



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

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Fifty-first session

Summary record of the first part (public)* of the 1172nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 29 October 2013, at 10 a.m.

Chairperson: Mr. Grossman

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* No summary record was prepared for the second part (closed) of the meeting.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 19 of the Convention (*continued*)

Fourth periodic report of Uzbekistan (CAT/C/UZB/4; CAT/C/UZB/Q/4/Add.1 and Add.2; HRI/CORE/UZB/2010)

1. *At the invitation of the Chairperson, the delegation of Uzbekistan took places at the Committee table.*
2. **Mr. Saidov** (Uzbekistan), describing the most recent specific developments in the implementation of the Convention in his country, said that over the previous decade the prison population had decreased by more than half, with occupancy levels currently at 80 per cent in prisons and just 10 per cent in the country's only prison colony for young offenders. That development resulted mainly from the liberalization of the judicial system, the decriminalization of certain acts and the introduction of habeas corpus. It was important to remember that the death penalty had been abolished in 2008 and replaced by life imprisonment. Additionally, since 1 January 2008 the placement of a suspect in pretrial detention must be ordered by a judge. Thanks to that measure, during the previous three years the percentage of suspects placed in pretrial detention had fallen to around 15 per cent. Furthermore, since the introduction of the conciliation procedure, some 150,000 people had been able to resolve disputes by that means and had therefore avoided prison sentences, thus helping to reduce prison overcrowding. Since independence Uzbekistan had declared 23 amnesties, leading to the release of more than 147,000 detainees. According to statistics compiled by the NGO Penal Reform International, there were 152 detainees per 100,000 inhabitants in Uzbekistan, a very low proportion as compared with other countries such as the United States and the Russian Federation.
3. After the visit of the Special Rapporteur on the question of torture in 2002, an inter-agency working group responsible for monitoring the implementation of the Convention had been created. In 2012, the group's powers had been extended in accordance with the recommendations to that effect of the Committee and the Human Rights Council. Furthermore, a national preventive mechanism had been created and a whole series of measures had been adopted in that regard: the Ombudsman had been empowered to coordinate prison monitoring activities, bodies responsible for carrying out prison inspections had been established, prison officials had received training, NGOs had been authorized to visit prisons, and activities had taken place in cooperation with foreign and international organizations to ensure that prisons operated transparently. Since 2008, places of detention had been visited more than 150 times by the International Committee of the Red Cross (ICRC), more than 130 times by representatives of diplomatic missions and international organizations, and around 50 times by the Ombudsman and Uzbek NGOs.
4. Dynamic and constructive cooperation with international partners had been established with a view to improving criminal legislation and incorporating the provisions of international human rights law in domestic law, providing training for law enforcement officials and strengthening their skills, and regularly responding to requests for information from special rapporteurs, independent experts and United Nations specialized mechanisms, including the Special Rapporteur on the question of torture.
5. **Ms. Gaer** (Country Rapporteur) said that she welcomed the State party's fourth periodic report and written replies to the list of issues. She noted that no Uzbek NGOs were participating in the consideration of the report, whereas during the previous dialogue with the State party in November 2007 several local NGOs had actively cooperated with the Committee, a development she viewed as the consequence of the persecution of those organizations and their members. Several prominent human rights defenders had been

harassed and arrested, and a number of them had been forced to go into exile for fear of reprisals against themselves or their relatives. Furthermore, several international organizations that had formerly been present in Uzbekistan had been forced to close their offices and leave. The ICRC had even publicly announced that it had decided to leave the country because it was no longer able to carry out its mission properly.

6. Given the State party's incomplete response to the questions posed in the list of issues, she requested clarification on the development of the debate regarding the alignment of article 235 of the Criminal Code with article 1 of the Convention. She asked the delegation to provide details of the sentences received by the 45 law enforcement officials who had been found guilty of violating article 235 of the Criminal Code between 2010 and 2013, including how many of them had been amnestied since sentencing. Furthermore, she asked how it was that only 45 law enforcement officials had been prosecuted during the period under consideration, given that the public prosecution service had received 336 allegations of torture or ill-treatment. It would be interesting to know why each of those 45 suspects had been found guilty.

7. The delegation was invited to comment on the State party's assertion that information indicating systematic ill-treatment or torture of suspects by law enforcement officials was without foundation, particularly bearing in mind the decision of the European Court of Human Rights in the *Yakubov v. Russian Federation* case, according to which the practice of torture was systematic and encouraged within the Uzbek police. The report showed that the executive did not expressly condemn the use of torture and the State party had not demonstrated that in-depth inquiries into all allegations of torture had been immediately opened. Comment from the delegation on those points would be welcome.

8. She wished to know whether the State party might envisage repealing the legal provisions stating that suspects must obtain official authorization to be examined by an independent doctor and to contact a member of their family. Similarly, it would be useful to know whether the State party intended to amend legislation in order to guarantee the independence of the Chamber of Lawyers. Comments on the cases concerning Ruhiddin Komilov, Rustan Tyuleganov and Bakhrom Abdurakhmanov, lawyers who had represented human rights defenders and had not been allowed to renew their licences, would be welcome. The delegation was invited to indicate whether inquiries had been opened into the cases concerning the following people and to specify what the outcome had been: Vahid Gunes, a Turkish businessman who had allegedly been tortured with electricity to force him to sign confessions; Solijon Abdurakhmanov, a journalist who had allegedly been refused access to his defence lawyers and who claimed that guards at the prison colony where he had been held had attempted to prevent an ICRC delegation from meeting with him; Turaboi Juraboev, a 75-year-old human rights defender who had allegedly been held in pretrial detention for 20 days without being authorized to receive a visit from his wife; Serguei Naumov, a journalist who had allegedly been refused the right to contact a defence lawyer and inform a relative of his detention and who had allegedly been held incommunicado for three days.

9. She asked the delegation to cite cases in which State officials had been prosecuted and punished for failing to respect the required guarantees for persons deprived of their liberty. Noting that in 2012 the National Centre for Human Rights had received 206 allegations of violations committed by law enforcement officials during preliminary inquiries, she wished to know whether those allegations referred to violations of those guarantees and asked the delegation to indicate what body was responsible for monitoring registers of detainees. She would also like to know whether audiovisual recordings of interviews were made at police stations.

10. According to several NGOs, not all the principles embodied in the law on habeas corpus were respected. The delegation was therefore invited to indicate whether inquiries

had been carried out, and individuals sentenced, in the cases concerning: Zahid Umataliev, who claimed to have suffered ill-treatment in detention; Dilmurod Saidov, beaten in detention and arbitrarily detained according to the conclusions of the United Nations Working Group on Arbitrary Detention; and Hazam Turgunov, who claimed to have signed confessions under torture. Given that those cases had been examined by international bodies, the delegation was invited to explain how the State party could claim that no complaints had been brought. It would also be interesting to know how the State party guaranteed the independence of forensic medical examinations in cases of allegations of torture and whether any of those examinations had concluded that the person in question had been tortured.

11. Surprised by the State party's denial of allegations made by several special rapporteurs concerning the ill-treatment suffered by human rights activist Gaibullo Djalilov, she asked whether it had carried out an inquiry into the allegations and how it could deny the existence of complaints when international bodies such as the Working Group on Arbitrary Detention had received them. Furthermore, she invited the delegation to provide clarification on the cases of Rasul Khudoynazarov, Norboy Kholjigitov and Yusuf Jumaev and to respond to the questions posed in the list of issues concerning Gulnaza Yuldaseva and Elena Urlayeva, which remained unanswered.

12. Regarding the inadmissibility of evidence obtained through torture, she asked whether the State party could prove that confessions had never been extracted through torture in Uzbekistan, in particular in the case of Azamjon Formonov, who had taken his case to the Human Rights Committee and the European Court of Human Rights. With regard to sexual violence inflicted on detainees, the delegation was invited to indicate whether a forensic medical examination had been carried out promptly in the case concerning the Soatova sisters, who claimed to have been victims of gang rape, and whether an inquiry had been carried out in the cases of Gulnaza Yuldaseva, the Hamdamova sisters and Katum Ortikov.

13. Regarding the forced sterilization that Mutabar Tajibaeva claimed to have suffered, the delegation might wish to explain the State party's claim that no complaint had been made, despite the case having been discussed by the Committee during its consideration of the previous report. Lastly, the delegation was invited to indicate whether the events in Andijon in 2005 had been the subject of an inquiry and whether law enforcement officials had been sentenced for firing on civilians and the excessive use of force.

14. **Mr. Tugushi** (Country Rapporteur) said he understood that Uzbek asylum seekers returned from Kazakhstan had been brought before the courts in 2011 and had been victims of torture in detention. He requested additional information on the matter. The delegation might indicate whether the State party envisaged aligning its legislation with international provisions relating to the right of torture victims to reparation and explain why, in its view, training courses for law enforcement and prison officers were so ineffective, as reflected by the high number of complaints of acts of torture and ill-treatment perpetrated in places of detention.

15. According to reliable information, detention conditions in the State party were very often inhuman, detainees did not have access to health care and human rights defenders were subjected to a particularly severe prison regime. Additionally, persons detained following the events in Andijon had been placed in isolation. Additional information on the system of monitoring detention conditions would be welcome and it would be interesting to know whether the State party envisaged ratifying the Optional Protocol to the Convention in order to make the system more effective and more independent. The delegation might also indicate whether the State party envisaged transferring administration of the prison system, currently the responsibility of the Ministry of Internal Affairs, to the Ministry of Justice.

16. It would be interesting to know what proportion of the health budget the State party devoted to mental health, and whether forced placements of patients in psychiatric hospitals were periodically reviewed. In addition, the delegation was invited to describe the role of local NGOs in the follow-up to the implementation of the recommendations of United Nations treaty bodies and those made by the Special Rapporteur on the question of torture when he had been able to visit the State party. It might also indicate which body was responsible for investigating forced child labour during the cotton harvest and the inhuman working conditions to which children were subjected, and whether any individuals had been sentenced for employing children in cotton fields.

17. Lastly, he wished to know whether suspects were frequently placed in administrative detention for long periods, how many people were currently detained under that regime in Uzbekistan, whether the State party envisaged abolishing the practice and whether it intended to amend its legislation with a view to declaring evidence obtained through torture inadmissible.

18. **Mr. Bruni**, noting with interest that the State party had established a basis for the future national preventive mechanism, asked whether that was an indication that it would soon be willing to ratify the Optional Protocol to the Convention. In his opinion, the regime imposed on some prisoners serving a life sentence — limitation of visits, phone calls and packages to one a year — constituted cruel treatment. He wished to know in which cases that regime was applied, how many detainees were currently subject to it and whether the State party was considering abolishing it. He would like to hear the delegation's comments on detention conditions in Jaslyk prison where, according to several sources, detainees were regularly subjected to acts of torture and ill-treatment. The delegation was invited to comment on the recent statement by the Director-General of the ICRC that ICRC teams responsible for visiting places of detention were unable to work effectively in Uzbekistan because of a lack of cooperation from the authorities.

19. **Ms. Belmir** asked for explanations of the influence that procurators continued to exert on the Uzbek judiciary system, despite the State party's stated wish to make justice more independent.

20. **Mr. Mariño Menéndez** asked why the State party had not ratified the Convention relating to the Status of Refugees or its Protocol, whether it was true that marriages between nationals and refugees were not officially recognized and, if so, whether children born from such marriages could claim Uzbek nationality. He enquired whether Uzbeks were required to obtain authorization whenever they wished to leave the country or only in certain circumstances, which the delegation was invited to specify if applicable. Furthermore, he wished to know whether a forensic medical examination was compulsory when there was reason to suspect that persons deprived of their liberty had been tortured or ill-treated, and to learn about the status and degree of independence of forensic doctors.

21. **Ms. Sveaass** asked whether the State party envisaged authorizing the Office of the United Nations High Commissioner for Refugees to re-establish a presence in the country, lifting the current ban on the NGO Human Rights Watch, allowing the ICRC to make visits to places of detention and including the inspection of psychiatric hospitals in the mandate of the future national preventive mechanism. She sought clarification concerning the situation of journalists Jusuf Ruzimuradov and Mohammed Bekjanov, who had been imprisoned for 15 years, and Djamshid Karimov, held in a psychiatric hospital since 2006, and also the measures envisaged to guarantee press freedom as part of the policy of transparency and openness announced by the Government. Statistics indicating the number of women who had taken refuge in specially-created shelters for victims of domestic violence would be useful. Furthermore, it would be interesting to know whether the State party intended to define such violence, including marital rape, as an offence and whether

there were rehabilitation programmes for women victims. Information on assistance given to female victims of trafficking or sexual violence in detention would also be appreciated.

22. **Mr. Gaye** said that he wished to hear the delegation's comments on reports that people were prosecuted for religious extremism solely because they openly practised their religion. If, as the State party indicated in its core document, it was true that interpretations of rights made by the Supreme Court in plenary were binding on lower courts, it would be interesting to know why courts continued to apply the provisions of the Criminal Code and not article 1 of the Convention, given that the Supreme Court had established the primacy of the latter. Lastly, the delegation was invited to indicate how the granting of amnesty to perpetrators of acts of torture could be compatible with the Convention, whether the Convention provision that the order of a superior could not be used to justify torture had been expressly incorporated in domestic law, and what measures the State party intended to take in order to guarantee the irremovability of judges, in accordance with the Committee's previous recommendations.

23. **Mr. Domah** said that he wished to know whether the procedures for implementing incommunicado detention were provided for by law and, if so, what they entailed. He invited the delegation to explain how mediation, traditionally reserved for civil proceedings, was relevant to criminal matters and why the executory powers of the courts had been transferred to the Ministry of Justice.

24. **The Chairperson** asked for clarification regarding the criteria for life imprisonment, which had replaced the death penalty in 2008. He wished to know whether persons in incommunicado detention were able to appeal their detention and, if so, whether complaints had been received and given rise to inquiries. The delegation was invited to respond to the allegations mentioned in paragraphs 10 (torture and ill-treatment of journalists and human rights defenders), 11 (forced sterilization) and 12 (sexual violence in detention) of the list of issues, indicating in each case whether an inquiry had been carried out and whether it had resulted in prosecutions. It might also wish to comment on allegations that the licences of lawyers who had represented human rights defenders had been arbitrarily revoked as part of the licence renewal procedure imposed by the 2008 Lawyers Act, and provide a list of places of detention that the Ombudsman had visited, clarifying whether his findings would be made public.

The first part (public) of the meeting rose at 12.05 p.m.