



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

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COMMITTEE AGAINST TORTURE
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**List of issues prior to the submission of the fourth periodic report of
UZBEKISTAN (CAT/C/UZB/4)***

**Specific information on the implementation of articles 1 to 16 of the Convention, including
with regard to the Committee previous recommendations****

Articles 1 and 4

1. Please provide information on any steps taken to adopt a definition of torture so that all the elements contained in article 1 of the Convention are included, in particular to amend article 235 of the Criminal Code, as recommended by the Committee in its previous concluding observations, in order to ensure that persons who act in an official capacity or with the consent or acquiescence of a public official can be prosecuted for torture and not merely charged with “aiding and abetting” such practices (CAT/C/UZB/CO/3, para. 5).
2. With reference to the Committee’s previous concluding observations, please describe steps taken to ensure that punishment for acts of torture are at a level commensurate with the gravity of the crime, in accordance with the requirements of the Convention (para. 10).

* The present list of issues was adopted by the Committee at its forty-third session, according to the new optional procedure established by the Committee at its thirty-eighth session, which consists in the preparation and adoption of lists of issues to be transmitted to States parties prior to the submission of their respective periodic report. The replies of the State party to this list of issues will constitute its report under article 19 of the Convention.

** Paragraph numbers in brackets refer to the previous concluding observations adopted by the Committee, published under symbol CAT/C/UZB/CO/3.

Article 2

3. In its previous concluding observations, the Committee expressed its concern at numerous, ongoing and consistent allegations concerning routine use of torture and other cruel, inhuman or degrading treatment or punishment committed by law enforcement and investigative officials or with their instigation or consent (para. 6(a)). Please provide information on measures taken to address this concern.

4. In light of the Committee's previous concluding observations (para. 9), please provide updated information on measures taken by the State party to:

(a) Publicly condemn practices of torture in all its forms, directing this in particular to police and prison staff. Please provide any examples of interventions of the State party in this manner. Please provide information on the impact and effectiveness of these measures in reducing cases of torture by law enforcement officials and others;

(b) Carry out investigations into allegations of excessive use of force in connection with the May 2005 events, so as to ensure that all State forces acted in accordance with the requirements of the Convention. Please inform the Committee on the results of these investigations, and on the related prosecutions and convictions as well as on compensation provided to victims;

(c) Institute a full, effective, impartial inquiry into the May 2005 events at Andijan by independent experts, in order to ensure that individuals can lodge complaints and all persons responsible for violations of the Convention are investigated and brought to justice;

(d) Provide information to family members on the whereabouts and charges against all persons arrested or detained in connection with the Andijan events.

Please elaborate on reports of harassment and other abuses of returned refugees and families of refugees who remain abroad after fleeing the State party over the past five years.

5. In light of the Committee's previous concluding observations:

(a) Please provide information on steps taken to ensure that independent human rights monitors are protected from unjust imprisonment, intimidation or violence (para. 16);

(b) Please describe steps taken by the State party to release human rights defenders imprisoned and/or sentenced because of their peaceful professional activities and to facilitate the reopening and full functioning of independent national and international human rights organizations, including the possibility of conducting unannounced independent visits to places of detention or confinement;

(c) Please provide information on steps taken to address the reports that children or other relatives of human rights defenders are threatened, harassed and imprisoned. In this respect, please elaborate on the imprisonment of Mashrab and Bobur Jumaev, sons of Yusuf Jumaev, a political dissident sentenced to five years in prison;

(d) Please provide information on the impact and effectiveness of these measures in reducing cases of imprisonment, intimidation or violence of human rights defenders. In this respect, data should be provided on the number of human rights defenders imprisoned and/or sentenced since the consideration of the previous report;

(e) Please elaborate on the situation of Yuldash Rasulov and clarify the charges he was convicted for, including the charge of anti-constitutional activity. Please also elaborate on the situation of Solijon Abdurakhmanov and the results of any investigations into the allegations that the police planted drugs in his car after which he was convicted for the selling of drugs;

6. Please elaborate on the content of the new law on lawyers that was adopted by parliament in December 2008. In particular, please clarify the reasoning behind the new legislation and indicate steps taken to ensure the independence of the Chamber of Lawyers and the legal profession in Uzbekistan. In this respect, please elaborate on the allegations made that the re-licensing process, mandatory under the new law, was misused to revoke the licence of the defence lawyer of Solijon Abdurakhmanov, in order to obstruct his filing of an appeal with the Supreme Court of Uzbekistan.

7. In light of the Committee's previous concluding observations:

(a) Please provide updated information on measures taken to ensure that every detainee is afforded, in practice, legal guarantees to ensure protection from torture, as from the outset of detention, including the right to access to a lawyer and a medical doctor of their own choice as well as the right to inform a relative (para. 12). In this respect, please elaborate on the impact of the new Law on lawyers on the rights of defendants;

(b) Please provide information on steps taken to ensure, in practice, that all detained suspects are promptly represented to a judge within the maximum 72-hour period as well as that the time of apprehension is calculated from the actual moment of deprivation of liberty;

(c) Please indicate steps taken to address the reports of application of internal regulations governing these procedures by law enforcement officials;

8. Please elaborate on the implementation of the habeas corpus legislation that entered into force in January 2008 and its practical effect on the rights of defendants and on preventing torture and ill-treatment in detention.

9. In light of the Committee's previous concluding observations, please provide information on steps taken to guarantee the full independence and impartiality of the judiciary, inter alia, by guaranteeing judges' security of tenure and reforming the appointment process of lower-level judges (para. 19).

10. With reference to the Committee's previous concluding observations, please indicate if the State party has transferred the prison system from the Ministry of Internal Affairs to the Ministry of Justice (para. 25). If so, please provide information on the impact of this transfer, in particular on the institutionalization of oversight and accountability for executive decisions in the judicial branch of the Government.

11. Please clarify the State party's position on the fundamental provision of the Convention 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. Please indicate the normative framework of such absolute prohibition.

12. Please provide updated information on measures taken by the State party to respond to any threats of terrorism and please describe if, and how, these measures have affected human rights safeguards in law and practice and how it has ensured that those measures taken to combat terrorism comply with all its obligations under international law. Please describe the relevant training given to law enforcement officers, the number and types of convictions under such legislation, the legal remedies available to persons subjected to anti-terrorist measures, whether there are complaints of non-observance of international standards, and describe the outcome of these complaints.

Article 3

13. Please provide information on any steps taken to ensure that the State party fulfils all its non-refoulement obligations under article 3 of the Convention, in particular to consider all elements of an individual case, and provides, in practice, all procedural guarantees to the person expelled, returned or extradited. Please indicate any requests for extradition received and provide detailed information on all cases of extradition, return or expulsion that have taken place since the previous report.

14. Please indicate if the State party relies on "diplomatic assurances" to return persons to countries known for practising torture. If so, please provide detailed information on:

- (a) The procedures in place for obtaining "diplomatic assurances";
- (b) Steps taken to establish a judicial mechanism for reviewing, in last instance, the sufficiency and appropriateness of diplomatic assurances in any applicable case;
- (c) Steps taken to guarantee effective post-return monitoring arrangements;
- (d) All cases where diplomatic assurances have been provided, since the consideration of the previous report;
- (e) Assurances that have not been honoured and on appropriate actions taken in such cases by the State party.

15. In light of the Committee's previous concluding observations, please describe steps taken to adopt a refugee law that complies with the principle of non-refoulement as well as with international standards including the 1951 Refugee Convention and its 1967 Optional Protocol (para. 24). Please indicate steps taken by the State party to become party to this Convention and Protocol. Furthermore, please provide updated information on any changes in the State party's position on inviting the United Nations High Commissioner for Refugees to return and to assist in providing protection and resettlement for the refugee population.

16. Please indicate practical measures taken to address the concern expressed by the European Court of Human Rights in the case *Ismoilov and Others v. Russia*, that “applicants’ forcible return to [the State party] would give rise to a violation of [their rights] as they would face a serious risk of being subjected to torture or inhuman or degrading treatment there” (App. No. 2947/06 (24 April 2008), para. 128).

17. Please provide statistical data, disaggregated by sex, age and nationality, on asylum-seekers who have been returned to their country of origin. In particular, please provide further information on reports that the State party forcibly returned Afghan refugees back to Afghanistan.

Article 5

18. Please indicate if the State party has exercised universal jurisdiction for acts of torture. In particular, please provide detailed information on

(a) The legal basis for universal jurisdiction in domestic legislation, in light of article 5 of the Convention;

(b) The number of such cases, since the consideration of the previous concluding observations;

(c) The outcome of these cases.

Articles 7 and 9

19. Since the consideration of the previous report, please indicate whether the State party has rejected, for any reason, any request for extradition by another State of an individual suspected of having committed an offence of torture, and has started prosecution proceedings as a result. If so, please provide information on the status and outcome of such proceedings.

Article 10

20. Please include information on:

(a) Further educational and training programmes developed and implemented by the State party to ensure that law enforcement personnel and penitentiary staff are fully aware of the provisions of the Convention;

(b) Steps taken to ensure specific training for all medical personnel dealing with detainees, in the detection of signs of torture and ill-treatment and that the Istanbul Protocol of 1999 becomes an integral part of the training provided to physicians and others involved in health care of detainees;

(c) Steps taken to develop and implement a methodology to evaluate the implementation of its training/educational programmes, and its effectiveness and impact on the reduction of cases of torture and ill-treatment. Please provide information on the content and implementation of such methodology as well as on the results of the implemented measures;

(d) Specific training and sensitization programmes developed by the State party for law enforcement personnel concerning the treatment of women subjected to torture or ill-treatment, as recommended by the Committee in its previous concluding observations (para. 17).

Article 11

21. The Committee requests the following:

(a) Please provide updated information on steps taken to establish a national independent mechanism to monitor all places of detention, including Jaslyk prison;

(b) Please elaborate if independent and impartial national and international experts and non-governmental organizations are permitted to independently monitor detention and other custodial facilities, in accordance with their standard methodologies, and under what conditions;

(c) Please provide detailed information on the national and international experts and non-governmental organizations that have visited detention and other custodial facilities, since the consideration of the previous report. Information should also be provided on the outcome of their visits and the impact thereof on the State party's policy regarding detention facilities. In this respect, please provide updated information on the State party's position on extending an invitation to the special procedures mandate holders who have requested a visit, including the Special Rapporteur on the question of torture, as well as extending an open standing invitation to special procedures mechanisms.

Articles 12 and 13

22. In light of the Committee's previous concluding observations, please provide:

(a) Detailed statistical data, disaggregated by gender, ethnicity or nationality, age, geographical region and type and location of place of deprivation of liberty, on complaints related to cases of torture and other ill-treatment, including those rejected by the courts, as well as related investigations, prosecutions and disciplinary and penal sanctions, and on the compensation and rehabilitation provided to the victims (para. 28);

(b) Updated information on measures taken to establish a centralized database that will facilitate compiling statistical information, including on the results of investigations and judicial proceedings on incidents of torture:

23. The Committee requests the following:

(a) Please provide information on measures taken to ensure that all allegations of torture and ill-treatment, including by law enforcement officials, are promptly, effectively and impartially investigated and that the perpetrators are prosecuted, in addition to receiving disciplinary penalties if applicable, and sentenced in accordance with the gravity of their acts;

(b) Please clarify if the "considerations" given by the "Prokuratura" to complaints regarding alleged abuses by law enforcement authorities are in fact investigations;

(c) Please elaborate if all suspects in prima facie cases of torture and ill-treatment are as a rule suspended or reassigned during the process of investigation, as recommended by the Committee in its previous concluding observations (para. 10);

(d) Please describe steps taken to ensure that complainants and witnesses are protected against any ill-treatment or intimidation as a consequence of his/her complaint or any evidence given. Information should also be provided on the number of complainants and witnesses who have benefited from such protection.

24. In light of the Committee's previous concluding observations:

(a) Please indicate steps taken to ensure in law and in practice that every person has the right to complain to a fully independent mechanism that will investigate and respond promptly, in compliance with the Paris Principles (para. 15). In this respect, please provide information regarding the independence of the bodies mandated to investigate allegations of torture or ill-treatment, including the Parliamentary Ombudsperson;

(b) Please provide further information on measures taken to ensure that the independence of these bodies is maintained and ensured;

(c) Please provide statistical data on the number of complaints of alleged torture, investigations undertaken, disciplinary and criminal procedures as well as of convictions and appeals, including penalties applied.

25. Pursuant the Committee's previous concluding observations, please provide information on steps taken by the State party to investigate all instances of death in custody and prosecute those believed responsible for any deaths resulting from torture, ill-treatment or wilful negligence leading to any deaths (para. 11). Please provide the Committee with the reports on the outcome of these investigations, where completed, and where cases of torture, ill-treatment or negligence were found, as well as with information about what penalties and remedies were provided.

Article 14

26. With reference to the Committee's previous concluding observations, please provide information on steps taken to provide compensation, redress and rehabilitation to victims, including the means for as full rehabilitation as possible and on the extent to which such assistance has been provided in practice (para. 18). Information should also be provided on the number of requests for redress made, the number granted, and the amounts ordered and those actually provided in each case.

Article 15

27. Please indicate:

(a) Steps taken to ensure that in practice evidence obtained by torture may not be invoked as evidence in any proceedings, as recommended by the Committee in its previous concluding observations (para. 20). In this respect, please provide information on steps taken by the

State party to address the allegations voiced by Azam Formonov and Alisher Karamatov that they were tortured and pressured in signing false confessions;

(b) If any cases have been refused by judges for review, or overturned on appeal, due to the inadmissibility of evidence. Please provide information on the investigations undertaken by the State party in such cases, as well as on the remedial measures taken. Also indicate whether the State party has released such persons.

Article 16

28. With reference to the Committee's previous concluding observations, please provide information on measures taken to improve the poor conditions of places of detention, including overcrowding and shortage of food and medicine (para. 11). Do these measures include the application of alternative measures to imprisonment and the building of additional prison facilities, as needed? In particular, please provide information on steps taken by the State party to close Jaslyk detention facility "which by its very location creates conditions of detention amounting to cruel, inhuman and degrading treatment or punishment for both its inmates and their relatives", as recommended by the Special Rapporteur on the question of torture (E/CN.4/2003/68/Add.2).

29. Please provide information on the availability of detention facilities for juvenile offenders, including separate detention centres for juvenile female offenders, and the conditions of detention in these facilities.

30. Please provide statistical data on the death penalty, including the number of sentences, executions and commutations during the reporting period. Furthermore, please describe steps taken to ensure that relatives of persons sentenced to death are treated in a humane manner, in particular by allowing relatives access to information on burial sites of executed prisoners and taking remedial measures.

31. With reference to the Committee's previous concluding observations, please provide information on steps taken to prevent and combat violence against women in places of detention and elsewhere (para. 21). In this respect, please indicate if clear procedures for complaints as well as mechanisms for monitoring and oversight have been established. Please provide statistical data on the number of complaints received, and on the related investigations, prosecutions as well as on disciplinary and penal sanctions.

32. The Committee requests the following:

(a) Please describe concrete steps taken to address the concern at the prevalence of violence against women, especially domestic violence (CAT/C/UZB/CO/3, para. 21; CEDAW/C/UZB/Q/4, para. 9). In this respect, please indicate if specific legislation criminalizing domestic violence has been adopted and other measures have been taken to prevent, in practice, domestic violence and to ensure that State officials take effective measures to investigate, protect victims and prosecute perpetrators;

(b) Please elaborate on the protection provided to victims, including access to medical, social and legal services and temporary accommodation. Data should be provided on the number of victims that have received such protection and the specific form of protection they received;

(c) Please indicate steps taken to prosecute and punish persons responsible for committing acts of domestic violence. In this respect, statistical data should be provided on the number of complaints relating to domestic violence, and on the related investigations, prosecutions, convictions and sanctions;

(d) Please also provide information on measures taken by the State party to provide redress to victims of domestic violence. Information should be provided on the number of requests for redress made, the number granted, and the amounts ordered and those actually provided in each case.

Information should be provided on the implementation of these measures and its impact and effectiveness in reducing cases of domestic violence.

33. In light of the Committee's previous concluding observations, please provide:

(a) Information on concrete steps taken to prevent and combat trafficking in women (para. 22). In this respect, please provide information on the content and implementation of the 2008 anti-trafficking legislation and the national action plan, including the resources allocated for the implementation of this plan, as well as on the impact and effectiveness in reducing cases of trafficking;

(b) Updated information on the establishment and functioning of the national interagency trafficking commission, created by the national action plan, as well as on the functioning of other government offices with responsibility for fighting trafficking;

(c) Updated information on steps taken to strengthen the anti-trafficking training for law enforcement and consular officials, and the role and functioning of the specialized anti-trafficking unit within the MOI;

(d) Statistical data on the prevalence of human trafficking as well as on the number of trafficking-related cases in the judicial system, convictions and the types of sanctions imposed.

34. In light of the Committee's previous concluding observations, please indicate steps taken to protect detainees in practice from inter-prisoner violence, including sexual violence, in places of detention (para. 23). Furthermore, information should be provided on measures taken to prevent, investigate, and prosecute or punish persons found responsible.

35. Please indicate steps taken by the State party to address the reports of arbitrary detention and ill-treatment and torture of Muslims who practice their faith outside State controls or who belong to unregistered religious organizations;

36. The Committee requests the following:

(a) Updated information on steps taken to end forced child labour, including in the cotton industry. In this respect, please elaborate on the content and the implementation of the 2008 law on children's rights and on the national action plan on implementation of the ILO Conventions, as well as on their impact and effectiveness in reducing cases of child labour;

(b) Statistical data on the prevalence of child labour and on the number of inspections of child labour, especially during the cotton harvest, as well as on the number of cases in the judicial system and convictions.

Other issues

37. The Committee notes that it has not yet received the follow-up information from the State party as requested by the Committee in paragraph 31 of the previous concluding observations. Please provide updated information as requested and in the letter sent by the Special Rapporteur on Follow-up to Concluding Observations.

38. Please indicate what steps have been taken by the State party 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).

39. Please provide information on steps taken by the State party to become a party to the Optional Protocol, Rome Statute of the International Criminal Court and the core United Nations human rights treaties to which it is not yet a party.

General information on the national human rights situation, including new measures and developments relating to the implementation of the Convention

40. Please provide detailed information on the relevant new developments in the legal and institutional framework within which human rights are promoted and protected at the national level, that have occurred since the previous periodic report, including any relevant jurisprudential decisions.

41. Please provide detailed relevant information on the new political, administrative and other measures taken to promote and protect human rights at the national level since the previous periodic report, including on any national human rights plans or programmes, and the resources allocated thereto, their means, objectives and results.

42. Please provide any other information on new measures and developments undertaken to implement the Convention and the Committee's recommendations since the consideration of the previous periodic report in 2007, including the necessary statistical data, as well as on any events that have occurred in the State party and are relevant under the Convention.
