

Public

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To: Health Professional Network  
From: Health and Human Rights Team  
Date: 15 November 2007

### Ongoing health concern

**Iskandar Khudaiberganov**

**Uzbekistan**

(For further information see: HP Action: EUR 62/009/2006)

#### Summary

Iskandar Khudaiberganov, held on death row in Tashkent prison, Uzbekistan since November 2002, was diagnosed with tuberculosis (TB) in 2004. At no stage has he received adequate medical treatment for the disease. As Uzbekistan moves to put into effect a new law replacing the death penalty with life long imprisonment, there is no clarity as to how individual cases will be reviewed, and some relatives expressed concerns that prisoners may be transferred to other prisons where conditions may be harsher and access to necessary medical treatment also denied.



#### Background information

Iskandar Khudaiberganov was sentenced to death on 28 November 2002. Amongst the charges against him were the capital offences of "terrorism", "premeditated, aggravated murder" and "attempting to overthrow the constitutional order".

According to some local non-governmental organizations (NGOs) there could be hundreds of prisoners currently under sentence of death held in conditions which amount to cruel, inhuman and degrading treatment. According to the NGO Mothers Against the Death Penalty and Torture, there were at least 38 people held on death row in Tashkent prison (six of whom were sentenced in the first half of 2007), of whom 20 are reportedly infected with TB. A doctor is employed in the prison but reportedly few medicines, including appropriate treatment for TB, are available. Prisoners get a chest X-ray once a year.

**Iskandar Khudaiberganov's** sister told AI: "The police took away all photographs we had of my brother. The only photo that is left is his student ID photograph."  
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The air in the prison cells is said to be stagnant and the ventilation system not working. A pan or a hole under one of the bunks serves as a toilet. Food is of poor quality and families are not allowed to deliver food to death row prisoners. Poor prison conditions including poor diet may lower the immune system, which in turn may contribute to making a prisoner more susceptible to developing active TB. Prison conditions on death row in Uzbekistan as described to AI, do not meet international standards, including the Standard Minimum Rules for the Treatment of Prisoners (Rule 12) which stipulates requirements such as the need that *“sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner”*.

Iskandar Khudaiberganov’s sister informed AI that he does not receive any medical treatment from the authorities. The family are able to provide him with some anti-TB drugs, but this drug combination may be incomplete which, along with possible breaks in treatment, risks the development of drug resistant strains of the disease. Iskandar Khudaiberganov’s sister and father visited him on the 27 September 2007, and according to his sister Khudaiberganov was feeling depressed, and had grown very thin.

#### *Legal developments:*

In Uzbekistan, a new law adopted by the Uzbekistani Senate on 29 June 2007 will amend the criminal, criminal procedural and criminal executive codes by replacing the death penalty with life or long-term imprisonment. The law is scheduled to come into effect from 1 January 2008, marking the formal abolition of the death penalty in Uzbekistan. Amnesty International has called upon the authorities of Uzbekistan to promptly introduce moratoria on executions and death sentences pending full abolition. It is not currently known publicly how the death sentences of Iskandar Khudaiberganov and other prisoners will be reviewed in light of scheduled abolition of the death penalty, or about ongoing detention arrangements. According to his sister, Khudaiberganov had expressed concern that he will be transferred to a new prison in Jaslyk, where he believes conditions could be worse than those in Tashkent prison.

#### **Recommended action**

Please write to the authorities below:

- Introducing yourself as a health professional concerned at the ongoing denial of appropriate medical care to Iskandar Khudaiberganov.
- Urging the authorities to provide Iskandar Khudaiberganov and other prisoners suffering from tuberculosis with appropriate medical treatment – DOTS (directly observed treatment short course) - for TB as recommended by the World Health Organization;
- Calling on the authorities to provide prisoners with food of nutritional value adequate for health and strength;
- Urging the authorities to disclose the details of how the death sentences of Iskandar Khudaiberganov and other prisoners will be reviewed in the light of scheduled abolition of the death penalty on 1 January 2008.
- Urging the authorities to promptly commute the death sentence of Iskandar Khudaiberganov and fellow death row inmates in the spirit of the abolitionist measures undertaken by the authorities.

#### **Addresses**

##### President

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**Salutation: Dear President Karimov**

Minister of Internal Affairs

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**Salutation: Dear Minister Matliubov**

Head of Tashkent prison administration

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Please also write to diplomatic representatives of Uzbekistan accredited to your country.

If you receive no reply within six weeks of sending your letter, please send a follow-up letter seeking a response. Please send copies of any letters you receive to the International Secretariat, attention of Health and Human Rights Team, 1 Easton Street, London WC1X 0DW or e-mail: [health@amnesty.org](mailto:health@amnesty.org)