



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture**List of issues in relation to the fourth periodic report of Uzbekistan (CAT/C/UZB/4), adopted by the Committee at its fiftieth session (6-31 May 2013)****Specific information on the implementation of articles 1 to 16 of the Convention, including with regard to the Committee's previous recommendations****Articles 1 and 4**

1. Please provide information on any steps taken or envisaged to adopt a definition of torture in conformity with article 1 of the Convention, in particular to further amend article 235 of the Criminal Code (CAT/C/UZB/4, para. 46), to ensure that persons who act in an official capacity or with the consent or acquiescence of a public official are prosecuted for torture and not merely charged with "aiding and abetting" such practices under articles 28 and 235 of the Criminal Code, as previously recommended by the Committee (CAT/C/UZB/CO/3, para. 5; CAT/C/UZB/4, paras. 48-49).

2. Please provide updated statistical information on the number of cases during the reporting period in which individuals were charged with violating articles 28 and 235 of the Criminal Code, indicating the number of cases in which defendants were convicted and the details of any criminal sentences imposed.

3. Please indicate whether steps taken during the reporting period to ensure that punishments for acts of torture are commensurate with the gravity of the crime. Please indicate whether the crime of torture is subject to any statute of limitations. Please also indicate whether the State party's legislation provides that no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification for torture.

4. Please indicate the steps that the State party has taken to abolish the practice of granting amnesties to persons convicted of torture or ill-treatment. Please provide further information on the cases of the 16 individuals who were awarded amnesty despite having been convicted of torture or cruel, inhumane, or degrading treatment and of the cases of the 12 individuals who were released under an amnesty, despite having been sentenced to detention, referred to in the State party's report (para. 77). Please indicate whether any officials who have received amnesties or pardons remain employed in an official capacity.

Article 2

5. In light of the Committee's previous concluding observations (para. 6(a)) and as requested by the Committee's rapporteur for follow-up, please provide updated information on steps the State party has taken to address numerous and consistent reports, including by the Special Rapporteur on torture, that persons detained in Uzbekistan are routinely subjected to torture and ill-treatment.

6. Please provide updated information on the measures taken by the State party to ensure that every person deprived of his or her liberty, including pursuant to administrative law, is afforded legal safeguards against torture from the outset of detention and to ensure that those safeguards are implemented in practice. Please indicate whether detainees have the right to independent legal counsel, to have an independent medical examination, and to inform a relative from the actual moment of deprivation of liberty; and to ensure that detainees are informed of their rights and of the grounds on which they have been detained. Please also describe measures to monitor the implementation of these legal safeguards by police, prison, and security personnel. Please provide data on cases in which officials have received disciplinary or criminal penalties for failing to respect legal safeguards or to properly record information about detainees in prison registers. Please indicate the results of any investigation into allegations raised by four Special Rapporteurs that activists who were arrested following peaceful assemblies in Tashkent in December 2010 and April 2011 were denied access to legal counsel (A/HRC/20/30, case no. UZB 1/2012).

7. Referring to the State party's introduction of habeas corpus in 2008 (CAT/C/UZB/4, paras. 8 and 131-135), please indicate measures taken to ensure that all persons deprived of their liberty are brought before a judge no later than 48 hours from the moment of actual deprivation of liberty, that all detainees have the right to be represented by their chosen counsel at habeas proceedings, that habeas proceedings are open to the public, and that judges understand their responsibility to order a detainee's release in cases where the prosecutor has not demonstrated reasonable suspicion for detention. Please describe any measures taken to ensure that habeas hearings are not held and pretrial detention orders issued in absentia.

8. Please indicate whether judges are required to initiate investigations into allegations of torture raised by criminal defendants or their counsel, or where judges detect visible signs of ill-treatment on detainees in habeas corpus hearings or other trial proceedings. Please provide information on any cases in which this has happened, and whether any such investigations have resulted in the prosecution

and conviction of the perpetrators.

9. Please provide current statistical data on the number of persons held in pretrial detention, disaggregated by detention facility. Please also indicate measures taken by the State party to increase the use of non-custodial measures as an alternative to pretrial detention and provide data on the number of persons to whom such non-custodial measures have been applied during the reporting period. Please indicate whether the State party intends to amend the Criminal Procedure Code to permit judges to reject pretrial detention in favour of non-custodial measures in habeas proceedings.

10. In contrast to the State party's assertion that human rights defenders have not been prosecuted for their work in Uzbekistan (CAT/C/UZB/4, para.481; CAT/C/UZB/CO/3/Add.2, para.61), the Committee has received numerous reports alleging official intimidation, arbitrary imprisonment, torture and ill-treatment, and the placing of unjustified restrictions on the activities and movements of human rights defenders and members of civil society groups. The Special Rapporteur on freedom of expression and the Special Rapporteur on human rights defenders similarly have expressed concern that human rights defenders have been subjected to abuse as a result of their activities (A/HRC/11/4/Add.1, para.2563). Please describe steps taken to investigate and address:

(a) Allegations that numerous human rights defenders and journalists have been subjected to torture, ill-treatment, and/or denial of adequate medical care while in detention, including:

(i) Gaibullo Djalilov, member of the Human Rights Society of Uzbekistan, (A/HRC/19/61/Add.4, p. 76);

(ii) Rasul Khudonazarov, head of the Angren branch of the human rights organization Ezgulik;

(iii) Dilmurod Saidov, a journalist and member of the human rights organization Ezgulik;

(iv) Norboy Kholjigitov, a member of the Human Rights Society of Uzbekistan, and Khalibula Akbulatov (A/HRC/16/44/Add.1, para.2355-2370);

(v) Yusuf Jumaev, a poet and dissident.

(b) Allegations that Gulnaza Yuldasheva, a member of the Initiative group of Independent Human Rights Activists, was detained on fabricated fraud charges after she alleged official involvement in a trafficking ring;

(c) Reports that Human Rights Alliance leader Elena Urlyayeva has been repeatedly detained, interrogated, searched and harassed in the course of her human rights monitoring and advocacy;

(d) Reports of threats against Tatiana Dovlatova, a member of the Human Rights Alliance of Uzbekistan, and her relatives (A/HRC/20/30, case no. UZB 2/2012);

(e) Reports that human rights activist Gulshan Karaeva, who was attacked and threatened after she publicly refused to become a government informant in May 2012.

11. Please indicate whether the State party has investigated allegations that medical professionals have carried out widespread forced sterilization of women without their consent, and whether anyone has been prosecuted for such conduct. Please indicate whether the State party has issued guidelines and trained public officials on the prohibition against conducting sterilization procedures without the free, full and informed consent of the patient. Please indicate whether the State party has investigated allegations made by human rights defender Mutabar Tadjibaeva that, prior to and during her imprisonment from 2005-2008, she was subjected to torture and ill-treatment on several occasions, and was forcibly sterilized while imprisoned, and that she has not been able to obtain medical records justifying why this procedure was performed.

12. Please indicate whether the State party has investigated reports that police investigators have threatened and committed sexual violence including rape against persons in detention. Please provide the number of complaints of sexual abuse in custody received during the reporting period, disaggregated by location, and indicate whether any resulted in prosecution, the title of any official prosecuted, the sentences handed down following any convictions, and any redress provided to victims. Please particularly indicate the results of any investigation into allegations made by Nargiza, Rahon and Khosiyat Soatova that they were raped by police officers while in custody at the Mirzo-Ulugbek police station and at the Tashkent City Department of Internal Affairs in May and June 2009. Please also indicate the results of any investigation into allegations of widespread sexual abuse of inmates at women's prison 64/7 in the Zangiota district of Tashkent.

13. Please provide updated information on steps taken to prevent and combat violence against women, including domestic violence, and to implement the Committee's previous concluding observations (para.21). In this respect, please provide data on the number of female victims of violence who have received State protection, such as temporary accommodation. Please provide statistical data on complaints, investigations, prosecutions, convictions and sanctions relating to domestic violence. Please also indicate the State party's progress towards enacting a law on the prevention of domestic violence (CAT/C/UZB/4, paras. 483 and 492).

14. Please describe the promotion system for law enforcement officers in the State party, particularly as to whether promotions or demotions are awarded with reference to the percentage of persons arrested by an officer who are eventually convicted of a crime, as well as any measures the State party has taken or is considering taking to eliminate any adverse effect that this system may have on efforts to prohibit torture and ill-treatment.

15. Please provide information on measures taken in response to the concerns raised by the Special Rapporteur on independence of judges and lawyers regarding the law on lawyers adopted in 2008 (A/HRC/11/41/Add.1, para.358). Please indicate whether the State party intends to amend the law to provide for the independence of the Chamber of Lawyers, particularly to ensure that its executive body is elected by its members and that it is not subject to interference from the executive branch, and to permit the

existence of other independent professional associations of lawyers. As previously requested by the Committee's Rapporteur for Follow-up on Concluding Observations in a letter of 13 September 2011, please indicate whether the State party has taken action in response to allegations that the licences of lawyers representing human rights defenders and political dissenters were arbitrarily revoked during the mandatory re-licensing process initiated under the new law. Please particularly comment on the cases of Ruhiddin Komilov, Rustam Tyuleganov and Bakhrom Abdurakhmanov in this regard. Please indicate whether lawyers subjected to disciplinary measures have recourse to an independent appellate body.

16. While noting the information provided by the State party on measures taken to strengthen the independence of the judiciary (CAT/C/UZB/4, paras.291-303), the Committee continues to receive reports that the judiciary in the State party lacks independence and that judges continue to be appointed directly by the Government and lack security of tenure. Please provide information on any measures taken to guarantee judges' security of tenure and reform the appointment process of lower-level judges. Please provide data on prosecutions for interfering in the work of judges in administration of justice (CAT/C/UZB/4, para. 294) during the reporting period.

17. Considering the Committee's previous concluding observations (paras.7, 8 and 9), please provide updated information on measures taken by the State party in response to allegations of excessive use of force, ill-treatment, torture and disappearance in connection with the May 2005 events at Andijan.

(a) Please inform the Committee whether any investigations have resulted in any prosecutions of officials other than the six criminal cases against officials for negligence in the performance of their duties (CAT/C/UZB/4, para. 66) and whether any of these prosecutions have led to convictions; and provide information about any sentences handed down and any compensation provided to victims.

(b) Please indicate whether the State party intends to institute an investigation into the May 2005 events, to be carried out by independent experts not associated with the parliament or diplomatic corps (CAT/C/UZB/CO/3/Add.3, para.65);

(c) Please indicate measures taken to ensure that family members of all persons detained in connection with the Andijan events receive information on their whereabouts and the charges against them;

(d) Please provide information on investigations by the State party into allegations that members of the Uzbek security forces have abducted asylum-seekers in foreign countries whom they suspected of being members of banned Islamic movements or Islamist parties or of being involved in the 2005 events in Andijan, and that those forcibly returned to the country were subjected to unfair trials and incommunicado detention. Please indicate whether the State has investigated allegations that security forces harassed and otherwise abused family members of persons who fled the State party.

Article 3

18. Please provide detailed information on all cases of extradition, return or expulsion that have taken place during the reporting period, including the States to which persons have been extradited, returned or expelled.

19. Please indicate whether the State party relies on "diplomatic assurances" to return persons to countries where there are substantial grounds for believing that the person would be in danger of being subjected to torture. Please provide detailed information on procedures in place for obtaining "diplomatic assurances" and whether courts can review their adequacy. Please indicate all cases in which the State party has received diplomatic assurances from another State since the consideration of the previous report, noting the State providing the assurance, the content of the assurance, and any post-return monitoring arrangements.

20. In light of the Committee's previous concluding observations (para.24), please indicate whether the State party has adopted a refugee law that complies with the principle of non-refoulement. Please indicate whether the State party intends to ratify the 1951 Refugee Convention and its 1967 Protocol. Please indicate whether the State party intends to invite the United Nations High Commissioner for Refugees to return to the country.

Article 5

21. Please indicate whether the State party has exercised universal jurisdiction for acts of torture. In particular, please provide detailed information on the legal basis for universal jurisdiction in domestic legislation, in light of article 5 of the Convention; the number of such cases during the reporting period; and the outcome of these cases.

Article 10

22. With regard to the information provided in the State party's report on training and educational programmes related to the Convention (CAT/C/UZB/4, paras.305-365), please indicate whether the State party has developed a methodology to evaluate the effectiveness and impact of these programmes on the incidence of torture and ill-treatment; and if such a methodology has been developed, please provide information on its content and the results of evaluations.

23. Please indicate whether all medical personnel dealing with detainees receive specific training on the detection of signs of torture and ill-treatment. Please indicate whether the Istanbul Protocol of 1999 is an integral part of such training (CAT/C/UZB/4, paras.332 and 363), and describe the results of any such training.

Article 11

24. Please indicate whether the State party has transferred or intends to transfer responsibility for oversight of the prison system from the Ministry of Internal Affairs to the Ministry of Justice (CAT/C/UZB/4, paras. 437-438).

25. In the light of the Committee's previous concluding observations (paras. 11 and 13), please provide updated information on steps taken to establish a national independent mechanism to monitor all places of detention, including Jasyk prison. If this has not been established, please explain why, and indicate the timeframe for doing so.

26. The Committee notes the information provided by the State party on independent monitoring of penal institutions (CAT/C/UZB/4, paras. 425-426). The Committee is concerned by reports that non-governmental organizations including the International Committee of the Red Cross (ICRC) are unable to independently monitor all detention and other custodial facilities in practice. Please provide:

(a) Data on the visits carried out by the Ombudsman to places of detention during the reporting period, disaggregated by location, and information on actions taken by the State party as a result of findings of the Ombudsman during such visits. Please indicate whether the State party intends to make public the reports of the Ombudsman following such visits (CAT/C/UZB/4, para. 368);

(b) Data on visits made by representatives of international and non-governmental organizations to detention and other custodial facilities, including pretrial detention facilities (SIZOs), since the consideration of the previous report, disaggregated by facility. Please comment on reports that observers from international and non-governmental human rights organizations are denied access to penitentiaries;

(c) Information on reports that the ICRC does not have access to pretrial detention facilities under the authority of the National Security Service (NSS). Please also comment on reports that in November 2012, officials at prison camp No. 64/61 attempted to prevent an ICRC delegation from gaining access to imprisoned journalist Solijon Abdurakhmanov;

(d) Information on whether the State party is considering inviting the Special Rapporteur on the question of torture and the Working Group on arbitrary detention to visit the country.

27. Please describe measures taken to ensure that the 27 Uzbek and two Tajik nationals at issue in the Committee's decision on communication No. 444/2010, who were extradited to the State party by Kazakhstan on 29 June 2011, have not been subjected to torture or cruel, inhuman or degrading treatment, as the State party pledged in diplomatic assurances made to the Government of Tajikistan. Please indicate whether international organizations have been permitted to visit those individuals in detention and on what dates such visits occurred.

Articles 12 and 13

28. Please provide the following information on complaints related to cases of torture and other ill-treatment:

(a) Updated statistical data, disaggregated by gender, ethnicity, age, location, and type of place of deprivation of liberty, on complaints of torture and ill-treatment received during the reporting period, disaggregated by body receiving the complaint and the offence alleged;

(b) Indicate how many of these complaints were investigated, how many led to criminal prosecutions, and how many criminal prosecutions resulted in convictions, the penal or disciplinary sanctions applied, and any redress provided to victims;

(c) Indicate whether the State party has made independent mechanisms for receiving complaints of torture and ill-treatment accessible to all persons, including those in detention. Please describe measures to ensure the independence of the Ombudsman and the National Center for Human Rights (CAT/C/UZB/4, para. 268). Please provide data on the number of complaints of torture and ill-treatment these bodies received during the reporting period and indicate what action they took in response. Please also provide updated information about the establishment of the posts of Ombudsman for convicts at three prisons, as mentioned by the State party in its follow-up submission of December 2011, and provide data on the number of complaints these Ombudsmen have received and action taken in response;

(d) Indicate whether the State party has taken measures to establish a centralized database to facilitate the compilation of statistical information on investigations and judicial proceedings relating to allegations of torture

29. Please provide the following information related to investigations of allegations of torture and ill-treatment:

(a) Information on steps taken to ensure in law and in practice that investigations into allegations of torture and ill-treatment are undertaken by an independent body, and not by the Procuracy, and to ensure that such complaints are not referred for investigation to the same law enforcement agencies that employ the alleged perpetrator(s);

(b) Indicate whether all public officials accused of torture and ill-treatment are as a rule suspended or reassigned during the investigation. Please provide data on the number of cases in which public officials accused of torture were dismissed from office pursuant to articles 256, 257 or 266 of the Criminal Code;

(c) Describe measures taken by the State party in response to the findings of the United Nations Working Group on Arbitrary Detention that the State party failed to conduct an impartial and independent investigation into allegations that Akzam Turgunov, founder of the human rights group Mazkum, was subjected to torture at the police department in Manget city in July 2008 and endured regular beatings at Jasyk prison following his transfer there at the end of 2008 (A/HRC/WGAD/2011/53).

30. Please provide data on the number of deaths in custody during the reporting period and the number found to have been a result of torture, ill-treatment, or wilful negligence, and the number of such cases in which officials were prosecuted, including the sentences applied. Please indicate the outcome of the State party's investigation into allegations that Artikov Abdumannon was tortured while being held in solitary confinement, leading to his death in custody (A/HRC/19/61/Add.4, p. 77).

31. As previously requested by the Committee's Rapporteur for Follow-up on Concluding Observations in her letter of 13 September 2011, please describe steps taken to establish a protection programme for complainants of and witnesses to torture and ill treatment and their family members (CAT/C/UZB/4, paras. 165-169).

Article 14

32. Please provide information on measures to ensure that all victims of torture and ill-treatment obtain redress, including compensation and the means for as full rehabilitation as possible. Please provide data on the amount of such assistance provided. Please provide examples of cases in which compensation has been provided to victims of torture or ill-treatment under articles 20 and 21 of the Citizen's Communications Act (CAT/C/UZB/4, para.440).

Article 15

33. Please indicate measures taken by the State party to ensure that in practice evidence obtained by torture is not invoked in any judicial proceedings, as recommended by the Committee in its previous concluding observations (para.20). Please provide information on the number of cases during the reporting period in which courts have deemed evidence inadmissible on the basis that it was obtained as a result of torture (A/HRC/19/61/Add.3, p.570). Please indicate whether the State party has investigated allegations by imprisoned human rights defenders Azanjon Formonov (A/HRC/20/30, case no. UZB 4/2011) and Alisher Karamatov that they were tortured and pressured to sign false confessions.

Article 16

34. Please provide information on measures taken to improve conditions of detention, including reducing overcrowding and shortages of food and medicine. Please indicate whether the State party intends to close Jasyk detention facility, which the Special Rapporteur on torture found "by its very location creates conditions of detention amounting to cruel, inhuman and degrading treatment or punishment for both its inmates and their relatives" (E/CN.4/2003/68/Add.2, para.70(t)).

35. Please describe steps taken to limit the use of solitary confinement, and provide data on the number of individuals placed in solitary confinement and the duration of time spent therein during the reporting period. Please indicate the outcome of any investigation into allegations that Erkin Musaev, a former United Nations Development Programme (UNDP) employee, was repeatedly placed in an isolation cell and beaten by prison officers (A/HRC/18/51, case no. UZB. 1/2011; A/HRC/8/4/Add.1, para. 320; and A/HRC/14/23/Add.1, para. 2551).

36. Please indicate whether detained minors are held in separate facilities from adults in all instances. Please indicate whether women prisoners are held in separate facilities from men and guarded by female personnel. Please indicate whether convicted prisoners are separated from those held in pretrial detention.

37. Please indicate steps taken to protect detainees in practice from inter-prisoner violence, including sexual violence, and to prosecute perpetrators of such violence. Please indicate if clear procedures for complaints as well as mechanisms for monitoring and oversight have been established.

38. Please indicate steps taken to address reports of arbitrary detention, torture, and ill-treatment of Muslims who practise their faith outside State controls or who belong to unregistered religious organizations.

39. Please provide updated information on steps, including judicial measures, taken to end forced labour, including in the cotton industry, including data on the number of cases in which individuals accused of perpetrating forced labour were prosecuted during the reporting period, the number of convictions obtained, and the sentences applied.

Other issues

40. Please indicate what steps have been taken to accept the competence of the Committee under articles 21 and 22 of the Convention, as recommended by the Committee in its previous concluding observations (para.15).

41. Please provide information on steps taken to become a party to the Optional Protocol to the Convention, in light of the commitment made by the State party at the UPR (A/HRC/10/83/Add.1, para.3).