



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

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**Committee against Torture**

**Information received from Uzbekistan on follow-up to the concluding observations on its fifth periodic report\***

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\* The present document is being issued without formal editing.



## **I. Follow-up information relating to paragraph 10 (a) of the concluding observations (CAT/C/UZB/CO/5)**

1. Criminal procedure law currently prohibits the use of torture or other cruel, inhuman or degrading treatment in criminal proceedings. Specifically, under article 17 of the Code of Criminal Procedure, no one may be subjected to torture, violence or other cruel, humiliating or degrading treatment.
2. Under article 22 of the Code of Criminal Procedure, reports of the use of unlawful methods of collecting or preserving evidence must be investigated without fail and an expert medical examination must be conducted.
3. On 10 August 2020, a presidential decree on measures to further strengthen safeguards for the protection of individual rights and freedoms in forensic investigations was adopted with a view to improving the investigation of criminal cases, ensuring unconditional respect for individual rights and freedoms, improving judicial proceedings and reviewing the system for the collection, consolidation and assessment of evidence in criminal proceedings, taking into account the standards of proof widely used in international best practice. Pursuant to the decree, effective mechanisms have been introduced for preventing acts of torture and other cruel, inhuman or degrading treatment or punishment and for imposing heavier penalties for such acts. The decree also provides that law enforcement agencies should step up their activities in order to uncover crimes more efficiently and to ensure that perpetrators are held accountable for every crime committed and that full compensation is provided for the damage inflicted on individuals, society and the State. Personnel working for institutions that carry out pre-investigation checks, inquiries or preliminary investigations are prohibited from inducing a person to commit illegal acts and from accusing him or her of a crime committed as a result of such inducement. The results of preliminary investigations and police work may be recognized as evidence in court only if they were obtained in accordance with the law and if they demonstrate the suspect's intent to commit a crime and the fact that such intent existed irrespective of the actions of law enforcement officers or other persons who took part in the police work.
4. Under article 95 of the Code of Criminal Procedure, factual evidence obtained illegally or through the denial or restriction of the legally protected rights of persons involved in criminal proceedings or in violation of the Code of Criminal Procedure, including evidence obtained under torture and other cruel, inhuman or degrading treatment or punishment used against persons involved in criminal proceedings or their family members, is inadmissible.
5. Article 235 of the Criminal Code establishes torture and other cruel, inhuman or degrading treatment or punishment as criminal offences. The same article mentions the inadmissibility of evidence obtained under torture or ill-treatment, as set out in article 95<sup>1</sup> of the Code of Criminal Procedure, which prohibits the use of testimony obtained through torture or other cruel, inhuman or degrading treatment or punishment against persons involved in criminal proceedings or their family members.
6. To give effect to the Committee's recommendations, the Senate of the Oliy Majlis, the parliament of Uzbekistan, has set up a parliamentary inquiry in the Ministry of Internal Affairs and the Office of the Procurator General to examine the situation as it relates to crimes involving the use of torture and other cruel, inhuman or degrading treatment or punishment. The Ministry of Internal Affairs has approved and implemented special measures in follow-up to the Senate's decision. A new procedure was established to ensure strict compliance with the 1984 United Nations Convention against Torture and the Code of Criminal Procedure.
7. A total of 9,547 surveillance cameras have been installed in 468 administrative buildings, 91 temporary holding facilities, 13 special holding facilities, 12 rehabilitation centres, 43 penal institutions and 11 remand centres.
8. In the first seven months of 2020, the procuratorial authorities conducted 5,116 inspections of law enforcement agencies and issued 2,783 recommendations to remedy breaches of the law; in addition, 2,742 protests were filed in respect of illegal acts, disciplinary action was taken against 1,229 persons, criminal proceedings were initiated in

respect of 473 cases of grave violations of the law and the violated rights of 3,309 persons were restored.

9. In the first seven months of 2020, the Office of the Procurator General reports having received 1,950 complaints and reports of unlawful actions by law enforcement officers, including degrading treatment, torture, beatings, intimidation and psychological or physical violence.

10. On the basis of these complaints and reports, 1,459 internal investigations were carried out and 1,684 cases were dismissed because they did not involve criminal acts. Criminal proceedings were initiated in 77 cases, pre-investigation inquiries were carried out in 122 cases, and a further 67 cases were referred to other institutions.

11. According to the Supreme Court, in 2019, there were 11 allegations of illegal acts by law enforcement officers raised during trials, including degrading treatment, torture and psychological or physical violence.

12. In the first 11 months of 2020, there were 15 allegations of torture raised in judicial proceedings. In two high-profile criminal cases in the Kashkadarya and Andizhan provinces, criminal charges were filed against 11 internal affairs officials.

## **II. Follow-up information relating to paragraph 13 (c) of the concluding observations**

13. Complaints of torture are examined in accordance with the procedure established by law. In line with this procedure, reports of the use of unlawful methods of collecting and preserving evidence must be investigated without fail by the procurator's office or the courts and an expert medical examination must be conducted.

14. Under article 301 of the Code of Criminal Procedure, a person's acquittal is grounds for rehabilitation. Article 302 of the Code of Criminal Procedure provides that an exonerated person is entitled to compensation for loss of property and reparation of moral injury.

### **Information on individual cases**

15. Kadirzhan Ibragimovich Yusupov, born in 1951 in Tashkent province, worked as a non-salaried adviser to the chairman of the board on issues related to the activities of the Uzbek-Chinese Trade Association. He had previously worked at the Ministry of Foreign Affairs.

16. On 4 December 2018, the investigation department of the State Security Service initiated criminal proceedings against Mr. Yusupov and, on 12 December 2018, Mr. Yusupov was remanded in custody, as a preventive measure. On 20 December 2018, Mr. Yusupov was charged under the first paragraph of article 157 of the Criminal Code.

17. On 9 January 2020, the Military Court found Mr. Yusupov guilty of committing a crime under the first paragraph of article 157 of the Criminal Code and, in application of article 57 of the Criminal Code, sentenced him to 5 years and 6 months of imprisonment.

18. As a citizen of Uzbekistan, Mr. Yusupov was found guilty of deliberately committing treason against the State.

19. During the examination of the criminal case in the court of first instance, the claims of the defendant, Mr. Yusupov, that he had been subjected to psychological pressure during the preliminary investigation, were not confirmed.

20. The criminal case is currently being considered by the cassation instance of the Military Court on the basis of a complaint filed by the defendant's counsel.

21. On 26 June 2019, the Criminal Court of Tashkent found Rashitjon Hamidovich Kadirov guilty of crimes committed under subparagraph (a) of the third paragraph of article 210 and other articles of the Criminal Code and, in application of articles 59 and 61 of the

Criminal Code, sentenced him to 10 years' imprisonment and a fine of 500 times the minimum wage, or 86,120,000 sum, with forfeiture of certain rights for 3 years.

22. A total of 13 persons were convicted in the case.

23. During the trial, the defendant U. Khurramov claimed that he had been subjected to physical and psychological pressure during the preliminary investigation and filed a motion for a forensic medical examination to be ordered.

24. In their testimony to the court, the defendants R. Kadirov, A. Mirzaev, M. Mirzaev, A. Musashaikhov, Z. Faiziev, U. Sunnatov and R. Pulatov also stated that they had been subjected to physical and psychological pressure during the investigation.

25. On 18 April 2019, subsequent to Mr. Khurramov's motion and the testimony of the other defendants, the court ordered a forensic medical examination to be carried out; the results of the examination did not corroborate the defendants' claims.

26. It was not until 22 April 2019 – some four months after the start of the trial – that Mr. Kadirov and the other defendants in question claimed that unlawful methods of investigation had been used against them. Under article 95 of the Code of Criminal Procedure, factual evidence obtained under torture and other cruel, inhuman or degrading treatment or punishment used against persons involved in criminal proceedings or their family members is inadmissible.

27. Under article 22 of the Code of Criminal Procedure, reports of the use of unlawful methods of collecting or preserving evidence must be investigated without fail and an expert medical examination must be conducted, in accordance with the procedure established by law.

28. In compliance with these legal requirements, the presiding judge discontinued proceedings and, on the same day, ordered a forensic medical examination of all the defendants to be carried out.

29. The results of the expert examination of 8 May 2019 found no evidence of injuries of any kind in Mr. Kadirov's case. On 22 April 2019, the judge also ordered an internal investigation into the defendants' allegations, which was entrusted to the Office of the Procurator General. In the course of the internal investigation, Mr. Kadirov admitted that, during the trial, he had deliberately misled the court about the alleged pressure placed on him to recognize the evidence in the case, with a view to reducing the penalty.

30. The other defendants also confirmed that no physical or psychological pressure had been exerted on them during the preliminary investigation by the members of the investigation team or Ministry of Internal Affairs staff and that they had testified and made confessions voluntarily and without coercion, as they had stated in their explanations and testimony.

31. Thus, when considering the case, the court concluded that Mr. Kadirov and the other defendants had claimed that law enforcement officers had used unlawful methods of investigation against them in order to evade criminal responsibility and avoid punishment. This is also borne out by the fact that neither the accused persons nor their family members filed any complaints or made statements about any kind of pressure or violence on the part of the law enforcement agencies during the investigation, and all investigative measures were carried out in strict compliance with the Code of Criminal Procedure.

### **III. Follow-up information relating to paragraph 30 (a) of the concluding observations**

32. On 14 May 2020, an Act amending the Code of Criminal Procedure was adopted with a view to better protecting the rights and freedoms of persons involved in criminal proceedings. Under this Act, law enforcement officers and the courts are required to immediately notify relatives or other persons close to the suspect or the accused of any coercive measures taken in respect of the suspect or the accused, such as detention, remand in custody, house arrest or placement in a medical institution for assessment.

33. On 10 August 2020, a presidential decree was issued on measures for the further strengthening of safeguards for the protection of human rights and freedoms in judicial and investigative proceedings. Pursuant to this decree, medical examinations of detainees and convicted persons serving custodial sentences, as well as examinations of suspects, accused persons and defendants held in temporary holding facilities or remand centres, must be carried out, at the request of the persons concerned or their counsel, by medical personnel of facilities that are not subject to the authority of places of deprivation of liberty.

34. According to this same decree, it must be ensured that a person deprived of his or her liberty can meet in private with a lawyer from the moment of the person's actual detention or upon completion of an operational measure related to the person's apprehension at the scene of the crime, or else between the moment the person is officially informed that he or she is a suspect and the institution of legal proceedings.

35. In order to implement the requirements of the decree, the Office of the Procurator General has prepared bills aimed at introducing amendments to a number of laws and regulations, including the Code of Criminal Procedure.

36. Under article 224 of the Code of Criminal Procedure, detainees must be informed of their procedural rights, including the right to call family members or a personal lawyer, the right to refuse to testify and the right to legal counsel.

37. In this case, the telephone call and the number used must be recorded in the custody log in the presence of witnesses. Following recent amendments to the Code of Criminal Procedure, arrests must be video recorded. If no video recording is made at the time of the arrest, a staff member of the Ministry of Internal Affairs or another law enforcement agency must inform the detainee of his or her procedural rights once on the premises of the Ministry of Internal Affairs or other law enforcement agency and must make a video recording of this explanation; the detainee must subsequently be given a copy of the video recording to watch.

38. The Ministry of Internal Affairs has set aside special rooms, equipped with modern video recording technology, for the questioning of persons who have been taken in to internal affairs agencies. The investigation department of the Ministry of Internal Affairs is working to equip investigators' offices with cameras capable of recording 24 hours a day, so that the actions of investigating officers can be monitored around the clock.

39. A decision by the Senate of the Oliy Majlis of 21 October 2020 provided that the Ministry of Internal Affairs should develop measures in strict compliance with the Convention against Torture and the Code of Criminal Procedure, including:

- To give remand centres access to the "Zoom" programme, in order to allow suspects and accused persons being held in custody to participate in investigative proceedings through videoconferencing.
- To introduce initiatives on cooperation with the public and the media to ensure the transparency of the work of the law enforcement agencies.
- To develop, in cooperation with the Office of the General Prosecutor and the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, short-term training programmes for the staff of remand centres and places of detention on the early prevention of discriminatory behaviour and on improving knowledge and professional and practical skills in respect of laws on the prevention of torture and cruel, inhuman or degrading treatment, to be delivered in 2021.
- To draft a model statute, consistent with international human rights standards, regulating the activities of disciplinary units that deal with prisoners' violations of prison regulations.
- To increase the number of surveillance cameras installed in investigators' offices to 1,340 by the end of 2020 so as to prevent the use of psychological and physical pressure or of inhuman and unlawful methods against the person under investigation.
- To establish the keeping of verbatim records of interrogations in all regional investigative units by the end of 2021, introduce video surveillance and equip special

investigative rooms with the technology needed for the audio and video recording of investigative work.

#### **IV. Follow-up information relating to paragraph 44 (c) of the concluding observations**

40. According to the laws in force (Code of Criminal Procedure, art. 18), public officials, media representatives and other persons have the right to visit penal enforcement institutions and facilities.

41. Ongoing monitoring of prisons and the examination of conditions of detention and treatment of prisoners is carried out by committees of the Legislative Chamber and the Senate of the Oliy Majlis, the procuratorial authorities, the Human Rights Commissioner (Ombudsman) of the Oliy Majlis and the Presidential Commissioner for the Protection of the Rights and Lawful Interests of Business Entities, as well as the National Centre for Human Rights.

42. During the period 2017–2020, prison visits were conducted by the United Nations Special Rapporteur on freedom of religion or belief, Ahmad Shaheed; staff of the Office of the United Nations High Commissioner for Human Rights (OHCHR); representatives of the expert mission of the German Agency for International Cooperation; Steve Swerdlow, Director of the Central Asia Office of the international non-governmental organization (NGO) Human Rights Watch; and UNICEF representatives in Uzbekistan. Representatives of foreign diplomatic missions and international organizations also visit prisons.

43. On 14 March 2019, Act No. ZRU-530, amending the Act on the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, was adopted, thereby extending the Ombudsman's powers to protect the rights of persons in detention and introducing a series of measures to prevent torture and other cruel, inhuman or degrading treatment or punishment (national preventive mechanism).

44. On 30 November 2019, a joint resolution was adopted by the councils (*kengash*) of the Legislative Chamber and of the Senate of the Oliy Majlis, approving regulations governing the activities of the Human Rights Commissioner (Ombudsman) of the Oliy Majlis aimed at preventing torture and other cruel, inhuman or degrading treatment or punishment. Further to these regulations, an expert council for the prevention of torture and other cruel, inhuman or degrading treatment or punishment was established under the Human Rights Commissioner (Ombudsman) of the Oliy Majlis.

45. The expert council is made up of representatives of non-profit NGOs with professional knowledge and practical skills, generally in the fields of law, medicine, psychology and pedagogy, but also other areas.

46. The Ombudsman monitors penal institutions on an ongoing basis. Members of the Legislative Chamber and of the Senate of the Oliy Majlis and representatives of the National Centre for Human Rights also participate in monitoring activities. The Commissioner also invites NGO representatives to participate in monitoring activities; such NGOs include the nationwide movement "Yuksalish", the human rights association of Uzbekistan "Ezgulik", the Institute for Democracy and Human Rights and the Federation of Trade Unions.

47. In the first nine months of 2020, the Commissioner conducted 67 monitoring visits to 40 penal institutions (24 penal colonies and 16 open prisons), 6 remand centres, 5 special holding centres for persons under administrative detention, 8 temporary holding facilities, 2 internal affairs units and 3 rehabilitation centres for homeless persons.

48. The coronavirus disease (COVID-19) pandemic monitoring team, while wearing personal protection equipment, visited 10 penitentiaries (4 penal colonies and 6 open prisons).

49. Quarantine centres in Khorezm Province and Navoiy Province were also visited; Ūrtasaroy, in Tashkent Province, was visited three times.

50. During the period 2015–2019, the Ombudsman received 3,149 complaints from detainees (147 cases in 2015, 211 cases in 2016, 565 cases in 2017, 909 cases in 2018, and 1,317 cases in 2019); in the first nine months of 2020 alone, 1,100 appeals were received.

51. A total of 83 calls were received on the Ombudsman’s helpline from penal colonies in the first nine months of 2020 (103 in 2019 and 30 in 2018).

52. In addition, boxes for the submission of complaints to the Ombudsman have been made available in the penal colonies. The boxes are opened directly by staff members of the Secretariat or by the regional representatives of the Ombudsman.

53. For the first half of 2020, the Ombudsman received 65 complaints about the use of unlawful methods (138 in 2019, 101 in 2018 and 24 in 2017). All complaints were sent to the Office of the Procurator General and to the Ministry of Internal Affairs for review, but no offences under article 235 of the Criminal Code were found to have been committed.

54. Under the Presidential Decree of 29 May 2020 on additional measures for improving the protection of children’s rights, the Ombudsman for Children’s Rights, in order to fulfil his or her tasks and functions, is entitled to regular and unimpeded access to institutions, services and facilities responsible for the care and protection of children, including educational, medical and detention facilities and penal institutions.

55. The Ombudsman for Children’s Rights, whose mandate includes the work of the national preventive mechanism, conducts visits to children’s facilities in order to rule out the use of cruel or degrading treatment. The conditions in place are verified and steps are taken to ensure that proper, humane conditions for children, consistent with international standards on children’s rights, are maintained, including the provision of adequate and nutritionally appropriate food for children, hygiene and personal care items, necessary medicines, medical and social care, accommodation rules, compliance with the law in children’s institutions, organization of psychosocial counselling and support for children and their families.

56. Between March and October 2020, the Ombudsman for Children’s Rights visited more than 50 institutions as part of her monitoring mandate. These educational, medical, detention and penal institutions, located in the city of Tashkent and the provinces of Kashkadarya, Andizhan, Fergana, Namangan, Tashkent and Bukhara, were:

- (a) Children’s colony No. 24;
- (b) “Mehribonlik” homes (orphanages) (7);
- (c) “Muruvvat” children’s homes (4);
- (d) Psychoneurological hospitals (3) and psychoneurological clinics (3);
- (e) Children’s homes (6);
- (f) Centres for social and legal assistance to minors (7);
- (g) Special College of Light Industry for Girls (Kokand);
- (h) Educational institutions (2), SOS Children’s Villages;
- (i) “Ūrtasaroy” quarantine zone of Tashkent province.

57. In addition, a visit was made to women’s colony No. 21, where there is a children’s home for the children of women convicts. The visits included meetings with female prisoners and an inspection of children’s living conditions and nutrition.

58. On 29 May 2020, the Human Rights Commissioner (Ombudsman) of the Oliy Majlis, together with the Office of the Procurator General, held a press briefing about the steps being taken to prevent torture and other cruel, inhuman or degrading treatment or punishment in law enforcement agencies and penal institutions, and the monitoring activities being conducted by the national preventive mechanism under the Ombudsman.

59. In 2020, the National Centre for Human Rights, together with representatives of international organizations and civil society organizations, visited penal institutions and quarantine centres in Kashkadarya and Tashkent provinces.

60. To give effect to the Committee's recommendations, in November and December 2020, the National Centre for Human Rights, together with OHCHR, the United Nations Office on Drugs and Crime (UNODC), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Organization for Security and Cooperation in Europe (OSCE), conducted a series of webinars on the implementation of the Convention against Torture and the Optional Protocol thereto, for judges, senior procuratorial officials, staff working for the justice, internal affairs and customs authorities and security services, and staff of the Ministry of Defence. More than 500 staff and international experts, as well as Victor Zaharia, Vice-Chair of the Subcommittee on Prevention of Torture, participated in the training sessions.

61. A three-day series of training seminars was given in December 2020 on effective investigation and documentation of torture and ill-treatment in accordance with the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). The series was organized by the National Centre for Human Rights, the OSCE Project Coordinator in Uzbekistan and the Regional Office of UNHCR for Central Asia and was targeted at lawyers and personnel of law enforcement agencies, penitentiary institutions and medical institutions in Uzbekistan.

62. Speakers at the training included the Chair of the Committee against Torture, Jens Modvig, and experts from Dignity – Danish Institute Against Torture. Presentations were given on the Istanbul Protocol in Uzbek.

63. The National Centre for Human Rights, together with the OSCE Project Coordinator, translated into Uzbek a publication by the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the Association for the Prevention of Torture consisting of guidance for monitoring penal institutions through the COVID-19 pandemic. This publication has been distributed to civil society organizations, law enforcement agencies and penitentiary institutions.

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