



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

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Committee against Torture

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

Uzbekistan

**Follow-up information provided by Uzbekistan to the
concluding observations of the Committee against Torture
(CAT/C/UZB/CO/3)***

[27 December 2011]

* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

Replies to the questions posed by the Rapporteur for follow-up on concluding observations of the Committee against Torture, Ms. Felice D. Gaer

1. As part of the efforts to strengthen cooperation between Uzbekistan and the Committee against Torture for the implementation of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the National Centre for Human Rights of Uzbekistan, working with other Government bodies and civil society institutions, has prepared the fourth periodic report of Uzbekistan on the implementation of the Convention. The report is to be presented to the Committee on 30 December 2011.
2. The Centre has also prepared additional information in response to questions asked by the Rapporteur for follow-up on the concluding observations of the Committee, Ms. Felice Gaer. In a letter of September 2011, she requested more specific details concerning the information submitted to the Committee on 16 November 2009.
3. The replies to the questions put by Ms. Gaer appear below.

In paragraph 6 (a), the Committee's concluding observations called on the State party to publicly and unambiguously condemn practices of torture. Your letter of 7 January 2010, in paragraph 4, states that all three branches of Government have publicly condemned torture of all kinds, which the Committee commends. We would be grateful if you would provide us with examples of such condemnation, as my letter of 16 November 2009 requested.

4. All three branches of Government in Uzbekistan openly condemn torture in all its forms. Specifically, our head of State, during an address to the sixth session of the Oliy Majlis (the national parliament) in 2001, said that "we must fight against the depraved practice of conducting investigations with the use of force, whereby suspects are first arrested and isolated from society, and only later are efforts begun to prove their guilt. For a few unscrupulous people in law enforcement, what comes first is not defending citizens' rights and interests but a desire to intimidate, to demonstrate power and the upper hand and to make a show of fighting crime."¹
5. Uzbekistan has legally prohibited the use of torture and other illegal treatment. Article 26 of the Constitution states that "no one shall be subjected to torture or other cruel or inhuman treatment", and is analogous to article 5 of the Universal Declaration of Human Rights; violations are punishable under criminal law.
6. Furthermore, in line with the Convention and the National Plan of Action, article 235 of the Criminal Code on the use of torture and other cruel, inhuman or degrading treatment or punishment was recast by an act adopted on 30 August 2003. The new wording defines the use of torture or other cruel, inhuman or degrading treatment in terms fully corresponding with the provisions of the Convention.
7. The plenum of the Supreme Court, the highest body of the judiciary for general jurisdiction, on 19 December 2003 publicly and officially condemned torture in criminal proceedings. The decision it adopted, entitled "Application by the courts of laws guaranteeing the right to defence of suspects and accused persons", drew the attention of the agencies responsible for conducting initial inquiries and investigations and of the courts to the need for strict observance of both international human rights standards and national

¹ I.A. Karimov, Justice as a priority of the law. Vol. 10, "Uzbekiston", 2002, p. 26.

human rights law in their handling of criminal cases, in particular in respect of the right to freedom and the inviolability of the person.

8. The plenum's decision establishes that "torture, violence and other cruel or degrading treatment is prohibited during the collection, verification and assessment of evidence". The plenum noted that charges cannot be based on evidence obtained through the use of torture, violence, threats, other cruel or degrading treatment or other illegal means, or in breach of the right of a suspect or accused person to a defence. Persons conducting initial inquiries, investigators, procurators and judges must always ask individuals brought before them from places of detention about their treatment during the initial inquiry and investigation and must also ask about the conditions in which they have been held. Any report of torture or other illegal methods of inquiry or investigation must be thoroughly checked by forensic examination and other means, and procedural and other legal action must be taken on the findings, up to and including the institution of criminal proceedings against officials (paragraph 19 of the decision).

9. The central administrative board of the Ministry of Internal Affairs regularly discusses legality and respect for human rights in the internal affairs agencies and ways of improving them. The accent is placed inter alia on drawing the attention of staff to the inadmissibility of any violation of law or of human rights in any form in the activities of the law enforcement agencies, including the use of prohibited methods of initial inquiry and investigation (i.e., torture). The board points out in particular the need to pay more attention to claims of torture and illegal actions by officers of the law enforcement agencies.

10. In the past year and a half, legality and human rights issues related to officials' performance of their duties have been raised seven times at meetings of the central administrative board. In 2003 a single registration procedure was introduced at all bodies under the Ministry of Internal Affairs for all claims by citizens, including complaints and statements regarding the use of unauthorized means of conducting investigations or the mistreatment of persons held in pretrial detention or serving sentences. Such claims are the subject of special verification by the Ministry's directorate.

11. Information and education activities openly condemning torture and calling for those responsible for it to be brought to justice under article 235 of the Criminal Code have now been stepped up. For example, on 3 March 2009 an academic and practical conference was held on criminal liability for the use of torture or other cruel, inhuman or degrading treatment or punishment. It was attended by parliamentarians, senators and representatives of the Ombudsman, the Procurator-General's Office, the Ministry of Justice, the Ministry of Internal Affairs and other ministries and departments, as well as academics and experts in criminal and penal enforcement law.

12. In addition, on 26 September 2009 a national academic and practical conference was held on criminal liability for the use of torture, with the participation of representatives of law enforcement bodies, academics, jurists, representatives of NGOs and voluntary associations, lawyers and international experts. After the conference, a handbook of the material used was produced and published; it contains proposals and recommendations for improving article 235 of the Criminal Code.

13. Another national academic and practical conference was held on 31 May 2011, on the implementation of the Convention's standards in national criminal law. This event took place with the participation of representatives of the Ministry of Internal Affairs, the Ministry of Justice, the Bar association, the Supreme Court research centre, the advanced training courses offered by the Office of the Procurator-General, the Ombudsman, the National Centre for Human Rights, and also academics, jurists and representatives of NGOs. The conference produced academic and practical proposals and recommendations

aimed at improving the country's criminal law, and the proposals were forwarded to the Legislative Chamber of the Oliy Majlis.

14. On 22 June 2011 a round table was held on "Implementation of generally recognized principles and standards of international law in the field of human rights and civil liberties". Representatives of civil society institutions, the advanced training courses offered by the Office of the Procurator-General, the Supreme Court research centre, the Ministry of Internal Affairs and the Bar association took part. This event considered the implementation of international instruments in domestic legislation and legal practice, the activities of law enforcement agencies to guarantee human rights and individuals' legal interests, and also implementation of the Convention's provisions.

15. On 27 January 2011 an interdepartmental working group to monitor the observance of human rights by law enforcement agencies adopted a workplan for 2011. In accordance with paragraph 1 of the workplan, in the first quarter of 2011 the Office of the Procurator-General provided the working group with an analysis and overview of citizens' complaints filed in 2010 against law enforcement officials for torture or other degrading treatment, and also on compliance by law enforcement officials with international obligations under the Convention.

16. There are plans to hear similar information for 2011 in the fourth quarter of 2011, along with information on the implementation of the concluding observations of the Committee against Torture (CAT/C/UZB/CO/3).

17. In addition to the members of the interdepartmental working group, representatives of other State bodies, the National Association of Non-Governmental Non-Profit Organizations, the Women's Committee of Uzbekistan, the Bar association and other civil society institutions also take part in the group's work.

18. Torture and cruel treatment and punishment are also condemned both by civil society and directly by citizens, who assist the State in preventing and uprooting this pernicious phenomenon. Every year, NGOs, clubs and associations hold numerous information, dissemination and educational events on this subject. The fourth periodic report of Uzbekistan on implementation of the Convention (CAT/C/UZB/4) gives detailed information on such activities.

The Committee remains seriously concerned about reports of ongoing and routine use of torture by law enforcement officials, including in prisons and police holding cells.

19. It is difficult to agree that there are reports of ongoing and routine use of torture by law enforcement officials. That does not correspond with reality. While it must be recognized that torture takes place, it is not routine and those who are guilty of perpetrating it receive the appropriate punishment. For example, in 2010 eight criminal cases were heard in court. Seven of the defendants are now serving sentences involving deprivation of liberty, two have had their criminal cases sent back for clarification and one person has been subjected to administrative penalties.

20. Between 2004 and 2010, over 110 officials faced criminal charges in 77 cases involving the use of unauthorized methods of treatment. Criminal proceedings were instituted against all these individuals under article 235 of the Criminal Code and they received sentences in accordance with the law in force. When proceedings are instituted against officials of law enforcement services such officials are generally removed from their posts.

Please include information on any oversight mechanisms in place to ensure the rights of detainees are upheld and on training provided to law enforcement personnel.

21. To improve the situation of persons held in places of detention, supervision is constantly ensured both internally within the penal correction system and by other State bodies. This ensures that the system in carrying out its activities is in compliance with the law.

22. The system of external monitoring and oversight includes the following:

- Firstly, parliamentary oversight (committees and commissions of the Oliy Majlis and the parliamentary Ombudsman)
- Secondly, supervision by the members of the interdepartmental working group to monitor the observance of human rights by law enforcement agencies which operates under the Ministry of Justice
- Thirdly, procuratorial supervision, which is administered by the Office of the Procurator-General and subordinate special procurators, and which monitors compliance with the law in the prison system
- Fourthly, verification and monitoring of observance of convicts' rights, performed by representatives of NGOs, citizens' groups and associations and the media
- Fifthly, prison monitoring by international organizations

Monitoring carried out by independent national and international bodies

<i>Visiting agency</i>	<i>2008</i>	<i>2009</i>	<i>2010</i>	<i>First 6 months 2011</i>
1. Deputies of the Oliy Majlis	1	1	1	-
2. Ombudsman	9	3	4	3
3. NGOs, citizens' groups and associations	1	4	1	3
4. International Committee of the Red Cross (ICRC)	21	21	56	35
5. Other international organizations	8	2	4	1
6. Foreign diplomatic representations, etc.	6	28	26	10

23. In order to stop the practice of torture and prevent it from occurring, special emphasis has been placed on the training and continuous training of internal affairs officials and on holding study sessions addressing ways to ensure and protect human rights. Their attention is thus drawn to the need to respect the honour and dignity of the individual, to ensure observance of the law in strict accordance with the legal standards for criminal procedure and criminal enforcement, to halt violations of legality in any form and to study all the international standards ratified by Uzbekistan protecting the rights and interests of citizens.

24. In December 2008, the Central Penal Correction Department of the Ministry of Internal Affairs, together with the Ministry of Health and the Regional Office for Central Asia of the United Nations Office on Drugs and Crime, organized a training seminar on the identification, assessment and documentation of cases of torture and other types of unlawful treatment. This event was held for 35 medical and 15 non-medical staff of correctional institutions and for 15 forensic medical specialists from the Ministry of Health.

25. Officials of the Department undergo periodic training at the skill enhancement faculty of the Ministry's Academy and regularly receive instruction in training seminars entitled "Substance and content of the Convention against Torture and Other Cruel,

Inhuman or Degrading Treatment or Punishment in the work of internal affairs staff” and “Ensuring human rights at penal institutions”.

26. From 2008 through and in the first 11 months of 2011 the Department for the Protection of Human Rights and Legal Support of the Ministry of Internal Affairs, with assistance from such international bodies as the Project Coordinator in Uzbekistan of the Organization for Security and Cooperation in Europe (OSCE), the Resident Representative of the United Nations Development Programme (UNDP) and the International Committee of the Red Cross (ICRC), held 20 training seminars for internal affairs officials with the participation of international experts. During the training sessions, the internal affairs staff studied international human rights standards, compared them with domestic law and received information on the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Over 600 officials received certificates of participation in such seminars.

27. All internal affairs bodies in the country hold training sessions for staff on international human rights treaties. In the first 11 months of 2012 over 4,000 such sessions were held.

Regarding the issue of access to legal counsel for detainees, please indicate whether State-funded legal aid is available for persons who cannot afford a lawyer.

28. Article 10 of the Penal Enforcement Code establishes the procedure for ensuring the right of the accused to receive legal assistance. In particular, it specifies that:

“... convicts are entitled to professional legal assistance. To receive such assistance they are permitted to meet with their lawyers in private, either at their own request or as a result of an application filed by the lawyer.”

29. Meetings between convicts and their lawyers are not counted as visits under the Code; their number and duration are unlimited. In providing legal assistance, the lawyer may file complaints regarding the actions or decisions of the prison administration, the procurator or a judge and may also request certificates, records and other documentation from the prison administration.

30. Article 22 of the Pretrial Detention during Criminal Proceedings Act governs the procedure for granting visits by defenders, legal representatives, family members and others to persons held in custody or in pretrial detention. In particular, visits with defenders and legal representatives are granted without hindrance and may take place in private, with no limitation on their number or duration, except in cases covered by the second part of article 230 of the Code of Criminal Procedure.

31. On 20 June 2008 a decision was issued by the Cabinet of Ministers on measures to improve the mechanism for the payment of legal aid fees.

32. This decision establishes a specific mechanism defining various categories of people requiring State support in the form of legal aid. The Constitution guarantees the right to professional legal assistance at all stages of investigations and court proceedings.

33. Specifically, the decision increases from one to one and a half times the minimum wage the income allowed for each member of the family that serves as the criterion for deciding whether a person is eligible for legal aid. It also establishes a stable source for the remuneration of lawyers' fees: the State budget.

34. This decision has ensured continuous funding for law services provided to various categories of people, thus increasing the incentive for lawyers to assist them. Further to this decision, the Cabinet of Ministers on 2 December 2008 adopted rules for the State funding of legal aid provided to suspects, accused persons and persons on trial.

35. These rules have significantly improved the procedure for the State funding of such assistance. In particular, the amounts paid for each day of legal assistance has increased from 40 to 50 per cent of the minimum wage, and when legal assistance is provided on weekends and public holidays, the amount has increased to 100 per cent, and at night to 75 per cent of the minimum wage. Furthermore, a specific mechanism has been set up for the payment of legal assistance provided by lawyers. Local branches of the treasury service under the Ministry of Finance pay for legal assistance provided by lawyers no later than 30 days after an application is filed by the lawyers' group in question with the corresponding local financial body; the application must be substantiated by a certificate or decision (or ruling) showing that the individual in question is eligible for legal aid. Funds are then transferred to the bank account of the lawyers' group in question.

36. Under these rules, legal aid expenses are covered from the State budget if the lawyer takes part in court proceedings related to a refusal of a defender by a suspect, accused person or person on trial, and also in criminal cases in which the participation of a legal defender is mandatory.

The Committee has received information indicating that the formerly independent Bar association was brought under the control of the Ministry of Justice in 2010, which would appear to deprive it of its independence and compromise its members' ability to defend their clients. Please clarify whether any measures were taken to ensure the independence of the Bar association in response to these developments.

37. The basic themes for reform of the Bar were set out by a presidential decree of 1 May 2008 on measures for the further reform of the legal profession. On 31 December 2008 an Act was adopted amending certain laws to improve the institution of the legal profession.

38. Under the law, a new Bar association known as the Chamber of Lawyers (Palata Advokatov) was established from the former Bar association (the Lawyers' Association, or Assotsiatsiya Advokatov), founded on the premise that membership would be mandatory for all lawyers in the country. The Chamber of Lawyers, together with its local chapters in the Republic of Qoraqalpog'iston, the provinces and the city of Tashkent, constitutes a single system of self-governance of the legal profession. It is registered with the Ministry of Justice as a non-profit organization with full rights as a legal entity. The Chamber functions under the principle of non-interference in the work of lawyers; their work is carried out in accordance with the law. The establishment of other organizations with functions and powers similar to that of the Chamber is not permitted.

39. A centralized structure for lawyers such as this is in keeping with the practice in many foreign countries (including Germany, China, the Russian Federation, the United States and Japan, among others). The main functions of the Chamber are:

- Centralized coordination of the activities of lawyers' groups and assistance in the further development of the legal profession, improving its standing and strengthening its role in defending human rights and freedoms
- Legal dissemination activities aimed at increasing the public's knowledge of the law and legal culture
- Proposals to improve the law and legal practice and to ensure the integrity of the rule of law and the uniform application of legal norms
- Participation in drafting enactments governing the legal profession and issuance of related proposals
- Representation and defence of the rights and legal interests of lawyers with the State, with bodies active in the economy and also with the courts

- Measures to defend lawyers against persecution, restrictions and interference in relation to their professional activities
- Professional training and further training of lawyers
- Provision of access to legal assistance for the public through legal aid clinics in districts and towns
- Collection and study of statistics on the work of the legal profession, sharing of positive experiences and provision of methodological assistance to lawyers' groups
- Monitoring of lawyers' compliance with the law, with their rules of professional ethics and confidentiality and with their oath of service

40. On 9 March 2009 the Cabinet of Ministers adopted a decision on the improvement of the procedure for the licensing of lawyers and the establishment of lawyers' organizations; the decision approved provisions on the licensing of the work of lawyers and on the State registration (placement on the register) of lawyers' groups. These provisions: establish requirements for individuals applying for the status of lawyers; define licensing requirements and conditions and identify the documents required to obtain licences; establish requirements for the consideration of applications and for the adoption of decisions on the issuance or denial of licences; cover the reissuance of licences and the issuance of duplicates; establish means of verifying compliance with the licensing requirements and conditions and for suspending or revoking licences and documents used for State registration; establish procedures for the registration by the State of lawyers' groups and for the registration of amendments made to the founding documents of such groups; and govern the supervision of the work of lawyers' organizations and the termination of their activities.

41. The adoption of this decision made it possible to establish the High Commission on Certification of the Chamber of Lawyers and certification boards in the Chamber's local branches and also to re-register existing lawyers' groups. People working as lawyers were thus able to retake their bar examinations and to receive new licences to work as lawyers along with their new lawyers' identification papers. This has ensured that the legal profession is staffed by honest and highly professional specialists.

42. New requirements for certification have been introduced with a view to filling the ranks of lawyers with qualified specialists well versed in the defence of human rights. These call for an internship to be performed in the persons' legal speciality for at least two years, including a traineeship at a lawyers' group for at least six months. Additionally, lawyers must constantly update their knowledge and at least every three years increase their qualifications in accordance with a procedure established by the Chamber of Lawyers. Until these provisions were introduced, individuals without the corresponding professional skills and with very little knowledge had in some cases entered the profession; such persons had become lawyers after being dismissed by the law enforcement services for misconduct. This had undermined the quality of service and was not conducive to the effective implementation of the constitutional standard ensuring the right of citizens to professional legal assistance.

43. According to one analysis, the previous system for the licensing of lawyers did not provide an incentive to actually practise. Of some 7,000 persons who received the licence, less than 4,000 actually practised law. In other words, many people received the licence not to practise law, but "just in case". This led to a situation in which certain former officials of the law enforcement services who held licences were able to immediately open a lawyers' group once they were dismissed from their posts.

44. By law, the Ministry of Justice carries out specific work for the implementation of laws, presidential decrees and government decisions aimed at liberalizing social and

political life, including in the judicial and legal sphere, and at ensuring the protection of human rights and freedoms. Its work is not aimed at depriving lawyers of their independence.

45. To strengthen guarantees of the rights of lawyers, the Administrative Liability Code has been amended with article 197 (1), "Interference in the work of a lawyer", which reads as follows:

"Impeding the professional activities of lawyers by failing to respond to their enquiries, and also by influencing them in any way with the aim of hindering their participation in a case or forcing them to take positions at variance with the interests of their principals (or clients), shall be punishable by a fine of two to five times the minimum wage."

The Committee thanks the State party for explaining that the Ombudsman has the right to apply to relevant bodies to file suits against persons found to have violated human rights. Please clarify whether the Ombudsman has exercised this right, and provide information on the number of cases in which this has occurred.

46. One of the priorities of the work of the Ombudsman is consideration of appeals to protect rights and freedoms and the integrity of the person. In 2008 eight appeals were filed regarding misconduct by prison staff, of which one was accepted for consideration. However, the complainant's claims were not borne out.

47. In 2009, 11 such appeals were filed, of which 7 were accepted by the Ombudsman for investigation. In 2010, 51 appeals were filed in respect of the use of unauthorized methods; 37 were accepted for investigation, and in 2 cases the complaints were borne out. Women filed 27 complaints and men filed 24. To address the issues in these complaints and ensure that appropriate action was taken in response to them, 45 appeals accepted for investigation by the Ombudsman were forwarded to the Office of the Procurator-General, and 10 to the Ministry of Internal Affairs.

48. Sixteen complaints of misconduct by prison staff were accepted for investigation by the Ombudsman, and following investigations two officials were prosecuted, as stipulated by law. In the first nine months of 2011, the Ombudsman received 27 complaints of the use of unauthorized methods, all of which were accepted for investigation; of these, 2 were resolved. Women filed 12 of these appeals and men filed 15. The Ombudsman forwarded 24 appeals that it had accepted for investigation to the Office of the Procurator-General and 12 to the Ministry of Internal Affairs.

Please provide the Committee with further details regarding cases of complaints of torture, including whether investigations were carried out into each of the complaints received by the Office of the Procurator-General and the outcome of each of these investigations. Please also indicate the charges brought against the officials in question in each of the 45 prosecutions referenced in paragraph 32, as well as the sentences handed down in each of these cases. The Committee would further appreciate information regarding the length of the prison sentence handed down by the court against the five officers of the district internal affairs office convicted of beating Mr. B. Ergashev and Mr. R. Safarov, as described in paragraph 32 of your reply.

49. Despite the prohibition on torture and other unauthorized treatment, individual (not regular) cases continue to occur, although with a trend showing less frequency every year. In 2006, 23 criminal cases were initiated relating to torture and other illegal treatment; in 2007 the number was 13, and 9 cases were initiated in 2008. At the same time the overall number of statements filed relating to misconduct by the law enforcement officials stood at 2,222 (including bribe-taking), of which just 104 were for unauthorized treatment. All

2,222 statements were carefully verified, resulting in 269 criminal cases being initiated, including 9 related to torture.

50. As for evidence of the beating of Mr. B. Ergashev and Mr. R. Safarov, it was established that on the night of 23 July 2008 the officers of the G'allaorol district internal affairs office who held Mr. Ergashev and Mr. Safarov in custody exceeded their authority in beating them and causing bodily injury. As a result, Mr. Bekzod Ergashev was taken to hospital, where his left kidney was surgically removed. The office of the procurator for G'allaorol district initiated criminal proceedings on 24 July 2008 under article 104, part 2, paragraph j, and article 206, part 2, paragraph c, of the Criminal Code.

51. As a result of the preliminary investigation, Mr. K. Nartaev (chief of the G'allaorol district internal affairs office), Mr. K. Shukurov (head of the G'allaorol district internal affairs office holding facility), and criminal investigation and organized crime unit officers Mr. R. Nurzhonov, Mr. O. Khaitboev and Mr. I. Khaidarov were charged with offences under article 234, part 1; article 235, part 2, paragraphs c and d; article 104, part 2, paragraph c and article 206, part 2, paragraph c, of the Criminal Code. On 24 October 2008 the indictment was sent to court for consideration. On 25 November 2008 the Farish district criminal court sentenced Mr. Nartaev to 5 years and 6 months of deprivation of liberty. The cases of Mr. Khaidarov, Mr. Kodirov, Mr. Nurzhonov and Mr. Khaitov were suspended pursuant to an amnesty declared on 28 August 2008.

The majority of individuals who have been charged with torture or cruel, inhuman or degrading treatment are staff of the internal affairs agencies. Paragraph 33 acknowledges the need to respond to this finding, including by increasing monitoring of the internal affairs agencies by the Ombudsman and the National Centre for Human Rights. Please provide information to the Committee detailing the steps that have been taken in this regard.

52. The national human rights institutions established in Uzbekistan on the recommendation of international bodies focus a great deal of attention on ensuring that law enforcement bodies protect human rights. The National Centre for Human Rights and the Office of the Ombudsman are members of the interdepartmental working group to monitor the observance of human rights by law enforcement agencies, which considers specific cases of human rights violations in the justice system, including those related to torture. The group also discusses measures to halt violations and to bring the guilty parties to justice, approves national plans of action for the implementation of treaty body recommendations and hears reports on the monitoring of their implementation.

53. In 2008, pursuant to a presidential decree establishing a programme of events to mark the sixtieth anniversary of the adoption of the Universal Declaration of Human Rights, the National Centre for Human Rights, the Office of the Ombudsman and the Chamber of Lawyers conducted monitoring of the activities of the human rights departments of the Ministry of Justice, the Ministry of Internal Affairs and the Office of the Procurator-General. The results were discussed on 3 July 2008 at a round table, with participation by law enforcement bodies and civil society institutions.

54. A round table was held on 30 October 2008 on interaction between internal affairs and other law enforcement bodies and the national human rights institutions and NGOs, and on this occasion an agreement was signed between the Ministry of Internal Affairs and the National Centre for Human Rights regarding cooperation in the field of human rights. On 3 March 2009 the Ministry of Justice, the Office of the Procurator-General and the National Centre for Human Rights held an academic and practical conference on responsibility for torture and other cruel, inhuman or degrading treatment or punishment. To coordinate activities and improve interaction with law enforcement bodies for the effective protection of human rights, the National Centre for Human Rights has concluded cooperation

agreements with the Ministry of Justice, the Ministry of Internal Affairs, the Office of the Procurator-General and the Supreme Court research centre. On 12 May 2009 a ceremony was held for the signing of an agreement on cooperation between the Office of the Ombudsman, the National Centre for Human Rights and the Supreme Court research centre on the democratization and liberalization of judicial legislation and the independence of the judicial system.

55. Cooperation agreements with law enforcement agencies make it possible to draw their attention to priorities in the protection of human rights and to improve the system currently in use for the consideration and resolution of complaints, to begin dissemination, information and education work for people working in the judicial and legal system and to draw up proposals to further improve legislation strengthening human rights guarantees in the justice system. In 2010 the National Centre for Human Rights and the Ombudsman, together with the law enforcement agencies, held some 30 conferences, seminars and round tables on human rights in the justice system; these events addressed inter alia the question of how to combat torture.

56. Regular meetings are now held between representatives of the National Centre for Human Rights, the Office of the Ombudsman and students taking courses at the Centre for the Further Training of Legal Specialists of the Ministry of Justice, the advanced training courses offered by the Office of the Procurator-General, the Academy of the Ministry of Internal Affairs, the Academy for the Development of the State and Society, Tashkent State Institute of Law, the legal faculty of the National University and the University of World Economics and Diplomacy. In 2010 the National Centre for Human Rights alone held some 15 meetings and discussions with representatives of these educational institutions, thus familiarizing them with the recommendations of United Nations treaty bodies on human rights in the justice system.

57. The National Centre and the Office of the Ombudsman provide law enforcement bodies with advisory and expert support services related to human rights and freedoms as they prepare draft laws and conduct monitoring of situations in this field. In particular, they presented specific recommendations for the improvement of the Prevention of Child Neglect and Juvenile Delinquency Act, the Pretrial Detention during Criminal Proceedings Act and other laws. The National Centre drew up a bill on legal aid aimed at establishing a system for assistance not only for criminal cases, but also for administrative and civil ones.

58. In 2010 the National Centre established an Academic Coordination Council for Research in the Field of Human Rights and Freedoms, the aim being to strengthen coordination and improve the effectiveness of research into the protection of human rights, and also to provide a critical analysis of the existing situation and draw up proposals to improve State policy related to human rights. The Council's first meeting was held on 30 January 2011. It was devoted to further improvement of the judicial and legal system and the implementation in Uzbek law of the recommendations issued by a conference on judicial independence in Eastern Europe, the South Caucasus and Central Asia, held in Kyiv.

59. Under a mutual cooperation agreement concluded between the Human Rights Commissioner (Ombudsman) of the Oliy Majlis and the Ministry of Internal Affairs, a joint programme was implemented in 2010 by the Ombudsman and the Central Penal Correction Department. The parliamentary Ombudsman's office provided nine prisons in Tashkent and in Buxoro, Qashqadaryo, Navoiy and Tashkent provinces with over 300 copies of social, political and legal works, educational materials and study aids that it had published.

60. In 2010 the National Centre for Human Rights, together with the Central Penal Correction Department of the Ministry of Internal Affairs, and with support from the

German embassy, published a book in Uzbek and in Russian entitled *The rights of the accused: national and international standards*.

Please provide additional information regarding steps that have been taken to establish a witness protection programme, as recommended by the Committee.

61. The protection of the rights and freedoms of those involved in criminal proceedings, and specifically suspects, the accused and witnesses, is given the utmost importance in Uzbekistan. Along these lines, the adoption in 2008 of the Act amending certain laws to improve the institution of the legal profession stands out. A series of amendments have been introduced into the law in force to further strengthen the self-sufficiency and independence of lawyers as an important part of the liberalization of the judicial and legal system, and also to ensure the protection of human rights.

62. By law, defence lawyers are entitled to provide qualified legal assistance at any stage of criminal proceedings, regardless of the State bodies or officials responsible for handling a criminal case. The criminal procedure law has done away with standards obliging defence lawyers to receive written confirmation from law enforcement bodies authorizing them to take part in a case or to receive permission to visit their clients. The lawyer's certification and the authorization issued by the lawyer's group now suffice.

63. The law specifies that it is illegal to impede the professional activities of lawyers or to attempt to influence them in any way with the aim of changing their positions in respect of their clients. In accordance with this Act of 2008, arrested persons, suspects and accused persons, regardless of the seriousness of the offence committed (including terrorism or trade in drugs), have been given additional rights, including the right to telephone a lawyer or close relative from the actual moment of arrest, and also the right to refuse to give testimony and to be informed that their testimony may be used against them as evidence. The Miranda Rule, a democratic institution, has thus entered into the country's domestic law.

64. The 2008 Act also obliges law enforcement agencies to ensure that arrested persons can meet in private with their lawyers from the moment of arrest until the first time they are questioned, gives lawyers the right to meet with their clients in private without restrictions on the duration and number of meetings and introduces the institution of witnesses' lawyers. Following the adoption of the 2008 Act, and in order to protect the rights and freedoms of individuals at all stages of criminal proceedings, the Office of the Procurator-General took the initiative of preparing joint instructions with the National Security Service, the Ministry of Internal Affairs, the State Customs Committee and the Ministry of Justice on the proper application of this law. Legal defence is provided by the State in Uzbekistan, but the lawyers who provide it may not be drawn in to side with investigators or detectives (as so-called "duty lawyers" or "complacent lawyers").

It has come to the Committee's attention that while those suspected of involvement in the protests in Andijon have been prosecuted, no one has yet been held accountable for the numerous deaths resulting from the crackdown. The Committee wishes to stress how important it is for the Government to undertake an impartial international investigation of the events in Andijon and examine complaints submitted by persons who were injured and the testimony of relatives of persons who died and relevant eyewitnesses.

65. The Andijon events were investigated by an investigation group composed of highly qualified staff from the country's law enforcement agencies, and there is no reason to doubt their objectivity and impartiality. Uzbekistan has on numerous occasions informed international organizations that an independent parliamentary commission composed of members of the national Oliy Majlis was established to look into the Andijon events. In

addition, from the diplomatic corps, high-level staff members from the embassies of India, the Islamic Republic of Iran, China, Kyrgyzstan, Pakistan, Kazakhstan, the Russian Federation and Tajikistan formed a working group to monitor the investigation into the tragic events in Andijon province.

66. The results of the investigation were also the subject of a series of meetings between a group of experts from Uzbekistan and the European Union, which gathered to discuss “the findings of the investigation into the terrorist acts in Andijon of 12 and 13 May 2005”. The meeting discussed all aspects of these terrorist acts in detail and presented credible information, materials and other substantive evidence. A visit was organized to Andijon, where the group of experts visited the sites of the crimes, and visits were paid to convicts and to victims. The country’s courts considered six criminal cases in respect of 39 officials of internal affairs agencies and members of the military. They were found guilty of complicity and negligence in the performance of their duties, resulting in the capture by the terrorists of facility No. UYa-64/T-1, the patrol battalion of the Andijon provincial internal affairs service and an extensive stock of weapons. The guilty were sentenced to various terms of deprivation of liberty and to punitive deduction of earnings, and were assigned to a disciplinary unit.

Please clarify this report to explain: (a) the number of officials prosecuted on allegations of torture or cruel, inhuman and degrading treatment from 2004 to the present; (b) whether each of these persons was suspended from his or her post or reassigned during the investigation process, and for what length of time; (c) the number prosecuted, the number convicted, the precise sentences handed down against those convicted, whether all those convicted were dismissed, and whether any of these individuals remain employed in an official capacity.

67. Since the third periodic report on implementation of the Convention included information on the period from 2004 to 2007, we are sending information on efforts to combat torture during the period from 2008 to 2010 and for the first nine months of 2011.

68. In 2008, 12 employees of the internal affairs services were convicted in five criminal cases. Of these, two were crime prevention officers, six were patrol officers, one was a driver and one was an employee of a temporary police holding facility. Eleven people were sentenced to deprivation of liberty for 5 to 15 years and were barred from holding a given post for up to 3 years, and one person was amnestied.

69. In 2009 the courts heard nine criminal cases involving 15 persons who had committed torture, including an investigator of the military procurator’s office, 2 employees of internal affairs holding facilities, 7 criminal investigation officers, 3 persons holding the post of chief, deputy chief or director of a public security department of the internal affairs service, a crime prevention officer and a police officer from the public security department. Twelve persons received sentences of deprivation of liberty for 3 to 15 years, with the loss of the right to hold certain posts for up to 3 years. One was sentenced to 4 years’ deprivation of liberty, suspended, with 2 years’ probation, and two were amnestied.

70. In 2010, eight criminal cases, involving 10 people were heard by the courts. Eight persons were convicted of torture, and one criminal case involving 2 people was sent back for further investigation. Of the 10 people who were the subject of criminal proceedings, 6 were criminal investigation officers, 2 were crime prevention officers, 1 was a deputy chief of a criminal investigation department and 1 was a prison director. Six people were sentenced by courts to deprivation of liberty ranging from 3 to 14 years, with the loss of the right to hold certain posts for up to 3 years; one was sentenced to 2 years and 6 months of punitive deduction of earnings, a fine of 305 times the minimum wage and the loss of the right to hold certain posts for 3 years, and another was amnestied.

71. In the first nine months of 2011, the courts heard 7 criminal cases involving 12 people who had used torture, including 4 customs employees, 4 criminal investigation officers, an employee of the prevention department of the Internal Affairs Administration, a first deputy chief of the Internal Affairs Administration, a deputy prison director and an investigator from a provincial office of the procurator. The courts sentenced one person to 13 years' deprivation of liberty with the loss of the right to hold certain posts for 3 years, and three people to suspended sentences of deprivation of liberty; three others were sentenced to 2 years of punitive deduction of earnings with the loss of the right to hold certain posts for 3 years. Five were amnestied.

The Committee welcomes the information regarding the plans to introduce an Ombudsman for convicted persons in penal institutions and requests updated information on the status of the proposals and legislation aimed at establishing this post.

72. As is known, to strengthen parliamentary oversight of the rights of convicts and people held in custody the Office of the Ombudsman proposed the establishment of an Ombudsman for convicts. As a result of consultations with the Central Penal Correction Department of the Ministry of Internal Affairs and a series of informational and educational events held for staff of the prison system, and also following studies of the corresponding practice in other countries, an agreement was reached to introduce the post of Ombudsman for convicts at three prisons. The legal basis for the operation of this institution is currently being drawn up.

The Committee remains concerned that the ICRC still faces obstacles in accessing all places of detention. According to one report, in a 2010 visit, the ICRC delegation was unable to gain access to a female prisoner, Rayhon Soatova, who had complained that she had been raped by a police officer in pretrial detention and later gave birth prematurely in prison. Soatova was reportedly being held in an isolation cell at the time of the ICRC visit. Please comment on this case.

73. Cooperation between the Central Penal Correction Department and the ICRC regional delegation has taken place for 11 years. Regular visits by groups of ICRC representatives to prisons began in 2001. Since then, over 210 visits have been carried out to the country's correctional institutions and holding facilities. In 2009, 21 visits were carried out; in 2010, 56; and since the beginning of 2011, over 35.

74. The cooperation between the Central Penal Correction Department and the ICRC has been constructive. After each series of visits, ICRC representatives hold meetings with the leadership of the Department, during which they discuss issues related to the workings of the prisons, relations between the prison staff and inmates, medical care of convicts and procedures for visits with family members and lawyers.

75. In 2010 ICRC representatives visited the women's correctional facility four times (in February, April, August and November). Throughout this period the ICRC delegates had unimpeded access to all women convicts held at the facility, including Rayhon Soatova.

76. During the first visit by ICRC delegates to the women's correctional institution, in February 2010, Ms. Soatova was actually at a holding facility in Tashkent. On 26 November 2009, after she filed a complaint of rape, criminal file No. 28/09-317 was initiated by the procurator's office in Mirzo-Ulug'bek district, Tashkent, under article 118, part 1, of the Criminal Code (rape), and the Mirzo-Ulug'bek district procurator's office on 7 January 2010 ordered her transferred for the duration of the criminal investigation to the holding facility in Tashkent. During the following visits (conducted in April, August and November 2010) to the women's correctional institution, the ICRC representatives met Ms. Soatova. Ms. Soatova has never been placed in a punishment cell during her time serving

her sentence. On 1 November 2011 the Zangiati district court of Tashkent province ordered Ms. Soatova to be transferred to an open prison for the remainder of her sentence (4 years, 6 months and 15 days); she was transferred on 5 November 2011.

The Committee would also appreciate information about actions undertaken, if any, to improve conditions in the 11 places of detention visited by the Ombudsman in 2008 and information on the number of visits to penal institutions that the Ombudsman has carried out since 2008 and to which institutions, as well as the number of interviews held with persons in custody during each visit.

77. A leading role in reforming the correctional system has been assigned to the restructuring of correctional detention facilities through the rebuilding of current holding facilities and correctional institutions and also through the construction of new, modern facilities meeting international requirements. In the past 10 years, over 11 new open prisons have been built; they are located in the Republic of Qoraqalpog'iston and in the following provinces: Tashkent, Sirdaryo, Jizzax, Samarqand, Qashqadaryo and Surxondaryo. A drug rehabilitation centre has also been opened for the treatment of convicts.

78. In this connection, we should point out that the Central Penal Correction Department has for many years cooperated closely with the Human Rights Commissioner (Ombudsman) of the Oliy Majlis. Between 2008 and 2011 they jointly held a series of seminars with the participation of prison staff on relations between the Ombudsman and government bodies and NGOs in the realization and protection of human rights, on improving the penal correction system's supervision and respect for prisoners' rights and on the interaction between the Ombudsman and the courts and law enforcement services in implementing the Habeas Corpus Act. The Ombudsman regularly monitors conditions at holding facilities and prisons, meets with inmates and makes proposals for the protection of their rights.

The Committee reiterates its request for information on the outcomes of investigations into allegations of torture and ill-treatment, including the number that went to trial and with what outcomes.

79. For this information please refer to the replies above and to the full text of the fourth periodic report of Uzbekistan, which will be submitted to the Committee on 30 December 2011.
