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Your Excellency,

It has come to my attention in my capacity as Rapporteur for Follow-up on Concluding Observations of the United Nations Committee against Torture that your response to the recommendations found in paragraphs 6, 7, 9, 10, 11 and 14 of the Committee's Conclusions and Recommendations adopted on 22 November 2007 following the examination of Uzbekistan's third periodic report (CAT/C/UZB/3) was due one year ago, in October 2008. I look forward to receiving your response, as stated in your letter of 11 February 2008 (CAT/C/UZB/CO/3/Add.1).

As Rapporteur for Follow-up for the Committee, I would also like to thank you for your Government's communications of 11 February 2008 which provided some further information on the issues identified in the Conclusions and Observations following the review of Uzbekistan's third periodic report, and also indicated that a reply to the follow-up recommendations of the Committee would be submitted in October 2008. As some information was provided at that time, I am writing to you today to both remind you to submit a complete response to the follow up issues as well as seek further clarification on the following matters, based on your correspondence of 23 October 2008, so as to allow the Committee to carry out a complete analysis of the implementation of the Convention in Uzbekistan.

With regard to paragraph 6(a) of the Conclusions and Recommendations, the Committee looks forward to receiving further, more detailed and specific information on the public condemnation of torture and ill-treatment undertaken by all branches of the government, as indicated in your most recent correspondence to the Committee.

Paragraph 6(b) of the Conclusions and Recommendations called on Uzbekistan to adopt measures to ensure in practice prompt, impartial and effective investigations into all allegations of torture or ill-treatment and the prosecution and punishment of all perpetrators. The Committee further recommended that all such investigations be carried out by an independent body. While we are pleased to learn that the "Prokuratura" (Office of the Prosecutor) considers complaints regarding alleged abuses by law enforcement authorities, it is unclear from your response if these 'considerations' are investigations. Would you be kind enough to clarify this matter.

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Furthermore, according to your 11 February 2008 letter, this consideration takes place only every 3 months. The Committee would be grateful to receive as part of the follow-up response, information on whether any other body is mandated to investigate, promptly and effectively, allegations of torture and ill-treatment when such complaints are submitted. The Committee would also be grateful to receive further information regarding the independence of the bodies mandated to investigate allegations of torture or ill-treatment and what measures are in place to ensure that independence of these bodies is maintained and ensured.

As part of the follow up information due to have been submitted in October 2008 and with regard to the recommendation in paragraph 6(c) of the Conclusions and Recommendations, the Committee would be grateful to receive updated detailed, statistical data on the number of allegations of torture or ill-treatment that have been made, the number of investigations conducted into these allegations, and the outcomes of the investigations, including whether legal proceedings were brought against any of the perpetrators and the punishments meted out.

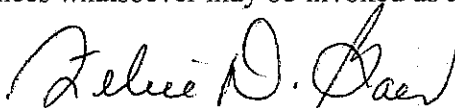
With regard to paragraph 6(d), the Committee is pleased to note Uzbekistan's acknowledgement that there is a need to create and adopt a special program for the protection of witnesses, and looks forward to learning more about the measures taken to establish such a body as well as the number of witnesses that have benefited from protection under it.

In paragraph 7 of the Conclusions and Observations, the Committee noted with concern the need for full and effective investigations into all claims of excessive use of force by officials during the May 2005 events. Your response to this in your letter to the Committee stated that the events in question were considered to be terrorist acts and that military and security forces addressed them accordingly. Regardless of how the events in Andijan were viewed by the Government of the State party, the Committee looks forward to information from you on whether and how allegations of excessive use of force were investigated so as to ensure that all state forces acted in accordance with the requirements of the Convention. Please provide the Committee with information into any investigations carried out in connection with these incidents, including the findings of the investigations and whether they led to any legal proceedings.

Additionally, your letter of 11 February 2008 did not address the Committee's recommendation in paragraph 9 of the Conclusions and Recommendations. We look forward to receiving information regarding the measures taken to institute a full, effective and impartial inquiry into the May 2005 events, as well as to provide information to family members on the whereabouts and charges against all persons involved, arrested or detained in connection with those events.

Paragraph 11 of the Conclusions and Observations requests information from your government providing an account of the improvements made to the conditions of detention and the regular monitoring of places of detention. Please provide detailed information on the improvements made, as well as the bodies permitted to conduct monitoring of places of detention and whether they are independent. Specifically, please provide information on the measures taken to keep under systematic review all places of detention; measures taken to ensure that independent experts, including independent national and international bodies, are able to conduct routine unannounced visits to all places of detention.

The Committee is pleased to note your acknowledgement that there is a need for a mechanism to be established that will facilitate compiling of statistical information on the results of investigations and judicial proceedings on incidents of torture. We look forward to receiving, as part of your reply regarding the follow-up items, further information on the measures taken to establish such a centralized database, which should include information on the results of investigations into the allegations of torture, and reminds the State party that no exceptional circumstances whatsoever may be invoked as a justification for torture.



Felice D. Gaer

Rapporteur for Follow-up on Concluding Observations
Committee against Torture