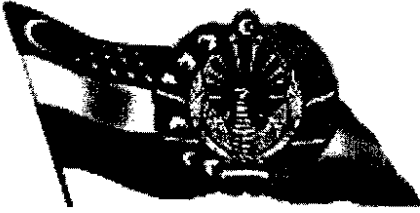


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UZBEKISTAN

**2008 HUMAN DIMENSION IMPLEMENTATION MEETING, OSCE
Warsaw, 29 September-10 October 2008**

Working session 4

STATEMENT

**by Dr. Akmal SAIDOV,
Director of the National Human Rights Centre of the Republic of Uzbekistan**

covering

RULE OF LAW II including:

- **Exchange of views on the question of abolition of capital punishment (death penalty);**
 - **Prevention of Torture;**
- **Protection of Human Rights and Fighting Terrorism**

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The right to life is secured in the Constitution of Uzbekistan as a natural right of a man. During the Soviet times the Criminal Code of the Uzbek Soviet Socialist Republic contained 33 articles, which foresaw application of the death penalty. After proclamation of the state independence judicial and legal reforms have been carried out and criminal punishment was liberalized.

In 1994 the death penalty was foreseen in 13 articles of the Criminal Code. Later in 1998, 2001 and 2003 the number of articles with death penalty was decreased down to two. And in August 2005 the President adopted the Decree 'On Abolition of the Death Penalty in the Republic of Uzbekistan', which completely abolished the death penalty as a form of criminal punishment starting from 1 January 2008. It should be noted that no death penalty was executed in between the Decree's date and de-jure abolition of the death penalty in Uzbekistan, so here we can say that de-facto moratorium concerning the death penalty was in place during the named period in Uzbekistan.

In Law the death penalty was abolished by means of making relevant amendments to the Criminal and Criminal-Executive Codes of the Republic of Uzbekistan in July of 2007, as well as by the Resolution of the Plenum of the Supreme Court 'On some issues of application the punishment in form of life-sentence', which was adopted in November of 2007.

During two years massive organizational and legal activities have been accomplished by the state in order of transition from abolition of the death penalty to long-term and life-sentences. It should be underlined again, that starting from August 2005 no death penalty was executed. According to the Law, which was adopted in July of 2007, the death penalty has been replaced with long-term or life-sentences. All of those measures may be viewed as logical continuation of judicial and legal reforms, which had been started in early 1990s. In that way, the national legislation and the practice of Uzbekistan allows for ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights. And this step has been foreseen in the Decree of the President, devoted to the 60th Anniversary of the Universal Declaration of Human Rights.

Abolition of the death penalty in Uzbekistan is in line with global tendencies to liberalize criminal punishment.

Application of torture is prohibited in Uzbekistan by the Constitution. The article 235 of the Criminal Code contains a norm,

which foresees criminal responsibility for application of torture, which is in line with the meaning of the article 1 of the Convention against Torture.

As of today Uzbekistan is a member to the Convention against Torture and has submitted three national reports to the UN Committee against Torture.

All the three branches of state power strongly condemn torture and other cruel, inhuman or degrading treatment and punishment. This kind of policy is reflected in activities of parliamentary control, activities of the national institutions of human rights, in the system of work with appeals of citizens, created inside the structures of the Ministry of Justice, Ministry of Internal Affairs, and the Office of Prosecutor.

According to the National Programme of Actions in realization of provisions of the Convention against Torture, which was adopted by the Government in 2004, educational programmes in human rights education have been strengthened, the aim of which is to disseminate the information on provision of the Convention among the personnel of law-enforcement bodies and all other people who get in contact with them.

The contents of the Convention against Torture are included into the study curricula of training and re-training the personnel of law-enforcement bodies.

Parliamentary control is carried out over realization of provisions of the Convention in by law-enforcement bodies. In 2006 three activities were taken up in the Legislative Chamber of the Uzbek Parliament devoted to the Convention against Torture in collaboration with the UNDP in Uzbekistan. In January of 2006 parliamentary control was realized over activities of law-enforcement bodies and establishments of the system of execution of punishment in Tashkent city and Tashkent viloyat (region) with the aim of determining their compliance to the Convention against Torture.

The Committee for international affairs of the Senate of the Uzbek Parliament carried out parliamentary control over the provision of the Convention in 2008.

In 2004 the Uzbek Government created the Inter-Departmental Working Group on study of the state of compliance to human rights by law-enforcement bodies. The working group carries out coordination over realization of the National Programme of Actions on realization of provisions of the Convention against Torture, as well as of Concluding Recommendations of the Committee against Torture. Systematic

measures, taken by the state in struggle against torture, gave opportunity to accomplish a strict control over activities of the personnel of law-enforcement bodies and punish those, who let for torture. Statistics of application of the article 235 of the Criminal Code gives us opportunity to make conclusion, that any restricted method investigation is definitely punished both by criminal and disciplinary measures. In 2002-2008 20 criminal cases were opened according to the article 235 of the Criminal Code and 26 persons have been sentenced.

On 23 September 2008 the Inter-Departmental Working Group approved the National Plan of Actions on realization of recommendations of the Committee against Torture after consideration of the Third National Report of Uzbekistan. The Plan was elaborated in collaboration with all the law-enforcement bodies and non-governmental organizations.