

Ref: EUR 62/1742/2015

Ms. Catherine Fox Principi  
Secretary  
UN Human Rights Committee  
Office of the United Nations  
High Commissioner for Human Rights  
UNOG-OHCHR  
1211 Geneva 10, Switzerland

28 May 2015

**AMNESTY  
INTERNATIONAL**



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## **RE: CONSIDERATION OF THE FOURTH PERIODIC REPORT OF UZBEKISTAN**

Dear Ms. Fox Principi,

I am writing to provide information to the United Nations (UN) Human Rights Committee (the Committee) ahead of its examination in July 2015 of Uzbekistan's fourth periodic report on the implementation of the International Covenant on Civil and Political Rights (the Covenant, ICCPR).

In April 2015, Amnesty International published a report on torture in Uzbekistan, *Secrets and Lies: Forced confessions under torture in Uzbekistan*. The report is enclosed, along with a separate digest of our campaign on Uzbekistan, which highlights key torture cases. The report concludes that torture and other ill-treatment and the admission in criminal trials of evidence extracted under torture remain persistent problems in Uzbekistan. Torture and other ill-treatment have become defining features of the Uzbekistani criminal justice system. It is central to how the Uzbekistani authorities deal with dissent, combat actual or perceived security threats and maintain their grip on power.

This letter summarises the key findings of the report in the context of Uzbekistan's implementation of the ICCPR. It highlights Amnesty International's concerns about failures of the authorities in Uzbekistan to respect and protect the rights guaranteed in the Covenant, in particular those enshrined under Articles 2, 4, 6, 7, 9, 10, 14, 16, 17, 18, 19, 21, 22 and 26. It will also complement other submissions to the Human Rights Committee by independent domestic and international NGOs with which Amnesty International cooperates. Reference to page numbers in the report is provided below to indicate where relevant additional information on cases and concerns can be found.

### **TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT (ARTICLES 7, 9 AND 10)**

Amnesty International has continued to receive persistent and credible allegations of routine and pervasive torture and other ill-treatment in Uzbekistan committed by security forces during the arrest and transfer of people deprived of their liberty, in police custody and in pre-trial detention and by security forces and prison personnel in post-conviction detention facilities.

#### ■ **Definition of torture**

Article 235 of the Criminal Code of the Republic of Uzbekistan criminalizes torture and other ill-treatment. Though broad in scope, the definition of torture does not fully comply with Uzbekistan's international obligations under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Under article 235 only law enforcement officials can be held responsible for torture; others, such as prisoners or detainees acting on behalf of or at the instigation of security forces, can only be held responsible for aiding and abetting the use of torture.

In response to question 10 of the List of Issues (LOI, CCPR/C/UZB/Q/4), the Uzbekistani authorities acknowledge this discrepancy, but insist that this reflects “the features of the system to combat torture in Uzbekistan”. Amnesty International has documented cases where police and officers of the National Security Service (SNB from the Russian: Sluzhba Natsionalnoi Bezopastnosti) have used convicted prisoners to carry out acts of torture and other ill-treatment on detainees in pre-trial detention. One former detainee described them as “the hands and feet” of the security forces (See Yusuf’s story for more details, pages 23-25 of the enclosed report *Secrets and Lies: Forced confessions under torture in Uzbekistan*).

■ **Places of torture (see pages 28 -32 of the report)**

Torture and other ill-treatment are used most frequently in police and SNB custody as a way to coerce suspects and detainees to confess to a crime in pre-charge detention centres; and in pre-trial detention centres, after charges have been brought against a detainee and a judge has formally sanctioned the arrest. However, it is not uncommon for security forces to beat and otherwise ill-treat people immediately after apprehension, well before they reach any official place of detention.

Among the most notorious pre-trial places of detention where torture is commonplace are Tashturma (see page 29), the central pre-trial detention centre under the Ministry of Internal Affairs (MVD from the Russian: Ministerstvo Vnutrennih Del) in Tashkent, and the SNB detention centre in Tashkent (see pages 30-32).

In conversation with Amnesty International researchers in October 2014, Vahit Güneş, who was detained in an SNB detention centre in Tashkent for 10 months, painted a chilling picture of the mechanics of torture and other ill-treatment used there. According to Vahit Güneş – now safely in Turkey – torture happens everywhere in SNB detention. Men and women are tortured in interrogation rooms, in bathrooms and showers, in punishment cells and in purpose-built torture rooms with padded rubber walls and sound-proofing. Vahit Güneş has recalled: “they [SNB officers] handcuff people to radiators. I saw how they broke prisoners’ bones with baseball bats. At night I could hear people scream as if they were being attacked by wolves.”

See chapter “Torture in pre-charge and pre-trial detention”, pages 23-32.

**FAILURE TO EXCLUDE EVIDENCE ELICITED AS A RESULT OF TORTURE OR OTHER ILL-TREATMENT (ARTICLES 2, 7 AND 14)**

In their March 2015 reply to the LOI (CCPR/C/UZB/Q/4/Add.1) the Uzbekistani authorities assert that information contained in question 11, including points a) and b) in relation to the use of torture to extract confessions and the use of these confessions as evidence in court, is “based on unreliable sources and has a biased approach which aims to misinform about human rights compliance in Uzbekistan”. However, Amnesty International’s research clearly indicates that torture and other ill-treatment continue to be used to force confessions and other information from those in the custody of the police and SNB (see chapter “The use of coerced confessions in criminal proceedings”, pages 39-43). Courts continue to rely heavily on these torture-tainted “confessions” to hand down convictions. In most of the cases in the *Secrets and lies* report, judges ignored or dismissed as unfounded allegations of torture or other ill-treatment, even when presented with credible evidence in court.

For example, Amnesty International reviewed the case of two men who were convicted in 2014 to 10 years in prison for their alleged membership of Hizb-ut-Tahrir. Both men denied the charges and alleged in court that security forces tortured them to sign false confessions. One of the defendants said to the judge when asked why he had confessed: “I couldn’t bear the torture, that’s why. If you don’t believe me then look at my arm” (see page 41). The two men claimed that security forces had pressed their hands and feet against a hot stove and burned them. One defendant also told the judge that security forces had pulled out his fingernails and toenails. The judge listened in silence to the allegations of torture and failed to make any further inquiries into the torture allegations. He later admitted the confessions as evidence.

The practice of admitting as evidence torture-tainted confessions continues despite the Plenum of the Supreme Court having issued four directives since 1996 explicitly prohibiting the use of torture to

extract confessions and the admissibility of such tainted evidence in court proceedings. The Uzbekistani Parliament has failed to incorporate these explicit provisions in the Supreme Court directives into the Criminal Procedure Code (see “5.2 The prohibition of torture in Uzbekistani legislation”, pages 35 – 38).

#### **FAILURE TO ESTABLISH MONITORING MECHANISMS TO PREVENT TORTURE AND OTHER ILL-TREATMENT AND TO INVESTIGATE ALLEGATIONS OF THESE ABUSES (ARTICLES 2, 7 AND 14)**

Allegations of torture and other ill-treatment are never effectively investigated and those responsible for torture are rarely brought to justice (see chapter “Impunity”, pages 44-45). Abuses by the security forces continue virtually unchecked and a climate of impunity prevails. No effective investigation into any of the allegations of torture and other ill-treatment in the cases that Amnesty International has studied has ever been conducted despite numerous complaints lodged with the competent authorities by victims, their lawyers and families.

Since Uzbekistan has no independent complaints mechanism to examine torture complaints, the prosecutor’s office will either investigate or pass the allegations to the MVD or SNB to follow up, the very institutions accused of committing torture.

#### **FREEDOM OF CONSCIENCE AND RELIGIOUS BELIEF (QUESTION 27 LOI, ARTICLES 2, 18 AND 26)**

In the reply to the Committee’s request to respond to reports that “(a) independent Muslims practising their faith outside State control or belonging to unregistered religious organizations continue to be unlawfully arrested, detained, tortured and ill-treated, and convicted on religious extremism related charges”, the Uzbekistani government stated that these reports “are unfounded”.

However, Amnesty International has documented that over the last 15 years, those particularly vulnerable to torture and other ill-treatment have been men and women charged with or convicted of “anti-state” and terrorism-related offences (see “3.1 Religion and security”, pages 17-22). In particular, these are Muslims worshipping in mosques outside state control or under independent imams, and members or suspected members of political opposition parties and banned Islamic movements or Islamist groups and parties, all of whom the authorities consider a threat to national and regional security.

#### **COUNTER-TERRORISM MEASURES (QUESTION 7 LOI, ARTICLES 4, 7, 9, 10, 14 AND 16)**

As mentioned above, the Uzbekistani authorities often invoke national security, the fight against terrorism, and combating “anti-state” activity to justify repressive measures against “independent” Muslims and actual or suspected members of outlawed Islamist groups and parties (see chapter “Human rights violations in the name of national security”, pages 46-50). The US-led global “war on terrorism”, Uzbekistan’s position as a key ally of the US government in relation to the war in Afghanistan, and the rise of the armed group calling itself Islamic State (IS) in Syria and Iraq all facilitate the government’s claims that without strong action against militant groups, Uzbekistan will be vulnerable to terrorist attacks.

Amnesty International recognizes the obligation of governments to protect the rights and lives of their citizens and to take appropriate measures to bring the perpetrators of attacks that target the general population to justice. However, any measures taken by the government must be in accordance with international human rights law and standards.

Amnesty International is concerned that the Uzbekistani authorities are prepared to use harsh and illegal measures, including torture and other ill-treatment, against those suspected of being members and supporters of Islamist groups and Islamic movements and secular political opposition parties banned in Uzbekistan, whom they consider to be a national security threat. Those charged with “anti-state” and terrorism-related offences are, as a result, particularly at risk of torture and other ill-treatment by the Uzbekistani security forces.

## **RIGHT TO PRIVACY AND FAMILY LIFE (QUESTION 23 LOI, ARTICLE 17)**

The Uzbekistani authorities routinely target relatives of detainees or prisoners charged with or convicted of “anti-state” offences (see “Family persecution and suspect lists”, pages 50 – 53). In many cases, members of the same family – brothers, sisters, husbands, wives, sons, daughters, nephews, nieces, fathers, mothers, cousins – have been arbitrarily detained, tortured and otherwise ill-treated to confess to fabricated charges and sentenced to long terms of imprisonment after unfair trials. In 2014, Zuhra (not her real name) described to Amnesty International how most of the male members of her family were either serving long prison sentences after having been convicted of membership of a banned Islamist organization or had fled the country in fear of their lives. The security forces had tortured all of them to force them to confess. Zuhra herself was regularly called to report to the local police station, where she was detained and beaten to punish her for being a member of an “extremist family”, to reveal the whereabouts of male relatives, or to incriminate them. She told Amnesty International: “There is no peace, there is no peace in our house. ...There are no men left in our house ... There are not even any grandchildren left” (see pages 7-8).

Ever since the first wave of mass detentions of independent Muslim believers in 1997, which was sparked by the murders of several police officers in the Namangan Region, the authorities in Uzbekistan have been compiling confidential lists of potential suspects (pages 17-19). Former detainees and relatives of prisoners have confirmed that similar lists are still used by neighbourhood committees to monitor the residents of their mahallas (local neighbourhoods) and to report back to police and SNB officers (pages 52-53). Security forces use such lists to target individuals arbitrarily, have sometimes planted evidence in order to secure grounds for arrest, and have tortured or otherwise ill-treated individuals named on a list to force them to confess to fabricated charges.

Many of those who Amnesty International interviewed during the research for the *Secret and lies* report explained that in addition to the lists kept by the local neighbourhood committees, local police departments compile files or notebooks on members of suspect religious communities containing detailed information about their family members, including photographs of all their relatives, birthdates and places of school or employment (page 53).

In August 2014 a new law on the prevention of crimes entered into legal force. The law formally introduced mandatory registers of offenders and individuals believed to be at risk of committing crimes to be kept and regularly updated by local neighbourhood committees and security forces. Those named on the registers include members or suspected members of banned Islamist groups and Islamic movements and their families.

## **RENDITIONS TO TORTURE IN UZBEKISTAN (ARTICLES 6, 7, 9, 10 AND 14)**

The Uzbekistani authorities have relentlessly pursued the extradition or otherwise forcible return of hundreds of people they have suspected of having organized or participated in a number of violent attacks in Uzbekistan (see “8.2 Forcible returns to Uzbekistan”, pages 53-56, and page 49 for a case of six individuals returned from Norway). Many of these extradition requests are based on fabricated or unreliable evidence.

As the Uzbekistani government indicated in its reply to question 12 of the LOI, the government offers “diplomatic assurances” to sending states to secure the returns, pledging free access to detention centres for independent monitors and diplomats. However, there are no independent monitoring mechanisms in place to inspect all places of detention in Uzbekistan. Due to government-imposed restrictions, no independent non-governmental organizations, domestic or international, carry out any form of regular, unannounced and unsupervised prison monitoring. The Uzbekistani authorities refuse to ratify the Optional Protocol to CAT (OPCAT), which requires states to accept a system of regular visits to all places of detention by independent “national preventive mechanisms” and by an international expert body (see “9.4 Prison monitoring”, page 61). Once a person is returned to a country like Uzbekistan, where torture is endemic, his or her safety cannot be ensured. Diplomatic assurances from the Uzbekistani authorities, the same authorities that order the torture of detainees, are inherently unreliable.

Those forcibly returned to Uzbekistan have faced incommunicado detention, torture and other ill-treatment and unfair trials in which they are sentenced to long prison terms based on the forced confession (see pages 55-56). The Uzbekistani security forces have not hesitated to resort to abducting Uzbekistani refugees or asylum-seekers from foreign territories, most frequently in Russia (see page 54).

#### **ARBITRARY EXTENSION OF LENGTH OF IMPRISONMENT (ARTICLE 9)**

In their answer to question 17 of the LIO, the Uzbekistani authorities deny the “reports that prisoners who have completed their sentences, especially those convicted of religious extremism, are not released and have their terms extended”. The government explained that only those prisoners who *systematically* break prison rules are charged with article 221 of the Criminal Code, which punishes prisoners for violations of prison rules by imposing further terms of imprisonment of up to five years. In all the cases under article 221 that Amnesty International has researched, the application of the article appears to be arbitrary and politically-motivated (see “9.1 Extension of prison sentences”, pages 57-59). There are no publicly available official lists of prison rules. Between 2004 and 2012, prison authorities found Murad Dzhuraev allegedly in violation of prison rules on numerous occasions; as a result, his prison sentence was extended in four unfair trials to a total of 12 years and four months beyond his original sentence (see pages 59-60). According to his family, one of the “violations” he had committed was failing to change out of his slippers when entering the hall where prisoners sleep (See “Prison conditions and monitoring”. Pages 57- 61).

#### **FAILURE TO INITIATE AN INTERNATIONAL INDEPENDENT AND IMPARTIAL INVESTIGATION INTO THE ANDIZHAN EVENTS OF MAY 2005 - THE RIGHT TO AN EFFECTIVE REMEDY, THE RIGHT TO LIFE (ARTICLES 2 AND 6)**

Amnesty International remains concerned that the authorities in Uzbekistan persist in their refusal to allow an independent, international investigation into mass killings, including of women and children, in Andizhan in 2005 when security forces fired indiscriminately at demonstrators, most of them unarmed, who had gathered in the centre of the city and as they fled.

See enclosed Amnesty International’s media advisory *Uzbekistan: Decade-long wait for justice for victims of Central Asia’s forgotten massacre*.

#### **FREEDOM OF EXPRESSION AND PEACEFUL ASSEMBLY: THE SITUATION OF HUMAN RIGHTS DEFENDERS AND JOURNALISTS (ARTICLES 7, 9, 10, 19, 21 AND 22)**

In reply to question 24 of the LOI, the Uzbekistani government has denied that there are any political prisoners in the country and said that journalists, human rights defenders and other civil society activists who are in prison have been sentenced for specific actions and crimes prohibited by the Criminal Code. Despite these assertions, at least 17 human rights activists (see case of Gaibullo Dzhaliilov, page 42-43) and journalists (see case of Muhammad Bekzhanov, pages 58-59) are currently imprisoned in Uzbekistan.

#### **CONCLUDING REMARKS**

Amnesty International is concerned that Uzbekistan appears determined to remain closed to meaningful international monitoring. Currently, there are 13 pending requests for country visits by the Special Procedures of the Human Rights Council, including the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Since Uzbekistan was last reviewed by the Committee, the Uzbekistani authorities have taken a number of positive formal legislative and administrative steps to strengthen safeguards against torture and other ill-treatment, including the introduction of legislative and judicial reforms aimed at bringing domestic legislation into line with international standards. However, recent legislative amendments are routinely ignored by the security forces and members of the judiciary. Furthermore, as the cases documented by Amnesty International in the report show, the authorities have shown a complete lack of political will to

apply legal safeguards in practice. As a result, torture and other ill-treatment, and impunity remain pervasive.

**Amnesty International calls on the authorities of Uzbekistan:**

- to bring domestic law into full compliance with Uzbekistan's international obligations regarding the absolute prohibition against torture and other cruel, inhuman or degrading treatment or punishment, specifically by amending the Uzbekistani Criminal Code and Criminal Procedure Code to define torture as established in the Convention against Torture and explicitly prohibit any confession extracted under torture;
- to promulgate a set of rules to ensure that all judges at every level are instructed regarding the proper actions to take and procedures to follow to determine whether confessions and/or other evidence submitted by prosecutors in criminal proceedings and by any state actor in any other proceeding have been extracted by the use of torture or other cruel, inhuman or degrading treatment or punishment;
- to establish an effective system of independent, unannounced inspection and supervision of all places of detention by competent, independent and impartial bodies with a view to preventing any cases of torture and other ill-treatment and to ratify OPCAT;
- to issue a standing invitation to the Special Procedures of the UN Human Rights Council.

For the detailed list of recommendations see “Conclusion and recommendations”, pages 67-70.

Yours sincerely



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Enclosed:

- 15 April 2015, Amnesty International, *Secrets and Lies: Forced confessions under torture in Uzbekistan*, EUR 62/1086/2015, <https://www.amnesty.org/en/documents/eur62/1086/2015/en/>.
- 15 April 2015, Amnesty International, *Stop the secrets and lies: The campaign to stop torture in Uzbekistan*, EUR 62/1333/2015, <https://www.amnesty.org/en/documents/eur62/1333/2015/en/>.
- 12 May 2015, Amnesty International, *Uzbekistan: Decade-long wait for justice for victims of Central Asia's forgotten massacre*.