

Torture
And inhumane and degrading treatment
in Uzbekistan

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Your Excellencies, Ladies and Gentleman of the Distinguished Panel,
Freedom House runs democracy and human rights projects in four continents. Freedom House's Torture Prevention Project in Uzbekistan is in its **fourth** consecutive year. Freedom House maintained an office in Uzbekistan until March 2006 and had vast contacts with different torture stakeholders in Uzbekistan, including lawyers, judges and Human Rights Defenders (HRD). This experience has given us a clear picture and in – depth knowledge into of the scope of torture in Uzbekistan.

In particular:

- I. There is a complete absence of **willingness** on the part of the Government of Uzbekistan **to tackle torture**;

In its 2003 Report the UN Special Rapporteur on torture wrote that if the Government does not know about torture “it can only be because of a **lack of desire to know**”¹. Since the 2003 few things have changed. Uzbek legislation defined torture as a crime in 2004 but this legislation falls short of international standards. Subsequent interpretations by the Uzbek Supreme Court do not fill the gap in legal regulation. The government has not shown any desire to tackle torture. In the past there has been selective access only to very a few carefully selected cases aiming to present better a picture of the country to the international community.

- II. There is overwhelming **impunity** for torture;

According to human rights defenders in Uzbekistan, torture accompanies most investigations, almost all detentions and is widespread in prisons. There are no reports of an **official being held accountable for torture**.

- III. The scope of torture in so called “security matters”, suggests that there is a state policy of torture in these crimes.

Charges for security crimes are a common place for religious people. Particularly striking is the expediency of Uzbek judiciary in sentencing these people. In the last three months, more than **40 people**, charged with these crimes have been sentenced. Many charged with some of those crimes complained that they were tortured.

- IV. Torture is an **instrument of fear** against Human Rights Defenders;

According to reports from human rights defenders, torture, inhumane and degrading treatment is used to produce confessions of guilt, denunciations of others and waiving his/her right to an attorney. For example, Ulugbek Haydarov, journalist and a human rights defender from Jizzak, decided recently to admit to being guilty of extortion and asked his family not to hire any attorneys. One deplorable way in which torture and inhumane and degrading treatment used against dissidents is forced treatment in psychiatric institutions. This violates both the law and medical ethics. The most famous example from Uzbekistan is Elena Urlaeva, who was forcefully treated on several occasions, mostly August – October 2005. A recent example is President Karimov's cousin – journalist Dzhamsheed Karimov, who was recently found in psychiatric institution in Samarkand, after disappearing for a few days.²

¹ Report of the UN Special Rapporteur on the Question of Torture Theo van Boven, E/CN.4/2003/68/Add.2, para 69.

² Пропавший узбекский журналист Джамшид Каримов обнаружен в психиатрической клинике, Uznews.net 26.09.2006 10:38 msk

- V. The Court system encourages torture, which accepts confessions as a basis for conviction, despite the clear ruling of the Supreme Court that “the confession cannot serve as a sole basis for conviction”;³
- VI. Torture is often reported to be used as a pressure to **extort money** from relatives of the detained;
- VII. Torture in prisons is **widespread**. Conditions (temperature, sanitation, population etc.) in some prisons, such as in Jaslik colony, are inhumane. There is no public access to detention facilities or prisons in Uzbekistan. But the results of one unofficial prison monitorings testify of the widespread occurrence of illnesses such as Hepatitis A and B, Tuberculosis and acute enteric infections.

For this situation, Freedom House has several recommendations:

To the Government of Uzbekistan:

1. International obligations compel Uzbekistan to prosecute individuals for torture.
2. Targeting categories of population in a discriminatory manner, can produce a resentment, which can jeopardize the security of the entire country and the region.
3. Torture should not be used as an instrument against religious people or against those suspected of extremism because it is wrong, it is illegal, and it is counterproductive.
4. Finally, if there is political will to tackle this problem, the Government of Uzbekistan can rest assured that there are enough international governmental and non governmental organizations that can assist any effort to improve legislation and practice with regards to torture.

To the International Community

The further failure by the Government of Uzbekistan to tackle torture and other grave human rights violations must be accompanied by an appropriate action from the international community, including sanctions.

³ Постановление Пленума Верховного суда Республики Узбекистан, 24 Сентябрь 2004.г. 3 В