

**CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 19 OF THE CONVENTION**

Concluding observations of the Committee against Torture
(Extracts for follow-up of CAT/C/UZB/CO/4)

UZBEKISTAN

(...)

C. Principal subjects of concern and recommendations

(...)

Widespread torture and ill-treatment

7. The Committee is concerned about numerous, ongoing and consistent allegations that torture and ill-treatment are routinely used by law enforcement, investigative and prison officials, or at their instigation or with their consent, often to extract confessions or information to be used in criminal proceedings. While recognizing that the State party is not subject to the jurisdiction of the European Court of Human Rights, the Committee notes that in 2011 the Court determined that “the use of torture and ill-treatment against detainees in Uzbekistan is ‘systematic’, ‘unpunished’ and ‘encouraged’ by law enforcement and security officers.”¹ The Committee is concerned that the State party deemed “unfounded” numerous complaints of torture raised during the review, several of which had previously been addressed by other United Nations human rights mechanisms. It notes that while the State party indicated that 45 individuals were prosecuted for torture in the period 2010–2013, the State party recorded 336 complaints of torture or ill-treatment against law enforcement officers during the same period. While welcoming the information submitted by the State party that the legislative, judicial and executive branches of Government are combating torture, the Committee is concerned that it has not received information suggesting that executive branch officials have recently and publicly condemned torture or directed condemnation to police and prison officials (arts. 4, 12, 13, 15 and 16).

As a matter of urgency, the State party should:

(a) Carry out prompt, impartial and effective investigations into all allegations of torture and ill-treatment and prosecute and punish all those responsible, including law enforcement and prison officials. The Committee reiterates its recommendations that the State party should apply a zero-tolerance approach to the continuing problem of torture and to the practice of impunity;

¹ European Court of Human Rights, application no. 7265/10, *Yakubov v. Russia*, judgment of 8 November 2011, para. 82.

(b) Ensure that high level officials in the executive branch publicly and unambiguously condemn torture in all its forms, directing this especially to police and prison staff;

(c) Warn that any person committing such acts, or otherwise complicit or participating in torture will be held personally responsible before the law for these acts and subject to severe criminal penalties.

Harassment, arbitrary imprisonment and alleged torture of human rights defenders

8. The Committee is deeply concerned by numerous and consistent reports of the arbitrary imprisonment of human rights defenders and journalists in retaliation for their work. The Committee is particularly concerned by allegations that numerous human rights defenders that have been deprived of their liberty have been subjected to torture and other ill-treatment, including: Gaibullo Djalilov, Rasul Khudoynazarov, Azam Formonov, Mehrinisso and Zulhumor Hamdamova, Nosim Isakov, Yuldash Rasulov, Zafarjon Rahimov, Akzam Turgunov and Gulnaza Yuldasheva and journalist Muhammad Bekjanov. The Committee is also concerned by the apparent failure of the State party authorities to investigate effectively allegations that other human rights defenders, have been arbitrarily imprisoned or otherwise harassed in retaliation for their work, including but not limited to Bobomurod Razzakov, Solijon Abdurakhmanov, Isroiljon Holdarov, Turaboi Juraboev, Ganihon Mamatkhanov, Dilmurod Saidov, Nematjon Siddikov and Elena Urlayeva. The Committee regrets the State party's insistence to the Committee that the above-mentioned allegations are "unfounded", despite the existing corroboration. It is further concerned that full, independent and effective investigations of the allegations and prosecution of the perpetrators have not taken place (arts. 4, 12, 13 and 16).

The Committee recommends that the State party should:

(a) Recognize that human rights defenders are at risk and have been targeted for reprisals due to the performance of their human rights activities, which play an important role in a democratic society;

(b) Take all necessary measures to ensure that all human rights defenders are able to conduct their work and activities freely and effectively;

(c) Investigate promptly, thoroughly and impartially all allegations of harassment, arbitrary arrest, denial of adequate medical treatment and torture or ill-treatment of human rights defenders, including those listed above, prosecute and punish appropriately those found guilty, and provide the victims with redress;

(d) Release from detention human rights defenders who are imprisoned and in detention in retaliation for their human rights work.

Investigation and prosecution of acts of torture and ill-treatment

9. The Committee is deeply concerned at the failure of the authorities to carry out prompt, effective and independent investigations into allegations of torture and ill-treatment by public officials, including in the cases of Erkin Musaev, Batyrbek Eshkuziev, Bahrom Ibragimov, Davron Kabilov, Ravshanbek Vafoev, Ruhiddin Fahrutdinov, Gayrat Mehliboev, Rustam Usmanov, Vahit Gunes, Zahid Umataliev, Norboy Kholjigitov and Yusuf Jumaev. While noting the responses of the State party to cases of alleged violations of the Convention, the Committee reiterates its concern that the State party presented extensive detail on the alleged crimes committed by the complainants and not on any State party investigations into these allegations of torture (arts. 12, 13 and 16).

The State party should provide further specific information regarding the steps taken to investigate the instances of alleged torture and ill-treatment raised by the Committee. The State party should provide the Committee with current data on the number of complaints received alleging torture and ill-treatment by law enforcement and other public officials, the number investigated by the State party, any prosecutions brought and any resulting convictions and sentences. The State party should also provide the Committee with data on cases in which officials were subjected to disciplinary measures for failure to investigate complaints of torture or ill-treatment adequately or for refusal to cooperate in investigating any such complaint.

(...)

Fundamental legal safeguards

13. The Committee expresses its serious concern at the failure of the State party in practice to afford all persons deprived of their liberty with all fundamental legal safeguards from the very outset of detention. The Committee is concerned at reports that detainees are frequently denied access to a lawyer of their choice independent of State authority and that police officers forcibly extract confessions in the period immediately following deprivation of liberty. The Committee is also concerned that individuals charged with administrative offences are not provided in law or in practice with sufficient access to independent legal counsel or to prompt presentation before a judge. Taking into account the consistency of the information received, the Committee regrets the assertion by the State party that it had detected no case in which officials failed to provide safeguards for persons deprived of their liberty during the reporting period and that as a result, no officials have been subject to disciplinary or other measures for such conduct (arts. 2, 11, 12, 13, 15 and 16).

The State party should immediately adopt measures to ensure in law and practice that every person deprived of his or her liberty, including pursuant to the domestic administrative law, is afforded legal safeguards against torture from the outset of detention. The State party should:

(a) Ensure that all individuals deprived of their liberty have prompt and unimpeded access to a lawyer of their choice independent of State

authority, that they obtain, at their request, immediate access to an independent medical examination, that they may, at their request, contact a family member and that they are informed of their rights and the charges against them;

(b)Ensure that the State party monitors the provision of safeguards by all public officials to persons deprived of their liberty, including by requiring that the relevant information be documented in detention registers and that the compliance of officials with these reporting requirements be monitored;

(c)Ensure that any public official who denies fundamental legal safeguards to persons deprived of their liberty is disciplined or prosecuted and provide data to the Committee on the number of cases in which public officials have been disciplined for such conduct;

(d)Consider taking measures to ensure the videotaping of all interrogations in police stations and detention facilities as a preventive measure.

(...)

Evidence obtained through torture

16. The Committee is concerned about numerous allegations that persons deprived of their liberty were subjected to torture or ill-treatment for the purpose of compelling a forced confession and that such confessions were subsequently admitted as evidence in court in the absence of a thorough investigation into the torture allegations. The Committee is further concerned at the failure of the State party to provide the Committee with information on cases in which judges have deemed confessions inadmissible on the grounds that they were obtained through torture, or with data on the number of cases in which judges have sought investigations into allegations made by defendants that they confessed to a crime as a result of torture (art. 15).

The State party should ensure that any statement which is established to have been made as a result of torture shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, by:

(...)

(b)Ensuring that judges ask all defendants in criminal cases whether or not they were tortured or ill-treated in custody and order independent medical examinations whenever necessary;

(...)

31. The Committee requests the State party to provide, by 23 November 2014, follow-up information in response to the Committee's recommendations related to (a) eradication of widespread torture and ill-treatment, (b) eradication of harassment, arbitrary imprisonment and alleged torture of human rights defenders and (c) ensuring

the respect of fundamental legal safeguards as contained in paragraphs 7, 8 and 13 of the present document. In addition, the Committee requests follow-up information on ensuring the investigation and prosecution of acts of torture and ill-treatment and ensuring that judges ask all defendants in criminal cases whether or not they were tortured or ill-treated in custody and order independent medical examinations whenever necessary, as contained in paragraphs 9 and 16 (b) of the present document.

(...)
