but he is not convinced there would be an objective investigation. The respondent has not received any compensation.

**Respondent No. 9: Man, born in 1970**

The respondent was wounded by shrapnel on 24 July 2012 on the territory of the bridge, near his house, while civil people were trying to defend themselves and their houses. The respondent said he had not needed urgent medical aid and had cured himself. According to the respondent, however, after some time his leg had to be operated on in the local hospital. He covered all operation and treatment expenses himself. The respondent said that the basic reason why he had not sought medical assistance in time had been impossibility of access to medical centres during the July events.

At present the respondent does not need additional treatment. He said that the fact of his injury had been documented by the SCNS in the province. He has not applied to law enforcement bodies requesting an investigation. He also does not want a lawyer's assistance in drafting the request because he does not consider that necessary. According to the respondent, no official investigation was conducted.

The respondent has not received any compensation. Generally, he received financial assistance for treatment and other expenses from relatives and fellow countrymen living in Moscow.

### Appendix 3. Table of voluntary handover of arms

#### Notes:

The “Weapons handed over” column contains data in accordance with the records signed from 28 July to 2 August 2012.

The “According to the General Prosecutor’s Office data” column contains information on the quantity of collected weapons presented by the General Prosecutor’s Office, 25 July to 20 December 2012.

#### Names of arms:

AK – Kalashnikov machine gun

DShK – Degtyarev-Shpagin heavy machine gun

NURS – non-steerable reactive missile

PK – PK Kalashnikov machine gun

RPK – Kalashnikov hand-held machine gun

RPG 22 - Reactive anti-tank grenade launcher

TT – Tulski Tokarev pistol

Name	UPD	Khlebzavod	Upper Khorog	Porshnev	Weapons handed over	According to the General Prosecutor’s Office data	Difference
AK of various modifications	16	16	3	5	40	105	65
Cartridge pouches with AK magazines	11				11		
Magazines for AK	85	11	3		89		
Zinc boxes with cartridges	8				8		
Cartridges of various calibre for AK	7840	643			8483		
AK gun holder	1				1		
Bulletproof vests			3		3		
Hand-held machine guns of various modifications (RPK, PK)	2	3			5	12	7
Cartridge belts for PK machine gun	5				5		
Cartridges for PK machine gun	500				500		
DShK heavy machine gun		1			1		
Cartridges for DShK heavy machine gun in zinc boxes		2					
Cartridges for DShK heavy machine gun in a cartridge belt		134					

Machine gun pistol of foreign production	1				<b>1</b>		
Magazine to machine gun pistol of foreign production	1				<b>1</b>		
Makarov pistol	1	1		2	<b>4</b>	<b>118</b>	<b>114</b>
Magazine to TT pistol		1			<b>1</b>		
Cartridges to TT pistol		8			<b>8</b>		
Cartridges to Stechkin pistol (5, 45) PS		24			<b>24</b>		
Grenade launchers of various modifications (Mukha, RPG 22, RPG 7B)	3	2			<b>5</b>	<b>10</b>	<b>5</b>
Grenades for grenade launchers of various modifications (Mukha, RPG 22, RPG 7B)	27	4			<b>31</b>		
Grenades of various modifications	1	20	3		<b>24</b>	<b>190</b>	<b>166</b>
NURS (reactive missile)		1			<b>1</b>		
TNT charges (parcel)		2			<b>2</b>		
TNT charges (piece)	1	11			<b>12</b>		
Mortar	1				<b>1</b>		
Sniper rifle		2		1	<b>3</b>		
Five-charging rifle		2			<b>2</b>		
Attachment for blank cartridges		1			<b>1</b>		
Mobile radio station		8			<b>8</b>		
Fire conducting cord		1.4 metre			<b>1</b>		
Detonator cap		1			<b>1</b>		