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Uzbekistan: The government should ensure the concrete and effective implementation of the recommendations of the UN Committee against Torture as a matter of priority

Amnesty International is urging the government of Uzbekistan to take effective action to implement in practice the recommendations of the United Nations (UN) Committee against Torture (CAT), which published its concluding observations and recommendations on 23 November 2007. These were issued following the CAT's examination on 9 and 11 November of Uzbekistan's third periodic report setting out the country's compliance with the UN Convention against Torture and Uzbekistan's written replies to a list of issues raised by the CAT at its pre-session in May.

In its conclusions the CAT reiterated its concern at the "numerous ongoing and consistent allegations concerning routine torture and other cruel, inhuman or degrading treatment or punishment [...]" and regretted the "failure to conduct prompt and impartial investigations into such allegations [...]", both concerns shared by Amnesty International over a long period of time.

More concrete and positive actions such as the introduction of habeas corpus (judicial supervision of detention) and the abolition of the death penalty -- which will enter into legal force on 1 January 2008 and which the CAT has welcomed - are urgently needed to safeguard the rights of Uzbekistani citizens and offer them protection from the arbitrary actions of law enforcement and other state officials.

Even though laws enacted by the authorities safeguard the rights of detainees, internal regulations left it to the discretion of individual law enforcement officials as to whether detainees were allowed access to a lawyer of their choice, family members and medical practitioners. The Committee was "concerned that these rules create conditions where abusive practices are sanctioned". A pertinent example of such abusive practices is the reported beating in detention at the end of November this year of Ikhtior Khamroev, who is serving a three-year prison term for hooliganism. He is the son of human rights defender Bakhrom Khamroev, who was told by other prisoners that Ikhtior had been severely beaten by prison guards and had also suffered stab wounds, although the circumstances were not clear. The prisoners claimed that he received no medical treatment and was locked up in a punishment cell. The prison director has refused to give information about Ikhtior Khamroev's state of health and his exact whereabouts. He has not allowed Bakhrom Khamroev or a legal representative to visit Ikhtior. The absence in practice of a fully independent system for monitoring detention facilities compounds the difficulties of investigating allegations of ill-treatment such as this and adds to the distress of relatives. Amnesty International is urging the authorities to ensure that in practice all places of detention are monitored by independent national and international organizations without restrictions so that allegations of torture or other ill-treatment are investigated promptly and impartially.

Amnesty International welcomes the CAT's call to Uzbekistan to "apply a zero-tolerance approach to the continuing problem of torture, and to the practice of impunity" and its exhortation to the authorities to "publicly and unambiguously condemn practices of torture in all its forms".

Despite repeated assurances that the government is taking necessary measures to combat torture Amnesty International is not aware of any outright and absolute public condemnation of torture by the highest authorities in Uzbekistan, as recommended by the UN Special Rapporteur on torture in 2003.

In the light of the Uzbekistani authorities' continued refusal to allow an independent international investigation into the mass killings in Andizhan in May 2005 Amnesty International was greatly encouraged by the Committee's urgent recommendation that the Uzbekistani authorities "should take effective measures to [...] institute a full, effective, impartial inquiry into the May 2005 events" and that "[i]n accordance with the recommendations of the High Commissioner for Human Rights and others, [...] credible, independent experts conduct this inquiry". The Committee also expressed concern that the authorities "ha[d] limited and obstructed independent monitoring of human rights in the aftermath of these events, thereby further impairing the ability to obtain a reliable or credible assessment of the reported abuses, including ascertaining information on the whereabouts and reported torture or ill-treatment of persons detained and/or missing."

Background:

Prior to the CAT's examination of Uzbekistan's third periodic report Amnesty International had written to the Committee pointing out that many of the concerns raised by the Committee in 2002 following Uzbekistan's second periodic report were still relevant and pressing and that many of the Committee's recommendations were yet to be implemented in practice.

In addition, Amnesty International drew the Committee's attention to some of its concerns relating to the May 2005 Andizhan events, when hundreds of people, including women and children, were killed after security forces opened fire on mostly peaceful demonstrators. Several hundred people, including human rights activists, were sentenced to long prison terms for their alleged involvement in the Andizhan events, the vast majority after closed or secret trials. There were allegations that some of those charged were subjected to torture or other ill-treatment in pre-trial detention. The authorities have continued to reject calls for an independent international investigation into the Andizhan events and have insisted that two rounds of expert talks under the auspices of the European Union which took place in December 2006 and April 2007 constituted an international investigation. Although Amnesty International welcomed the expert talks it holds the view that such an initiative cannot substitute an independent international investigation into the Andizhan events. The expert talks did not meet international standards for an effective, independent and impartial investigation, including the UN Principles on the effective prevention and investigation of extra-legal arbitrary and summary executions