

REPORT
of the Government of the Republic of Tajikistan on the implementation of the
programme of action to prevent, combat and eradicate the illicit trade in
Small Arms and Light Weapons in All Its Aspects.

National level

1. National Coordination Agency

The Republic of Tajikistan does not have a specialized state agency involved in strategic management, study and monitoring of efforts aimed at prevention, control and eradication of illegal small arms (hereinafter referred to as small arms) trade. Since the matter is one of the directions of International Humanitarian Law (IHL), its general guidance is carried out by the Commission on Implementation of IHL under the Government of the Republic of Tajikistan (CIIHL) chaired by the Vice Prime-Minister responsible for defense and law-enforcement issues.

2. National liaison officer

Mr. Soliev Abdullo Khodzhevich - a leading specialist of the Department for Constitutional Guarantees of the Citizens Rights under the Executive Body of the President of the Republic of Tajikistan, a CIIHL Secretariat officer – is a national liaison officer on issues related to the implementation of the UN Programme of Actions on prevention, control and eradication of illegal small arms trade in all its aspects (hereinafter referred to as the UN Programme of Actions).

3. Legislation, provisions, administrative procedures

1) The Constitution of Tajikistan has a supreme juridical power with its laws having valid and binding force. Laws and other legal instruments contradicting the Constitution are considered null and void.

The State and all its bodies, officials, citizens and their associations are obliged to observe the Constitution and republican laws.

In accordance with the Article 10 of the Tajik Constitution, international legal instruments recognized by Tajikistan are an integral part of the national legislation. In case of discrepancy between national and international legal instruments the latter shall apply.

Issues regulating the handling of weapons are provided for in the Law of the Republic of Tajikistan “On Weapons” adopted on 1.02.1996, №232 (hereinafter referred to as the Law “On Weapons”) where a number of competent bodies dealing with weapons is set.

To implement the Law, on 1.03.2000 the Government of the Republic of Tajikistan adopted a resolution №101 “On measures for implementation of the Law of the Republic of Tajikistan “On Weapons”” which gives special authority to the Ministry of Defense of RT, Ministry of Interior of RT, Ministry of Emergency Situations and Civil Defense of RT, State Border Protection Committee under the Government of RT, Ministry of State Revenues and Dues, Presidential Guard of RT (armed forces or other authorized bodies) as well as the Ministry of Industry of RT.

It is the responsibility of the Ministry of Interior of RT to issue permits for the handling of weapons that is the use, manufacture, trade, import and export of weapons.

- In accordance with the abovementioned Law, no full-scale production of weapons is expressly provided for. Along with that, their manufacture is provided for, meaning assembling parts, remaking or repairing, with the aim to recover the once lost wounding power of a weapon. Such handling of weapons is carried out upon receiving a permit from the Ministry of Interior of RT.
- In accordance with the national legislation, the export of weapons is carried out by the Government of the Republic of Tajikistan or enterprises which have an appropriate permit.
- The import of weapons is carried out by enterprises which have an appropriate permit.

Subject to permission of the Ministry of Interior of RT is the import and export of sport guns, hunting guns and gas weapons for self-defense purposes. Foreigners are not barred from importing their sport and hunting guns for taking part in sport events and hunting, provided that there is a hunting contract or invitation (with indication of date when the guns are going to be taken out of the country) and an appropriate permit from the Ministry of Interior of RT.

The Law stipulates that the imported and exported weapons and ammunition shall have a brand or conformance stamp. Along with this, all imported weapons are subject to certification which allows to classifying them.

- Transiting of weapons through Tajikistan is carried out by the Ministry of Foreign Affairs and Ministry of Interior upon agreement with the Government of the Republic of Tajikistan.
- Weapons inside the country can be provided, given as a reward, inherited, as well as purchased and sold.

In accordance with the national legislation, the heads of enterprises, institutions and organizations which have special statutory tasks can decide whether to give weapons to their staff who in such case shall receive an appropriate training and shall not have grounds barring them from receiving a weapon-carrying permit.

Weapons are given to staff when performing their duties and shall be given back each time when a task is over. This staff shall be regularly tested to meet weapon-carrying requirements through procedures set by the Ministry of Interior of RT.

Enterprises, institutions and organizations which use weapons shall keep records (weapon's type, dates: given, received back, ammunition provided, etc.) through procedures set by the Ministry of Interior of RT.

Weapons can be given as a reward if backed by decrees of the President of RT, resolutions of the Government of RT or reward documents of the Heads of foreign states, or the Heads of governments of foreign states.

In accordance with the national legislation, including provisions from the current Civil Code, giving weapons as a reward and their inheriting can be carried out if the inheritor of a weapon or person to whom it is going to be rewarded has an appropriate permit. In case of death of the owner of a weapon, it must be immediately taken and kept by interior department until inheritance and permit related issues are settled.

In accordance with the national legislation, a right to purchase and sell the weapons is given to:

- a) Competent ministries and institutions;
- b) Enterprises, institutions and organizations (with an exception of social organizations) which are tasked by law to protect nature, natural resources, property, public health and life, and other state organizations which have authorization to keep, bear, and use weapons;
- c) Enterprises involved in weapons developing, testing, manufacturing and trading (hereinafter referred to as the suppliers);
- d) Sport and hunting enterprises and organizations;
- e) Education institutions;
- f) Citizens of the Republic of Tajikistan;
- g) Foreigners.

State paramilitary organizations have a right to sell or give out on temporary basis weapons from their stocks upon request of enterprises, institutions and organizations, through procedures set by the Ministry of Interior of RT, after having agreed a user's request with respective interior departments on the spots – Gorno-Badakhshan Autonomous Oblast, other oblasts and Dushanbe city.

The supplier has a right to sell a weapon against a permit issued by respective interior department on the spot.

Citizens of the Republic of Tajikistan have a right to sell their personal weapons through an enterprise, which has a weapon-selling permit, with prior notice of interior department that authorized them to keep and carry weapons, or to sell them on the spots after having re-registered at respective interior department.

The rest have a right to sell their duly registered weapons through enterprises, which have a weapon-selling permit, with prior notice of respective interior department on the spots.

The legislation also provides that purchased weapons and ammunition must be safely kept, out of reach of unauthorized persons.

2) Manufacturing, stockpiling, transferring and possessing of unmarked or improperly branded weapons have not been reported in the Republic of Tajikistan since it's not the case.

See also comments to the paragraph 4 (1) of the present section.

3) In accordance with the Article 10 of the Tajik Constitution, the adopted laws come into effect after they have been published. Official press mass media in the republic are: "Akhbori Majlisi Oliy Jumhurii Tojikiston" (News of Higher Chamber of the Tajik Parliament) in Tajik and Russian languages, newspaper "Jumhuriyat", Compiled Statutes of the Republic of Tajikistan. The Parliament as well as the Government of the Republic of Tajikistan monitors the implementation of laws. Besides, the Prosecutor General Office is responsible for general supervision of law and order issues.

4. Ensuring law and order / Identifying illegal actions

- 1) The Law "On Weapons" provides for criminal liability in case of breaching the relevant laws. In accordance with a range of articles (Articles 22-23, 36-39) of the Criminal Code of RT (hereinafter referred to as the CC), the following actions are liable to criminal prosecution (including illegal weapon traffic) committed by person or by group of persons (as accessories): illegal purchasing, transferring, selling, keeping, transporting or carrying of weapons, ammunition, explosives and explosive devices (Article 195), illegal weapon manufacturing (Article 196), negligence in safe-keeping the weapons (Article 197), negligence in duty performance when safeguarding the weapons, ammunition, explosives and explosive devices (Article 198), stealing the weapons, ammunition, explosives and explosive devices (Article 199).
- 2) Following the Decree of the President of RT, as of 2 December 1994, "On voluntary giving in, and seizure of weapons, ammunition and military equipment from population of RT", competent authorities take appropriate measures on its implementation. As per 1 May 2003, law-enforcement bodies seized 22.831 pieces of weapons.
- 3) Although Tajikistan has not taken special measures, so far, to keep down actions violating the embargo on weapon supplies, the Republic of Tajikistan adheres to the UN Security Council's decision on the matter.

5. Small arms stock management and security

- 1) According to the Article 21 of the Law "On Weapons", specific requirements on ensuring the security of small arms stocks of armed forces and other authorized bodies are set by these entities.
- 2) Procedure of monitoring the small arms stocks of armed forces and other authorized bodies is set by decision of these entities.

- 3) Surplus of small arms stocks of competent ministries and institutions, in exceed of actual needs, is defined by continued monitoring.

6. Seizure and destruction

- 1) So far, the Republic of Tajikistan has not adopted any programme on destruction of surplus small arms stocks of armed forces and other authorized bodies.
- 2) Until the small arms stocks have been destroyed, they are secured by proper records and keeping procedures.

7. Small arms export control

- 1) According to the national legislation, the Ministry of Interior is authorized to issue weapon-related permits.

See also comments to the paragraph 3 (1) of the present section.

- 2) The Government of RT controls the export and transit of small arms.
- 3) The employment of certified papers of the end-user is not provided for.
- 4) According to the database of the Customs Department of the Ministry of State Revenues and Dues, at present day, no weapon re-export has been reported to take place.

8. Mediation

Weapon handling by means of mediation is not provided for in the national legislation.

9. Marking, recording and follow-up

Weapon handling by means of mass production is not provided for in the national legislation, so no weapon marking issues exist.

10. Disarmament, demobilization and reintegration (DDR)

- 1) To implement the Decree of the President of RT, as of 2 December 1994, “On voluntary giving in, and seizure of weapons, ammunition and military equipment from population of RT” and public awareness and trust programme¹, law-enforcement bodies carry out education activities among population through mass media on voluntary giving in of illegally kept weapons, ammunition, explosives and explosive devices.

¹ Decree of the President of RT, as of 9.04.97, “On legal policy and education of the citizens of RT”; Resolution of the Government of RT, as of 22.08.97, N383, “On some measures for improving the legal public education and legal activities in the republic”.

According to the Article 195 of the CC of RT, persons who voluntarily gave in their illegally kept weapons and ammunition are exempted from criminal liability.

Weapons handled in this way are transferred in a prescribed manner to the stocks of the Ministry of Interior and Ministry of Security of RT.

A State Programme on Mine Clearance has been presently adopted in the Republic of Tajikistan.

See also comments to the paragraph 4 (1) of the present section.

2) Efforts made by the Government of RT – addressing population via mass media, including current TV programmes “VKD habar medihad... (Ministry of Interior informs...)”, “Iztirob (Alarm)”, radiobroadcast programme “Hoki Vatan”, numerous field meetings with refugees outside the country – resulted in the successful return of refugees, who suffered during the civil war, to their native places, reunion of their family members. Children remained uncared for have been put into respective facilities (child homes, boarding schools, orphanages, etc.).

In order to protect refugees and internally displaced persons – citizens of Tajikistan – and taking into account the inflation processes and repeated requests of returnees and forced migrants on the disbursement of long-term loans, the Government of RT adopted a resolution, as of 4 September 1999, №390, “On some measures for social protection of refugees and internally displaced persons – citizens of the Republic of Tajikistan”.

According to the resolution, every family of returnees and internally displaced persons – citizens of the Republic of Tajikistan, who lost their houses, is given a grace loan to be reimbursed in 20 years, for rehabilitation and construction of house, outbuildings, purchasing property, cattle, etc.

An orthopedic center has been functioning in the republic since September 1999. The implementation of this project became possible due to close cooperation between the ICRC Delegation, Ministry of Labor and Social Protection and the Red Crescent Society of Tajikistan with the financial support of the Canadian Red Cross. The center is intended for disabled persons who lost their lower limbs. Here the needy can receive a free assistance – prostheses made by national specialists using the up-to-date technology, as well as get through a complete rehabilitation course.

11. Enhancing public awareness

1) Law-enforcement bodies cooperate on regular basis with various civil institutions and NGOs in combating and eradicating the illegal weapons trade.

See also comments to the paragraph 10 (1) of the present section.

2) See comments to the previous paragraph.

Regional level

1. Compulsory legal instruments

- 1) In accordance with the UN General Assembly Resolution №46/361, the Republic of Tajikistan regularly takes part in the UN Register on conventional weapons, as well as provides annually information within the frame of OSCE paper on small arms.

The Republic of Tajikistan has acceded to the Convention on the ban or restriction of use of specific types of conventional weapons which are believed to inflict excessive damages or to have an indiscriminative effect.

- 2) The Convention has been ratified by the Republic of Tajikistan on 23 September 1999.

3. Regional cooperation

- 1) Trans-border cooperation of customs offices and cooperation on the exchange of information among law-enforcement bodies is carried out on the basis of bilateral agreements, by concluding ad hoc intergovernmental or interministerial agreements in fighting against crime, smuggling, irregular customs practices, as well as illegal weapon, ammunition and explosives trafficking. They contain specific articles on the exchange of information aimed at prevention and keeping down the smuggling and illegal weapons trade, and methods of their controlling, etc.

Global level

1. International instruments against terrorism and crime

- 1) The Republic of Tajikistan has ratified and acceded to the following conventions on combating terrorism and transnational crime:
 1. Convention on prevention of and punishment for crimes against persons who enjoy international protection, including diplomatic agencies (07.03.2001).
 2. International convention on combating bomb-related terrorism (28.11.2000).
 3. Convention on controlling illegal acts affecting the civil aviation safety (29.02.1996).
 4. Protocol on controlling illegal acts of violence in international airports which complements the Convention on controlling illegal acts affecting the civil aviation safety (29.02.1996).
 5. Convention on crimes and some other acts committed onboard of airliners (20.03.96).

6. Convention on controlling the airliner hijacking (29.02.96).
7. Convention on physical protection of nuclear materials.
8. International convention on controlling the hostage-taking (03.04.2002).
9. International convention on controlling the feeding of terrorism.
10. UN convention against transnational organized crime, as of 15 November 2000 (29.05.2002), and its two additional protocols:
 - Protocol on prevention and control of human traffic, in particular, women and children, and punishment for this crime;
 - Protocol against illegal import of migrants by land, by sea and by air.

Tajikistan takes an active part in the frame of CIS Cooperation Agreement in controlling crime (25.11.98, Moscow), Agreement on the procedures of stay and interaction of law-enforcement officers within CIS (04.06.99, Minsk) and CIS Cooperation Agreement in combating terrorism (04.06.99, Minsk).

In accordance with the CIS programme on combating international terrorism and other acts of extremism up to 2003 adopted by decision of the CIS Heads of States on 21 June 2000, antiterrorist units of the Ministry of Defense, Ministry of Interior and State Border Protection Committee have been annually involved in joint antiterrorist exercises of CIS.

Besides, in accordance with the decision of Erevan session of the Collective Security Council (25.01.2001), rapid deployment collective forces (RDCF) have been set up in the Central Asian region within the frame of the Collective Security Agreement (CSA). They include units of the armed forces of four CIS countries – Kazakhstan, Kirghizstan, Tajikistan and Russia. RDCF are intended for implementing tasks on ensuring the security of the States – parties to the CSA in the Central Asian region, as well as to hold off an external enemy attack and conducting joint antiterrorist operations.

The Republic of Tajikistan supports the initiative to establish a regional antiterrorist center of Shanghai Organization for Cooperation (SOC), and takes part, on an expert level, in the development of its constituent acts. The Shanghai convention on combating terrorism, separatism and extremism has been signed on 15 July 2001 by the heads of six states – parties to SOC (Russia, Tajikistan, Kirghizstan, Kazakhstan, Uzbekistan and China).

2. Bilateral cooperation and assistance.

1) In accordance with the Agreement in the field of drug control and cooperation of law-enforcement bodies signed by the Government of the Republic of Tajikistan and the Government of the United States of America on 27 January 2003, The US Government will provide training programmes to and assist the concerned law-enforcement structures for controlling crime. Nevertheless, the purpose of the Agreement is mainly to control illegal drug traffic.

2) There is the Agreement on rendering legal assistance on civil and criminal matters (1193, Minsk).

3) According to the concluded agreements and international conventions, concerned ministries, institutions and organizations are engaged in the exchange of information and cooperation with their counterparts in other countries with the aim to prevent, control and eradicate the illegal weapons and ammunition traffic. Through its resolution (2 July 1999, №277), the Government of the Republic of Tajikistan has established a Commission on implementation of international humanitarian law under the Government of RT and approved its standing orders. According to them, the Commission is a continuing consultative interministerial body established to coordinate the activity of ministries, institutions and organizations on the spots for fulfillment of international commitments of the Republic of Tajikistan resulting from the Geneva Conventions of 12 August 1949, their Additional Protocols of 8 June 1977, and other international agreements in the field of international humanitarian law. The main objective of the Commission is to facilitate the fulfillment of international commitments of the Republic of Tajikistan in the field of IHL.

The Commission has been successfully cooperating with the ICRC Delegation in Dushanbe. The ICRC Delegation intensively works on dissemination of IHL, especially among servicemen and law-enforcement officers. IHL is integrated into curricula of legal and military higher education establishments, as well as of secondary schools. The ICRC has presently finished its school programme in cooperation with the Ministry of Education of RT. All the pupils of the 8th grades of Tajik secondary schools have received new textbooks and free stationery items. More than 100.000 textbooks and stationery items, and 5.000 methodical aids for teachers have been distributed throughout the country within the frame of the programme. With the support of ICRC Delegation, on 11 February 2000, an IHL seminar with the Commission Working Group's members has been conducted. Tajik team of students (four persons from each: the Academy of the Ministry of Interior of RT and the Russian-Tajik Slavonic University) supported by ICRC had participated in the Martens competition in Tashkent from 13 till 18 April 2000. The team proved to have a good knowledge of IHL responding quickly to practical questions. The scope of cooperation between the Commission and ICRC is large, with many joint ideas meant for its further long-term development.

4) As the Republic of Tajikistan is not a member of the International Organization of Criminal Police (Interpol), the concerned law-enforcement bodies of the Republic of Tajikistan do not use the Interpol database for tracking weapons and explosives worldwide.

5) See the comments to the previous paragraph.

6) See the comments to the paragraph 8 (1) of the National level section.

3. Cooperation with civil society and NGOs

1) Mentioned in the comments to the paragraphs 10 (1) and 11 (1) of the National level section.

4. Exchange of information

As weapons are not produced in the Republic of Tajikistan, no national weapon marking system exists in the country.

5. Training, capacity building, studies

Staff receives instruction on small arms stock management on the spots according to intradepartmental regulations.

Tajikistan keeps on fulfilling its international commitments, and will do it to the best of its power.