



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Excellency,

In my capacity as Rapporteur a.i. for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the fifth periodic report of Uzbekistan, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 68th session held from 11 November to 6 December 2019, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/UZB/CO/5, para. 65) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 10 (a), 13 (c), 30 (a) and 44 (c) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 24 December 2020 providing your Government's response to the above-mentioned paragraphs (CAT/C/UZB/FCO/5) and to make the following comments:

Widespread, routine torture and ill-treatment (para. 10 (a) of the Committee's concluding observations)

While taking note of the guarantees set forth in article 95 of the Code of Criminal Procedure regarding the inadmissibility of evidence obtained illegally or through the denial or restriction of the legally protected rights of persons involved in criminal proceedings, the Committee regrets that the State party has not provided it with examples of cases dismissed by the courts because of the submission of evidence or testimony obtained by means of torture or ill-treatment (1/D)

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Investigations and prosecution of acts of torture (para. 13 (c) of the Committee's concluding observations)

According to the information provided by the State party, between January and July 2020 the Office of the Procurator General had received 1,950 complaints and reports of unlawful actions by law enforcement officers, including degrading treatment, torture, beatings, intimidation and psychological or physical violence, and had carried out 1,459 internal investigations. While noting that criminal proceedings were initiated in 77 cases, pre-investigation inquiries were carried out in 122 cases, and a further 67 cases were referred to other institutions, the Committee regrets not having received comprehensive information about the disciplinary and/or criminal sanctions imposed on the offenders, nor an indication whether the alleged perpetrators of those acts have been removed from public service pending the outcome of the investigation of the complaints. In this connection, the Committee notes with great concern reports that, during the same period, there had been two deaths in police custody due to torture.

The Committee takes note of the information provided by the State party regarding the cases of Kadirzhan Ibragimovich Yusupov and Rashitjon Hamidovich Kadirov, although it observes that on 9 January 2020 the former was finally sentenced to five years and six months of imprisonment and that the court dismissed all allegations of torture in the case. The Committee also regrets that the State party provided no additional information about the other individual cases raised during the consideration of the periodic report, in particular those of Bobomurod Razzakov, Nuraddin Dzhumaniyazov, Said-Abdulaziz Yuspov and Bobomurod Abdullaev (2/D)

Fundamental legal safeguards (para. 30 (a) of the Committee's concluding observations)

The Committee appreciates the information facilitated by the State party regarding the measures adopted to ensure that every person deprived of liberty is afforded legal safeguards against torture from the outset of detention, particularly the changes introduced by the recent amendments to the Code of Criminal Procedure and the Presidential Decree of 10 August 2020. Nevertheless, it remains concerned about the continued shortage of lawyers providing State-ensured legal aid. The Committee is further concerned at reports indicating that not all courts and penitentiary facilities have adequate premises to ensure the confidentiality of client-lawyer consultations, and that defence lawyers, especially in criminal proceedings involving state secrets, face unjustified and disproportional restrictions. The reported limitations on the right to prompt access to legal assistance due to Covid-19-related restrictions, are also a matter of concern (2/B2).

Complaints mechanisms and independent monitoring of places of detention (para. 44 (c) of the Committee's concluding observations)

The Committee welcomes the reported progress achieved by the State party in strengthening the role of the Ombudsperson's Office in monitoring all places of detention jointly with civil society organizations. However, it remains concerned at the absence of effective and independent complaints mechanisms for persons deprived of their liberty (2/B2).



Implementation plans (para. 65 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, the recommendations included in its concluding observations (C).

The Government of Uzbekistan is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fifth periodic report of Uzbekistan or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Uzbekistan on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.

p.p.

Bakhtiyar Tuzmukhamedov
Rapporteur a.i. for follow-up to concluding observations
Committee against Torture