



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

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COMMITTEE AGAINST TORTURE

Thirty-ninth session

SUMMARY RECORD OF THE 789th MEETING

Held at the Palais Wilson, Geneva,
on Friday, 9 November 2007, at 10 a.m.

Chairperson: Mr. MAVROMMATIS

later: Mr. CAMARA
(Vice-Chairperson)

later: Mr. MAVROMMATIS
(Chairperson)

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CONSIDERATION OF REPORTS BY STATES PARTIES UNDER ARTICLE 19 OF THE CONVENTION (continued)

Third periodic report of Uzbekistan (HRI/CORE/1/Add.129; CAT/C/UZB/3; CAT/C/UZB/Q/3 and Add.1)

The meeting was called to order at 10 a.m.

1. At the invitation of the Chairperson, the members of the delegation of Uzbekistan took places at the Committee table.
2. The CHAIRPERSON invited the delegation to introduce the third periodic report of Uzbekistan (CAT/C/UZB/3).
3. Mr. KANYAZOV (Uzbekistan) said that his Government attached great importance to complying with its obligation to implement the provisions of the Convention, to which end a great deal of work was being done. That included the adoption of comprehensive measures to liberalize and humanize all components of the justice system; concrete measures aimed at preventing and eliminating torture and other forms of cruel treatment and punishment; the creation of a system to promote the level of legal awareness of law enforcement officials; and the introduction of human rights education with the aim of preventing and eliminating the practice of torture by State agents and other persons.
4. Since its independence, Uzbekistan had made the protection of human rights a priority area of State policy, had acceded to over 60 international treaties in the area of human rights and was carrying out work to incorporate international standards into national legislation, in particular the International Covenant on Civil and Political Rights and the Vienna Declaration and Programme of Action.
5. One area that had been fundamentally reformed was the judicial system - the very foundation of the rule of law. As part of that reform, the Criminal Code, Code of Criminal Procedure and Code of Civil Procedure had been amended, and laws relating to the courts and procuratorial authorities passed; that had created an effective legal mechanism to protect the rights and interests of citizens. Recently, significant work had been done to further that reform, with liberalization of criminal policy and improvement of court procedures. The independence of the judiciary had been strengthened (specialization of courts), laws had been passed instituting judicial appeals and cassation proceedings, and pretrial detention had been reduced from one and a half years to nine months. Criminal legislation had been liberalized, and the classification of crimes had been revised, with an increase in the number of crimes classified as less serious. That had enabled the courts to make greater use of fines, which had been applied in 7.2 per cent of criminal convictions in 2001 but 17.8 per cent in 2006.
6. Since independence Uzbekistan had worked consistently towards abolishing the death penalty, with the number of articles of the Criminal Code providing for the death penalty being gradually reduced. The adoption of laws in 2007 abolishing the death penalty for certain offences and introducing habeas corpus represented significant progress towards the principle of freedom

and integrity of the person. The death penalty had been largely replaced by life imprisonment and was used only in exceptional cases, such as premeditated murder and terrorism, for which a prison sentence of 20 to 25 years could be imposed instead.

7. The institution of habeas corpus provided that no person should be subjected to pretrial detention except in accordance with a court decision. In Uzbekistan, pretrial detention was covered by specific legal provisions. In November 2002, at the invitation of his Government, Mr. Theo van Boven, Special Rapporteur on the question of torture, had visited the country. On the basis of analysis of measures proposed by State agencies and human rights NGOs, a programme for compliance with the Convention against Torture had been set up, covering the provisions of the Convention and the 22 recommendations by the Special Rapporteur. For the purposes of monitoring its implementation, the Government had set up an interdepartmental working group chaired by the Minister of Justice. In accordance with a decision taken by the United Nations Commission on Human Rights at its sixtieth session, Mr. Latif Huseynov, the Commission's independent expert on the situation of human rights in Uzbekistan, had visited the country in October 2004. He had visited prisons and detention centres and met with representatives of various international NGOs and human rights organizations, and individual citizens. His recommendations had been implemented.

8. One of the measures under the Government's programme for compliance with the Convention was the amendment of the Criminal Code with regard to the definition of torture. A new version of article 235 of the Code had been adopted by parliament in August 2003, together with other relevant articles. The amendment fully covered all acts provided for in article 1 of the Convention and was strictly implemented. Furthermore, in December 2003, the Supreme Court had adopted decision No. 17 providing for a broader interpretation of the definition of torture, consistent with that article 1. Thus, the provisions of article 1 had been fully integrated into national legislation. The adoption and implementation of laws and other enactments had strengthened the prevention of torture and impunity. During the first half of 2007, under article 235 of the Criminal Code, three criminal cases had been brought against four law enforcement officials. During the same period, disciplinary measures had been applied to 90 officials.

9. In Uzbekistan, the institutional basis for human rights protection was being improved. By Government Decree of 27 August 2003 a department for the protection of human rights had been established within the Ministry of Justice. On 24 June 2003, the Ministry of Internal Affairs had issued Order No. 187 on the establishment of a Central Commission on Respect for Human Rights. A similar body was operating within the procuratorial system. The Office of the Procurator-General, together with other law enforcement agencies, had been studying the conditions and causes leading to citizens being unlawfully charged with crimes, and measures were being taken to prevent that practice. The bodies set up for the protection of human rights could receive oral or written complaints from any person.

10. Uzbekistan had created a human rights education system. In 1997, a special human rights course had been introduced for all schools and universities, as well as institutions for legal or specialized training. Under the Programme for compliance with the Convention, human rights training was also being provided for law enforcement officials and other actors, covering in particular the provisions of the Convention. Since 2003, with the participation of experts from UNDP, OSCE and NGOs, regular conferences and seminars had been organized for employees

of the judiciary and law enforcement agencies and members of parliament in order to promote implementation of the provisions of the Convention in national legislation and to explain national legislative innovations, including the introduction of habeas corpus and abolition of the death penalty.

11. His Government had consistently cooperated with international organizations and bodies, such as the United Nations Human Rights Council, the Third Committee of the United Nations General Assembly, human rights treaty bodies, UNDP and OSCE. The technical and educational assistance received had helped Uzbekistan carry out work to implement the provisions of the Convention as an integral component of the State policy to improve and strengthen the independence of the judiciary, improve law enforcement agencies' compliance with the law, and provide for the comprehensive protection of human rights and fundamental freedoms in relation to the judicial system. Further steps by Uzbekistan would be aimed at the adoption of specific legislative, organizational and educational measures to prevent and eliminate torture.

12. Mr. DJASIMOV (Uzbekistan) said a number of measures had been adopted by the Government to comply with the 15 recommendations made by the Committee. An independent complaints procedure had been introduced to handle complaints against the law enforcement agencies and investigate claims of torture. Under instructions issued on 18 December 2003 by the Ministry of Internal Affairs, all complaints of torture or other cruel, inhuman or degrading treatment or punishment must be investigated. A similar procedure had been laid down on 25 November 2005 for the national security service. Special arrangements had been made within the Office of the Procurator-General and the Ministry of Internal Affairs to protect human rights, especially those of detainees and convicted persons. It was now possible to detect and punish acts of torture and other unlawful conduct. Criminal proceedings had been instituted following complaints by citizens on 20 occasions since 2002, involving 26 members of the law enforcement agencies.

13. A new "citizens' complaints" law had been introduced to protect individuals complaining of violations of their rights. Improvements were still needed in the procedures for examining such complaints to ensure that the decisions taken were objective. Under article 95 of the Code of Criminal Procedure, evidence obtained through torture was inadmissible. A Supreme Court decision of 24 September 2004 had held that the courts must disregard such evidence, and also evidence obtained through deception or other unlawful methods. Additional measures would be taken to ensure objectivity in the handling of evidence obtained contrary to the requirements of procedural law. Further steps were also being taken to ensure the independence of the judiciary, including specialization by judges, and improvements in their working conditions and appointment procedures. Only the Procurator-General could institute criminal proceedings against a judge.

14. The rights of prisoners to have access to a lawyer, doctor and family members were zealously safeguarded by the Ministry of Internal Affairs and the procurators' offices. Lawyers were able to meet freely with defendants in custody. Standards of medical care for prisoners were being continually improved, in accordance with a joint decree of 4 December 2000 by the Ministry of Internal Affairs and the Ministry of Health. A system of independent inspection at five-year intervals had been introduced for all places of detention. The Ombudsman, the National Human Rights Centre and a number of international organizations also monitored penal institutions. To prevent torture, law enforcement officials and medical personnel were regularly

instructed in the rules for the treatment of prisoners. Under an order of the Ministry of Internal Affairs dated 18 December 2003, every police officer was instructed in the requirements of article 235 of the Criminal Code and the consequences of breaching it. The Procurator-General had also issued instructions to tighten up procedures for monitoring the treatment of unconvicted and convicted prisoners.

15. There was a possibility that the penal system would be transferred from the control of the Ministry of Internal Affairs to that of the Ministry of Justice as part of the ongoing process of judicial reform. Conditions in the Zhaslyk penal colony had been improved and now met international standards.

16. In accordance with Supreme Court judgements of 19 December 2003 and 24 September 2004, criminal convictions could be reviewed if complaints of torture were made. Unsafe convictions and complaints of torture or cruel treatment were also subject to investigation by the Ombudsman. Legislative measures had been adopted to prevent deportation or extradition of individuals who were at risk of being tortured in the receiving country. The Procurator-General would only consider extradition if the requesting State gave an official undertaking that the extradited person would not be tortured and that his rights would be protected. The matter of declarations under articles 21 and 22 was now under consideration by the Government. Detailed information about breaches of law by law enforcement officials had been provided in the third periodic report and in the replies to additional questions put by the Committee.

17. Mr. SHARAFUTDINOV (Uzbekistan) said the process of judicial reform in his country had begun from the moment of independence, culminating in the adoption in August 2001 of the law on the mitigation of criminal penalties. The ongoing reforms had been given extra impetus by the visit in 2002 of the Special Rapporteur on torture. There had indeed been serious breaches of law by the law enforcement agencies involving arbitrary arrests, violations of the rights of detainees, falsification of evidence and even acts of torture committed in order to secure confessions. Conditions of detention had not, in the past, met minimum standards. Those problems had attracted international attention, and some of them still persisted. Certain steps had been taken to bolster the rule of law and protect human rights, including the elimination of torture. They included procedural safeguards to prevent arbitrary arrests; compulsory procedures to be followed with every detainee to identify and prevent any unlawful conduct, including torture; independent investigation of incidents of torture, involving human rights organizations and the general public; ensuring transparency in the work of the law enforcement agencies; and improved knowledge of the law among law enforcement personnel. The work done in all those areas had reached the stage of almost complete compliance with the recommendations of the Special Rapporteur.

18. His Government's condemnation of torture was reflected in the arrangements made for parliamentary supervision and in the decisions of the Procurator-General's Office, the Ministry of Internal Affairs, the State security service, the law enforcement agencies through their coordinating machinery, and the Supreme Court. In parliament in August 2001, the Head of State had singled out for criticism the investigative agencies' practice of arresting and isolating individuals before setting out to prove them guilty. They used those tactics to spread terror and demonstrate their own power. In response, national and international human rights organizations

had set up “rapid reaction” groups to report such incidents to the law enforcement agencies. The so-called “Makkali”, self-governing citizens’ organizations, played a role in solving social problems, combating corruption and strengthening democracy. The efforts of the press were not sufficient to ensure transparency, and more must be done to publicize court decisions.

19. The recommendation by the Special Rapporteur on introducing habeas corpus had been acted upon. It was now for the courts to make custodial orders, and persons detained in custody had the right to apply to a court, a procedure which protected their rights in adversarial proceedings. In future, it was intended that the courts should have control over every stage of a trial. Steps had been taken to ensure that suspects and defendants would have access to a lawyer, medical services and visits from relatives. The right of access to a lawyer had been upheld by the Supreme Court in December 2003. Lawyers must be instructed at every stage of a criminal investigation, and must remain available to detainees round the clock. They had the right of access to those responsible for the investigation. Prisoners were being told of their rights under both domestic and international law, and the rights of persons involved in criminal proceedings were being publicized in the form of booklets available to the public as well as to prisoners. The inadmissibility of evidence obtained through torture was laid down in article 88 of the Code of Criminal Procedure, and had been confirmed by a ruling of the Supreme Court on 24 September 2004.

20. Courses of instruction for law-enforcement and medical personnel, lawyers and prison officers had been introduced at a number of institutes of higher education; they were given with the assistance of international experts.

21. To sum up, his Government was determined to eradicate the conditions which allowed torture to flourish, and to fulfil the international obligations which it had assumed.

22. Ms. BAKAEVA (Uzbekistan) said that the legal, political and economic reforms in her country were closely bound up with the Government’s health, welfare and social protection programmes, and with national plans of action to comply with the recommendations of international treaty bodies. In the period which had elapsed since 2002, parliament had focused on strengthening the legal basis for further liberalization of the judicial system, and on legal regulation of the relationship between the State and civil society. A range of legislation had been adopted to amend the Constitution and specify how parliament should conduct its business. The protection of human rights had become an integral part of the judicial process. Legislation adopted since 2002 protected citizens’ rights, the funding of political parties, the operations of NGOs, the welfare system and freedom of the press. The role of political parties in public life, and parliamentary supervision of the executive, had been strengthened. Since March 2007, senior government officials could only be appointed after consultation with the political parties, which now enjoyed much greater influence over the executive.

23. Mr. Camara (Vice-Chairperson) took the Chair.

24. Ms. GAER, Country rapporteur, welcomed the planned abolition of the death penalty and the legislation on habeas corpus. She asked for more information concerning the functions of the Ombudsman described in paragraph 51 of Uzbekistan’s core document (HRI/CORE/1/Add.129). Were the Ombudsman’s recommendations binding, for example? And could he conduct an

investigation into cases and recommend compensation? She asked for specific examples of how paragraph 80, concerning the primacy of international law over domestic legislation, was implemented in practice.

25. With regard to article 1 of the Convention, concerning the definition of torture, she noted that, in its response to question 1 of the list of issues, the State party had said that the definition of torture did not apply to persons acting on behalf of the State who were not government officials, and that there had been no cases of quasi-official agencies being charged. It had stated that only government officials could be charged under article 235 of the Criminal Code, offences committed by private individuals being classified under other articles of the Code. She asked whether such individuals had ever been charged with the acts of torture or cruel, inhuman or degrading treatment or punishment, as covered by the Convention. The State party had said that in the period covered by the report 30 suits concerning torture had been filed; criminal proceedings had been initiated in four cases and the allegations rejected in the other 26. She asked why such a large number of suits had been dismissed, whether independent investigations had been carried out and whether any of the criminal proceedings had resulted in a guilty verdict. She would appreciate specific examples and names.

26. In its replies to question 2, the State party had said that in 25 cases disciplinary penalties had been imposed on public officials. She asked what those penalties were, whether the State party considered such penalties to be commensurate with the crime of torture or ill-treatment and whether the officials involved had returned to their posts. She would appreciate, in addition to statistics, the names of some of the individuals involved.

27. The Committee had raised the issue of the definition of torture with regard to private individuals because of many reports received from various sources that inside prisons prisoners working as guard's assistants often engaged in abuse with the acquiescence, and sometimes on the instructions, of the guards.

28. The Committee had received a great deal of material from NGOs, most of which could be accessed on the OHCHR website. The material contained a large number of allegations of acts of torture and of failure to abide by various Convention guarantees such as the right to an impartial investigation and a fair trial, regular monitoring of detention facilities and an effective procedure for filing complaints. Many of the people under arrest were allegedly those who, under normal circumstances, would have monitored compliance with the provisions of the Convention.

29. She had been struck by the number of members of domestic NGOs who had been arrested and imprisoned and the number of international and non-governmental organizations whose offices had been closed. In many cases the State party claimed that such action had been taken on account of the commission of technical infractions. UNHCR had been asked to close its Uzbek office because it had completed its mission in respect of Afghan refugees, but UNHCR claimed that its presence was still needed, for instance in order to protect refugees from refoulement. According to the State party, ICRC delegates had been permitted to visit prisons for exclusively humanitarian purposes but had instead held confidential interviews with detainees about crimes against the constitutional order and had failed to provide humanitarian assistance. She knew of no other instance in which such allegations had been made against the ICRC and it was difficult to accept their validity as a ground for requesting the ICRC to leave a country in which so many complex international issues remained to be addressed.

30. International NGOs such as Freedom House, Mercy Corps and the American Bar Association's Central European and Eurasian Law Initiative had been asked to close their offices and leave the country. The American Councils for International Education, the International Research and Exchanges Board, Agricultural Cooperative Development International, Crosslink Development International, Partnerships in Academics and Development, the Central Asian Free Exchange, many other European and Asian charities and NGOs, and domestic organizations such as the human rights society Ezgulik and the Independent Human Rights Organization of Uzbekistan had been forced to suspend their activities since 2005. While it would be understandable if problems were encountered with one or two groups, she found it hard to credit the idea that all those bodies had committed infringements that warranted their expulsion from a country in transition with serious problems and security concerns. She would therefore welcome further clarification of the reasons for their closure and expulsion.

31. The State party had commented in detail on the report of the Special Rapporteur on torture, who had visited Uzbekistan in December 2002 (E/CN.4/2003/68/Add.2). She understood that his successor as Special Rapporteur wished to undertake a follow-up visit and that the High Commissioner for Human Rights had also expressed an interest in visiting Uzbekistan to conduct an investigation. She asked whether invitations would be extended. According to the material submitted by the State party, a very large number of international meetings, seminars, workshops and other activities had been conducted by Uzbek governmental and quasi-governmental organizations with international bodies and experts. She wondered how those activities could succeed when international human rights organizations were prohibited from maintaining offices in Uzbekistan or from entering the country to undertake investigations.

32. She asked the delegation whether the infliction of torture for reasons based on discrimination was covered by article 235 of the Criminal Code or elsewhere. A number of NGOs and other bodies claimed that persons arrested, detained and convicted for religious crimes or suspected of Islamic extremism were subjected to harsher treatment in places of detention than other suspects and offenders. Noting that the Uzbek population was composed of a number of different nationalities, she asked whether differential or harsher treatment on discriminatory grounds was punishable under Uzbek law.

33. With regard to the National Programme of Action and the Interdepartmental Working Group set up to monitor the observance of human rights, she asked for details of what had been accomplished in practice. According to the State party, 58 of the 60 recommendations in the National Programme of Action had been implemented. The Special Rapporteur on torture, who had assessed follow-up to his predecessor's recommendations in his report dated 15 March 2007 (A/HRC/4/33/Add.2), would, in her view, dispute the State party's claim.

34. No cases had been overturned on appeal due to the inadmissibility of evidence allegedly obtained through torture or by other impermissible means. A person who alleged that he or she had been tortured or ill-treated could theoretically file a complaint but such complaints, according to NGOs, were not investigated or acted upon. The Committee had received a moving letter from the human rights defender Mrs. Mutabar Tojibaeva in which she claimed to have filed 30 or more complaints to no avail. She asked why complaints were not investigated or acted upon.

35. Article 2 of the Convention identified preventive measures aimed at ensuring effective implementation of the rights guaranteed in the Convention, such as the right of arrested persons to contact a doctor of their choice and members of their family, to be informed of their rights from the moment they were taken into custody and to have access to lawyers. The Committee had been informed by the State party that people enjoyed all those rights but it had been informed by NGOs that lawyers had been unable to visit prisoners, that medical care was not available to people who had suffered injury before being brought before a judge, and that judges failed to order investigations. She wished to know at what point a person could demand an independent medical examination. It should not be when charges were laid but when the person was taken into custody. She also wished to know whether all arrested persons were allowed to contact family members, a doctor of their choice and an independent lawyer. Could Sanjar Umarov and Mrs. Tojibaeva, who had allegedly been denied access to their lawyers, complain to the Human Rights Commissioner?

36. The Committee had been provided with the names of a large number of people who had been arrested in connection with the May 2005 events in Uzbekistan and whose whereabouts were now unknown. Their families and lawyers therefore had no access to them. How were people protected in such situations? Saidjahon Zainabidinov had allegedly been held incommunicado for a very long period. How long could persons be held incommunicado in connection with the May 2005 events or on charges of spreading panic in the population, providing information to the international media or other charges, and where were they held? The trial of Mr. Zainabidinov and of other persons connected with the May 2005 events had reportedly taken place in secret or had not been accessible to independent monitors. She asked how many such trials had been conducted in camera and whether access depended on the charges brought or on the person's visibility. Had international human rights monitors been permitted to attend such proceedings?

37. In its response to question 7 of the list of issues, the State party had mentioned that the new Human Rights Protection Department was conducting investigations into more than 30 complaints of human rights violations, that a special complaint form had been issued and that the Interdepartmental Working Group was involved in implementing the National Action Programme. It seemed, however, that only international entities were entitled to file complaints and that it was therefore merely a public relations exercise. She asked whether persons within Uzbekistan, such as Mr. Zainabidinov or Ms. Tojibaeva, could complain to either the Department or the Working Group. Were the two bodies transparent and had provision been made for independent oversight?

38. In its response to question 8 regarding the right to appeal under article 241 of the Code of Criminal Procedure, the State party mentioned the adoption of decrees in that regard. She requested further information about their implementation. Had any appeals already gone forward and had anyone been released on appeal?

39. In response to question 9, the State party had provided the Committee with copies of the law transferring the right to issue detention orders and arrest warrants to the courts, and of President Karimov's speech on the subject. However, the Special Rapporteur on torture was concerned that no public declaration had been made at that level to the effect that torture was unacceptable in all circumstances and that anyone found guilty of torture or ill-treatment would be punished. Unless people were punished for torture, officials such as prison guards would take

advantage of the climate of impunity. According to the Special Rapporteur, victims were caught between the legal requirement to present evidence in support of allegations of torture and the lack of practical procedures for producing such evidence. He had informed the State party in a letter dated August 2007 that he had not received evidence of a single conviction for the crime of torture or that the Government was combating impunity. Moreover, the Human Rights Committee had found repeated violations of articles 7 and 14 of the International Covenant on Civil and Political Rights since 2002.

40. Article 3 of the Convention against Torture was quite clear about a State's obligation not to return a person to a country where he or she was in danger of being tortured. The Committee had enquired in question 11 of the list of issues about the fate of four refugees and an asylum-seeker who had allegedly been returned to Uzbekistan following abductions from Osh in Kyrgyzstan in 2006. The State party had replied that the persons concerned, who had been sentenced to imprisonment, were not recognized refugees. It was her understanding, however, that four of the five had refugee status.

41. She understood that hundreds of refugees had been airlifted to Romania, which raised the issue of refoulement. She asked the State party to identify the law or directive which ensured that the returnees would not be subjected to torture or ill-treatment. Was there an independent entity that monitored developments?

42. In response to question 14, the State party had described the forced administration of drugs to Ms. Tojibaeva as a humanitarian measure taken because she was commencing her term of imprisonment. She asked for assurances that an independent monitor such as the Special Rapporteur or representatives of UNHCR, ICRC or Uzbek human rights groups would have access to such a prisoner. Ms. Tojibaeva had reportedly found it difficult to obtain access to her family, a lawyer and an independent doctor. Noting that the European Union had appealed for her release, she asked whether the possibility of dropping the charges against Ms. Tojibaeva had been considered, especially in the light of the fact that some other human rights defenders had been released in May and June 2007 with suspended sentences.

43. In response to questions 15 and 16, the State party had provided some figures in connection with 26 public officials who had been suspended from duty or dismissed. However, the figures did not seem to tally. She wondered whether any of the individuals concerned had been returned to their posts. If they had only received disciplinary warnings, what steps had been taken to ensure that their punishable actions would not be repeated? She would welcome further information on the status of the criminal proceedings, for instance the source of the charges against the 26 officials and the kind of punishment that they faced.

44. She asked whether there had been any cases in which the law on universal jurisdiction had been utilized. It would be useful to learn how the State party protected the rights of individuals who were detained to serve as witnesses in criminal cases. In particular, the delegation should indicate whether such detainees had the same access to complaints mechanisms as other detainees, and what system of independent oversight existed to that end. She enquired whether there was a fully independent complaints mechanism outside the Procurator-General's Office for persons who were held in official custody. If not, she would be interested to learn what steps had been taken to develop such a mechanism.

45. In the light of the reporting State's admission that it had no information on the number of refugees and asylum-seekers among the 697 individuals who had been extradited to Uzbekistan between 2000 and 2004, she failed to understand why the Government did not allow UNHCR to assist it.

46. She requested updated information on the situation of the human rights defenders who had reportedly been arrested since the events of May 2005, particularly Arriboi Kadirov, Alisher Karamatov, Azam Formonov and Yagdar Turlibekov. While it was clear that each of them had been convicted of other crimes, NGO reports had alleged that a pattern of detention and conviction of human rights defenders had emerged as part of a plan to stifle civil society and curb independent human rights monitoring. The delegation should state whether that was a valid criticism, and if not, why not.

47. The delegation should explain the circumstances surrounding the arrest in the State party of Imam Rukhiddin Fakhrutdinov and 16 other Uzbek citizens who had disappeared from Kazakhstan in November 2006. In particular, she wished to know what charges they had faced during their trials, the outcome of the trials and the current whereabouts of those people.

48. She requested clarification whether all prisons were inspected and monitored every five years only. She asked whether the delegation could provide assurances that in future independent monitors, including human rights NGOs unconnected with the Government, would conduct additional inspections.

49. It was unclear why the State party planned to close Zhaslyk prison, since it was building another prison in the same area. She failed to understand why detainees could not be moved from that prison to facilities in other areas and why prisons could not be built in other parts of the country. It would be useful to know whether the authorities would accept visits to Zhaslyk prison by the Special Rapporteur on torture or by the Committee.

50. The State party should indicate what degree of authority was held by the committees that examined cases of suicide in custody and what measures had been taken to ensure their independence. She requested the names of all persons who had committed suicide in custody.

51. Given the large disparity between the number of complaints in cases of proceedings to uphold the rights of detainees and accused persons and the number of cases affirmed, she requested additional information on the affirmation process. It would be useful to know whether the data provided referred to cases that had been proven or whether they had been confirmed for trial. The delegation should indicate whether such cases were public and whether independent monitors attended such trials.

52. She asked why there was no central register of detainees and what steps the Government had planned to remedy that situation.

53. Mr. Mavrommatis (Chairperson) resumed the Chair.

54. Mr. KOVALEV, Alternate Country Rapporteur, asked whether the Government drew on international expertise in the field of the humane treatment of prisoners, and if so, from which countries. The delegation should indicate whether medical personnel attended human rights

education courses. He wished to know what measures were being taken to improve the organization of medical care and the availability of decent food in prisons. He requested additional details on the composition of the independent body that inspected prisons, the frequency of its inspections and whether it conducted random inspections. It would be useful to learn whether there was a system of visits by independent monitors to pretrial detention centres.

55. He requested clarification whether the Ombudsman's office was the principal authority responsible for investigating complaints of torture. If so, it would be interesting to know how promptly such complaints were investigated and to what degree the Ombudsman's recommendations were binding.

56. He asked the delegation to explain why there had been a refusal to institute legal proceedings in cases of complaints concerning unlawful treatment by law enforcement personnel. He asked whether there was a centralized system for responding to such complaints and whether law enforcement officials who had been accused of unlawful treatment were monitored after those complaints had been lodged. He requested details of any cases in which senior law enforcement officials had been punished for irresponsible handling of complaints lodged against their employees. He asked to what extent the Government had followed up complaints that people had been beaten to force them to agree with the official version of the events in Andijan in May 2005.

57. He asked what legislative measures had been taken to ensure that compensation was available to torture victims, including rehabilitation measures, in accordance with the State party's obligations under article 14.

58. The delegation should indicate how many of the 50 criminal cases of alleged obtaining of evidence through torture had been dismissed by the courts and what had been the fate of the other cases.

59. He asked whether children and young people who were in penitentiary institutions received education, and whether there were sufficient textbooks and teachers for them. The delegation should indicate whether reports that prisoners' correspondence and telephone conversations were monitored by the authorities were true.

60. He wished to know to what extent international instruments had been incorporated into domestic legislation and which enactments prevailed in the case of a contradiction between domestic and international legislation.

61. Ms. BELMIR asked whether there was a clear delineation of the responsibilities of the Ministry of Internal Affairs and the Ministry of Justice under the new legislation giving courts the right to issue arrest warrants. It would be useful to learn whether the State party agreed that the Procurator-General's Office could impede the planned liberalization of the justice system.

62. Mr. MARIÑO MENÉNDEZ requested clarification concerning which legislation and authorities dealt with guarantees for refugees and asylum-seekers. It was unclear what status illegal immigrants had in the State party, and whether they were protected in any way. He requested additional information on the freedom of movement of Uzbek citizens.

63. Turning to the issue of the independence of the judiciary, he asked whether there were plans to reform the system of appointment of judges and whether judges' terms of office were limited.
64. The delegation should indicate whether acts of torture were considered to be crimes against humanity under domestic legislation, and whether the Criminal Code covered such crimes, in accordance with the Rome Statute of the International Criminal Court. He requested additional details on the legislative status of the National Security Service. In particular, he wished to know whether that Service could issue regulations for law enforcement officials concerning the prevention of torture.
65. Mr. WANG Xuexian, while welcoming the improvements in the Uzbek legal system, said there was evidently much still to be done in order to put the reforms into practice. He had heard that Norway had recently returned 21 people to Uzbekistan. What had happened to them?
66. Ms. SVEAASS asked what action was taken by the Ombudsman on abuses of the rights of women and children. What was being done to make domestic violence illegal? How were such incidents handled? What punishment was meted out to offenders? And was there any form of redress available to victims? She would also like the delegation to comment on the forced sterilization of women, including the removal of reproductive organs. Concerning human trafficking, she understood the practice to be illegal in Uzbekistan, but it appeared that women victims of trafficking were themselves liable to be held accountable for it. What was being done to protect them and to prosecute the organizations actually responsible? Was information gathered by the Ombudsman made public, and if so how? Did the arrangements for prison visits include provision for participation by representatives of non-governmental and international organizations and civil society? When had the last prison monitoring visit taken place? What was the composition of the delegation? And how were its reports made public? Was it correct that persons arrested had to give an account of the reasons for their arrest before they were allowed to see a lawyer? And if so, what was being done to eliminate that practice? It was well known that some leading international organizations were not represented in Uzbekistan or had been asked to leave. UNHCR was among those not represented. That being so, how was it possible to know what happened to individuals returning to the country, whether voluntarily or otherwise?
67. The CHAIRPERSON welcomed the judicial reforms effected in Uzbekistan, including the introduction of habeas corpus, which must not be suspended in times of emergency. However, it was extremely important to ensure the full independence of judges, who must be appointed and removed without outside interference. Any new measure intended to improve the human rights situation must be widely publicized. He asked what procedure was followed if a defendant decided, while in court, to withdraw a confession made under duress. A further question related to the treatment of individuals designated as "religious extremists". They must not be prosecuted except for criminal acts, since the principle of freedom of expression extended to religious belief.

The meeting rose at 12.20 p.m.