



**International covenant
on civil and
political rights**

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HUMAN RIGHTS COMMITTEE
Eighty-second session

**LIST OF ISSUES TO BE TAKEN UP IN CONNECTION WITH THE
CONSIDERATION OF THE SECOND PERIODIC REPORT OF
UZBEKISTAN (CCPR/C/UZB/2004/2)**

**Constitutional and legal framework within which the Covenant
is implemented. Right to an effective remedy (art. 2)**

1. Please indicate what procedures are in place for the implementation of the Committee's Views under the Optional Protocol. Please indicate what concrete actions were taken following the Committee's Views adopted in respect of the State party in 2004.
2. According to the information before the Committee, a large number of persons sentenced to death were executed, in spite of the fact that they had petitioned the Committee under the Optional Protocol, and in relation to whom the Committee had issued a request under rule 86 of its rules of procedures not to carry out the execution, pending consideration of their cases by the Committee. Please provide full and updated information with regard to the current situation of all prisoners sentenced to death whose communications are pending before the Committee. Please provide information on the steps taken by the State party to prevent such executions in the future.

Equality between the sexes and non-discrimination (arts. 3 and 26)

3. What steps does the State party plan to take to increase the percentage of women in political life and in official positions, especially decision-making positions (CCPR/C/UZB/2004/2, para. 56, table 1)?

4. According to information before the Committee, domestic violence against women is widespread. What legal and protective measures are available to women to deal specifically with domestic violence and abuse of women? What follow-up was given to the recommendation on this matter made by the Committee after considering the State party's initial report in 2001?

Derogations (art. 4)

5. Please specify how the requirement of non-derogation from the rights listed in article 4, paragraph 2, of the Covenant is being guaranteed in the law of the State party in the event that a state of emergency is declared (*ibid.*, para. 61).

Right to life (art. 6); freedom from torture, treatment of prisoners and other detainees (arts. 7 and 10)

6. The crimes punishable by the death penalty have been reduced since the consideration of the initial periodic report (*ibid.*, paras. 68 to 72); has the number of executions been reduced accordingly? Please provide detailed information on the number of executions that have been carried out, the number of prisoners facing the death penalty, the grounds for their conviction, and the number of individuals sentenced to death whose sentences have been commuted, since the consideration of the initial report.

7. Please explain whether the State party intends to modify its practice of carrying out executions in secret, without informing the condemned persons and their families of the date of execution or revealing the location of the burial site of the executed persons.

8. A number of detainees have reportedly died in custody, and there are allegations of persons being tortured to death in detention facilities by security officials. Please indicate the steps taken to investigate such deaths, punish those responsible, and pay compensation to victims.

9. The Committee has before it numerous reports of torture allegedly committed by members of the police and security services. The Special Rapporteur on the question of torture of the Commission on Human Rights has stated that torture and similar ill-treatment is systematic. Please furnish statistics on the number of complaints specifically in relation to alleged acts of torture and ill-treatment by State officials, and on investigations, criminal prosecutions and punishments arising from them (*ibid.*, paras. 90 to 92, and 197 to 198).

10. What concrete steps have been taken to follow up the recommendations of the Special Rapporteur on the question of torture? In particular, please provide details of the specific legislative and other measures which comprise the national plan to combat torture. How does the plan ensure that all allegations of torture will in future be fully investigated by an independent body?

11. Does the State party intend to adopt regulations explicitly prohibiting expulsion, return or extradition to States where there is compelling evidence to suggest that a person may be

tortured (ibid., para. 170)? What measures have been taken with respect to the Committee's recommendation in paragraph 13 of its concluding observations on the initial report (CCPR/CO/71/UZB)?

12. Please provide details about conditions of detention in prisons, including details on levels of hygiene, food and medical care. How does the State party ensure that all persons deprived of their liberty are treated with humanity and respect for their dignity, in accordance with the Standard Minimum Rules for the Treatment of Prisoners? In particular, please comment on allegations that conditions in the Jaslyk prison in Karakalpakstan remain inhumane, that temperatures vary from minus 10° C in winter to 50° C in summer, and that in 2002, two inmates were tortured to death by prison officials.

Security of the person and protection from arbitrary arrest (art. 9)

13. What is the current status of proposals to reduce the length of time that a suspect may be held in custody from 72 to 48 hours, and to remove the penitentiary system from the control of the Ministry of Internal Affairs (ibid., para. 126)? Would the latter apply to the pre-trial detention centres and to the correction colonies?

14. Please elaborate further on the steps undertaken in relation to the institution of habeas corpus, and advise of any concrete plans to introduce judicial supervision of detention (ibid., para. 132).

Freedom of movement and right to leave and to return to one's country (art. 12)

15. Please elaborate on how the requirement to obtain an exit visa in order to leave the country is considered compatible with the State party's obligation under article 12.

No expulsion of aliens without judicial guarantees (art. 13)

16. Please indicate the remedies available, in conformity with article 13 of the Covenant, to persons who face forced removal from Uzbekistan on the grounds that they present a threat to the security of the State or to public order, or on grounds of terrorism.

Right to a fair trial (art. 14)

17. Judges are appointed by the President for a renewable term of five years. Please comment on how this practice is considered compatible with the notion of an independent judiciary, and on whether there are any proposals to amend these provisions as recommended by the Committee in its concluding observations on the initial report.

18. Prosecutors may resort to a variety of investigative techniques without having to apply to a magistrate for permission. Defence counsels have few, if any, investigative resources. Please explain how this is considered to be compatible with the principle of equality of arms protected by article 14, paragraph 1, of the Covenant.

19. There are six different bodies responsible for counter-terrorism. Please indicate what guarantees are enjoyed by persons suspected of terrorist offences. At what moment after their

arrest or detention are they brought before a judge or other officer authorized to exercise judicial power? For how long may their detention be prolonged by decision of the investigating officer, a prosecutor, or a judge? At what stage do such persons have access to legal representation?

20. Please provide further details concerning the concept of terrorism as defined in the Act on Combating Terrorism of 15 December 2000. What are the criteria used to classify an act as a terrorist act, and which courts are competent in this respect?

21. According to information before the Committee, as part of efforts to combat terrorism, several persons have been found guilty on the sole basis of confessions obtained under torture while they were held in custody, and, in that context, other persons have been tried together in summary trials: what is the situation in this respect?

Freedom of religion (art. 18)

22. Please advise whether the Law on Freedom of Conscience and Religious Organization requires that religious groups and congregations be registered, and that religious services be conducted only by registered religious organizations. Please provide information on the criteria that still exist for registration, and explain how any such limitations are considered to be compatible with article 18, paragraph 3.

23. Please comment on reports that Muslims who practise their religion outside of Government-controlled institutions face harassment by the authorities, and that there are some 6,000 individuals imprisoned for crimes relating to the peaceful expression of their religious beliefs.

Right to freedom of expression, assembly and association (arts. 19, 21 and 22)

24. Journalists have reportedly been put under pressure by State officials. Please provide information on the number of journalists arrested, prosecuted, charged or sentenced to fines and prison terms in relation to their professional activities.

25. Please comment on allegations that the authorities have refused to register political parties and intimidated a number of members of opposition parties. Has the State party revised its laws in relation to the registration of political parties, in accordance with the recommendations of the Committee following consideration of the initial report?

26. What criteria apply to the registration of a non-governmental organization? What financial and other controls are placed on the activities of non-governmental organizations? Please provide details on (a) the number of non-governmental organizations which have been denied registration and the principal grounds of denial, and (b) the number of persons arrested or punished in this relation. What follow-up was given to the recommendation in relation to non-governmental organizations made by the Committee after considering the State party's initial report in 2001?

Rights of the child (art. 24)

27. Please provide information on the situation of children held in custody, and advise what steps have been taken to implement the Committee's recommendation on this question in the concluding observations on the initial report.

Dissemination of the Covenant and the Optional Protocol

28. Please indicate what steps have been taken to disseminate information on the submission of the second periodic report and its consideration by the Committee, as well as on the concluding observations adopted by the Committee after considering Uzbekistan's initial periodic report (paragraph 29 of the Committee's concluding observations on the State party's initial report).
