

Appendix # 4

Torture and similar ill-treatment in Uzbekistan

Legislative, administrative, judicial and other measures on torture prevention (article 2 of the Convention against Torture)

After having amended article 235 of the Criminal Code, the Uzbek Government continued to introduce several legislative, administrative, judicial and other types of measures. They were regarded by the governmental officials and mass media- those which are controlled by the State- as promoting torture prevention and implementation of Uzbekistan's international obligations under the CAT. However, the study we made on these measures demonstrated that most of them are not significant, have poor or almost no influence on the insufficiencies of the criminal justice system and are directed to achieve only superficial changes.

In 2004, the Uzbek Government stated that a law "On detention of persons suspected or accused of crimes" was drafted. The purpose was to define such persons' legal status, their rights and obligations, the procedure governing their detention in pre-trial custody, the applicable conditions and procedures to conduct inspections, including civilian checks, and any element on the safeguard of detainees' rights and freedoms.¹ However, to date, such a law did not pass.

According to the Third Periodic Report of the Uzbek Government, "...in the interests of a thorough and high-quality legal defense of the detainees and suspects' rights and liberties, the Central Investigation Department [of the MVD], in conjunction with the Uzbek Bar Association, drew up and introduced Regulations on the procedure for upholding detainees, suspects and accused persons' right to a defense at the pre-investigative and pre-trial investigation stage so as to protect suspects' and accused persons' rights and interests, in particular at the initial stage of the investigation. These give detainees the right to counsel from the moment of the detention (i.e. not more than 24 hours after the detention is effected) and to have a confidential discussion. Accordingly, in every investigation department, there is a legal advice unit with lawyers, on call day and night, available to defend detainees' rights and interests."² This measure was introduced in response to recommendations (m) the UN Special Rapporteur, Theo van Boven, addressed to the Uzbek Government.³

However, according to our study, these Regulations, signed between the Central Investigation Department of the MDV and the national Bar Association, were initially launched as a pilot project limited to the Tashkent city, the capital, and they never reached the provinces of Uzbekistan. To date, they do not operate anymore.

According to the official statements, the Uzbek Government lately set up new units within some State organs. There are in charge of prevention of human rights violations, including the issue of torture.⁴

¹ Appendix # 2, Progress report on the programme of action to comply with the Convention against Torture and the recommendations of the Special Rapporteur, Mr. Theo van Boven, to the Third periodic report of the Uzbek Government to the CAT.

² Ibid §104, page 19 and §197, page 32

³ Recommendation (m) - "Given the numerous reports of inadequate legal counsel provided by State-appointed lawyers, measures should be taken to improve legal aid service, in compliance with the United Nations Basic Principles on the Role of Lawyers".

⁴ For example, the State report mentions, "...pursuant to a Ministry of Internal Affairs [the MVD] decision, dated on May 22, 2003, Ministry Order No. 187 establishing a central commission on human rights observance was issued on June 24, 2003. Appended to the Order was a programme of action to promote regard for the law and ensure that internal affairs organs uphold human rights, and a draft plan for the further development and improvement of the Ministry's penal enforcement system up to the year 2010. Pursuant to that Order, the central commission was set up under the chairmanship of the Deputy Minister of Internal Affairs. Instructions have been issued that the commission is to receive, for analysis and interpretation, monthly reports on local activities"- see State report §37, page 9. Further indications are included in the appendix # 2 to this report. There, the government states such new units under the organs of State were created in response to recommendation (g) of the UN Special Rapporteur, van Boven, "The Ministry of Internal Affairs and the National Security Service should establish effective procedures for internal monitoring of the behavior and discipline of their agents, in particular with a view to eliminate practices of torture and similar ill-treatment. The activities of such procedures should not be dependent on the existence of a formal complaint".

The State Report goes on mentioning that, in order to establish effective procedures for internal monitoring of agents' behavior, and especially to eliminate recourse to torture and similar ill-treatment, "...the senior management in the National Security Service [the SNB] instructed all units, in 2003, in a written telegram⁵, that in the event of violations by the Service staff of citizens' legitimate rights, not only the culprits but also their unit commanders would be held accountable".⁶ It should be mentioned that the Inspection of the National Security Service, a special unit within the SNB, is also authorized to accept individual communications on torture from alleged victims of torture, their lawyers, relatives and NGOs, if torture or similar ill-treatment was allegedly committed by the SNB inquiry officers or investigators. A new Department of Human Rights under the Ministry of Justice of Uzbekistan was created pursuing the same goal in 2003. In principle, it is allowed to receive individual complaints on alleged human rights violations cases, including alleged torture case.⁷

However, all of the above-mentioned three measures remain at the structural level. Ineffectiveness of those newly created units appears to be clear due to the following reasons:

- Those units operate on the basis of the rules and regulations that are rarely accessible to persons who might be affected by their activities – they are usually not published or otherwise made available to potential victims of human rights violations, their families, their lawyers and NGOs. For example, it is very difficult to assess the measures on establishing effective procedures for internal monitoring of the behavior and discipline of the MVD or SNB officials, by the Instructions of the senior managements of those two structures. The reasons are that (a) one normally won't have an access to such instructions, and (b) an instruction is not a law, it is more "an internal document"
- Lack of transparency and real public scrutiny in the activity of those new units
- Officials of those newly created units are overload with work– within these units, many positions are held by the law enforcement officials, who are simultaneously and permanently involved in other types of law enforcement job. Therefore, they regard his/her job within the units as a secondary one; in addition, traditionally -since the Soviet period-, in important State organs, working for those units, that is dealing with citizens' complaints and appeals, has been regarded as "not prestigious".

On February 24, 2004, the Uzbek Government created an Interdepartmental Working Group of the Government of the Republic of Uzbekistan on Prevention of Torture.⁸ This structure was set up in response to the recommendations of the UN Special Rapporteur, after his visit to Uzbekistan, in December 2002, and to the resolutions and concluding observations of the UN CAT on Uzbekistan. The Working Group is composed of representatives from different Uzbek State organs, which are related to the criminal justice system and law enforcement. The Working Group is far from being a representative body. Indeed, the Uzbek civil society only participates in a limited way, and is solely represented by pro-governmental institutions and GONGOS, such as the National Center for Human Rights, Tashkent Institute of Law, National Bar Association and Public Opinion Center "Ijtimoiy Fikr". In another hand, human rights groups and independent NGOs are completely left out from this group. The activity of the Working Group lacks transparency and regularity. Its work is limited to regular roundtable discussions between the representatives of different Uzbek law enforcement bodies. It is not a real governmental organ with decisions-making power. There is no criteria to evaluate the activity of this Working Group.

⁵ Telegram # 8u/074 of the chief of the National Security Service to all units reading that in the event of abuse of the citizen's lawful rights by NSS officers not only wrongdoers but also the heads of the units will be held responsible for it. The Uzbek government argues that this telegram has established a regulatory framework for internal monitoring of the behavior and discipline of the agents of the NSS. By all means, the telegram of the chief of the NSS can't establish or substitute a framework for internal monitoring of the behavior and discipline of the agents of the security service.

⁶ Appendix # 2, Progress report on the programme of action to comply with the Convention against Torture and the recommendations of the Special Rapporteur, Mr. Theo van Boven, to the Third periodic report of the Uzbek Government to the CAT.

⁷ Ibid.

⁸ The Working Group was created in pursuant to the Decree of the Cabinet of Ministers of the Republic of Uzbekistan from February 24, 2004.

The State's jurisdiction regarding the facts of torture and cruel treatment (articles 6, 7, 8, 9 and 10 of the Convention against Torture)

Art. 6 of the CAT prohibits the use of evidence obtained by recourse to torture or similar ill-treatment. Part 2 of art. 88 of the Criminal Procedural Code of Uzbekistan prohibits law enforcement bodies to extract self-incriminating testimonies, explanations, conclusions and to carry out experimental actions or to prepare and provide necessary documents by the use of force, threats, lies and other illegal measures. Art. 88 of the CPC also prohibits law enforcement agents to carry out actions which could be dangerous for persons' life and health and degrade their dignity and honor.

The Uzbek CPC, that is the main law for the criminal justice system, does not explicitly rule out the legality of evidence obtained through torture or similar ill-treatment.

However, part 19 of the Supreme Court Resolution # 17, states, "*Evidence obtained with the application of torture, force [harassment], threats, cheating, severe treatment against human dignity or other illegal measures, as well as in violation of the right of the suspect or accused, cannot be used as a basis for accusation. Inquirers, investigators, procurators and courts (judges) have to ask freed persons about the treatment they received during the inquest or investigation, as well as about conditions in custody. A thorough examination on each allegations of torture must be conducted. It includes forensic medical attestation [certification] and both procedural and legal measures, such as initiating a criminal case against official persons*".

It should be noted that the Supreme Court Resolutions have only recommendatory force for state organs in Uzbekistan and is not a law.

The right to redress (article 14 of the Convention against Torture)

The Uzbek Government failed to put in place an adequate system of reparation and rehabilitation to promptly give reparation to the persons when there is credible evidence that they were subjected to torture or similar ill-treatment.

The government report states that the Criminal Procedural Code of Uzbekistan refers to articles 985-991 of the Civil Code of Uzbekistan. These provisions deal with the procedure for compensating victims of torture and of similar cruel treatment, for moral prejudice. This entitlement is laid down in a decision of the Supreme Court of April 28, 2000 : "*Some issues with the application of the law on compensation for moral prejudice*". According to the government report, this question is also under consideration before the Interdepartmental Working Group, to monitor the observance of human rights by law enforcement agencies. It takes part of the plan of compliance with the Committee against Torture's recommendations and with a view to improving the system for compensating or rehabilitating torture victims.⁹

No system for compensating or rehabilitating torture victims is set up. The reluctance of the Uzbek courts and other law enforcement bodies to recognize a fact as torture or as a similar ill-treatment and to state that testimonies or evidence someone obtained from torture is non-admissible, puts up huge barriers for creating a system of compensation and rehabilitation for torture victims. Rehabilitation centers in the administrative centers of each region and district provide assistance to former prisoners in employment, health and re-socialization issues, but do not address specifically the issue of post-torture rehabilitation.

Because the shadow report team do not receive responses to its written inquiries about the number of Uzbek law enforcement officers charged (and punished) with committing acts of torture or similar ill-treatment against persons, we could only rely on and comment official information of the third periodic report of the Government of Uzbekistan. The chart on the number of Uzbek law enforcement officers who were charged with committing torture, does not reveal the real situation.¹⁰ While calling it a "*chart on the*

⁹ See Appendix # 2, Progress report on the programme of action to comply with the Convention against Torture and the recommendations of the Special Rapporteur, Mr. Theo van Boven, to the Third periodic report of the Uzbek Government to the CAT.

¹⁰ See Section 184 of the third periodic report of the Government of Uzbekistan.

number of officials brought to different types of responsibility (disciplinary, administrative and criminal) for committing torture and similar ill-treatment”, the government report does not specify the types of responsibility and sanctions against the perpetrator. This allows us to conclude that Uzbek Authorities failed to bring the perpetrators of torture or of similar ill-treatment to responsibility. Our experience demonstrates that, still, in many cases, perpetrators of torture or of similar ill-treatment in Uzbekistan might only face disciplinary measures.

According to the National Security Service statistics, mentioned in the governmental report, over 490 million SUM were paid as damages in 2002; in 2003, it amounted to 850 million SUM and US\$ 450,000.¹¹ It is not clear, from the State report, to what types of damages do those figures relate and whether they cover damages for the recognized victims of torture or similar ill-treatment.

During the reporting period, we could not find out the total number of recognized torture victims to whom it was given adequate reparation by the State, the total amount of money given out to the recognized torture victims as compensation or the number of recognized torture victims who were rehabilitated. There is no effective or practical system to redress for recognized victims of torture and no system for recognized and rehabilitated victims of torture to protect them from the revenge of perpetrators. The third periodic report of the Government of Uzbekistan mentions that in 2004, 14 officers of the Ministry of Internal Affairs were charged under criminal law with overstepping their official authority, abuse of power and extracting forced testimonies from other persons.¹² According to the information we have, no state official was charged under art. 235 of the Criminal Code of Uzbekistan (Torture) after this article was amended - the term “torture” was included into, in 2003.

Non-admissibility of testimonies, obtained under torture and prohibition that statements made under torture being used as Evidence (article 15 of the Convention against Torture)

In 2003, the UN Special Rapporteur against torture recommended the Uzbek Government to take legal, administrative and other measures to ensure in practice absolute respect for the principle of inadmissibility of evidence obtained by torture in accordance with international standards. The Code of Criminal Procedure of Uzbekistan does not directly secure neither a clause of non-admissibility of these kind of testimonies nor the prohibition of statements made under torture.¹³

In December 2003 and September 2004, accordingly, two Resolutions of the Supreme Court of Uzbekistan were adopted. Those Resolutions explicitly established non-admissibility of testimonies obtained under torture. The Supreme Court Resolution # 17 from December 2003 mentions that evidence obtained by torture, force, threats, deceiving, and other cruel or human dignity degrading treatment or any other illegal means, as well as in violation of the rights of the suspect, cannot represent the basis of an accusation. Moreover, under this Resolution, inquirers, investigators, procurators and judges must ask a person released from pre-trial detention about how he/she was treated, including what were the detention conditions. Each statement of a person who was brought out of a place of pre-trial detention about application of torture or other illegal methodologies of inquiry or investigation must be thoroughly investigated, including checked through conducting of forensic conclusion, and upon the results of such investigation procedural and other legal actions should be taken, including a decision on opening a criminal case against the responsible officials.¹⁴

Unfortunately, none of these is followed in practice. Furthermore, contrary to what is asserted by the State party, these Resolutions are seen as a secondary source of law in Uzbekistan and are not legally binding for the State bodies and agents. It is therefore necessary that the national legislation itself be amended to explicitly prohibit statements made under torture.

¹¹ See Appendix # 2, Progress report on the programme of action to comply with the Convention against Torture and the recommendations of the Special Rapporteur, Mr. Theo van Boven, to the Third periodic report of the Uzbek Government to the CAT.

¹² See Section 185 of the third periodic report of the Government of Uzbekistan.

¹³ See Articles 88 and 92-94 of the Criminal Procedural Code of Uzbekistan.

¹⁴ See Section 19 of Resolution # 19 of the Supreme Court of Uzbekistan.

Individual cases:

(1) The following young residents of Urgutsk region were arrested by the representatives of Samarkand oblast Department of Internal Affairs in April 29, 2006:

1. Akhadov Gafur Gulamovich;
2. Aliyev Dzhamshid Amriyevich;
3. Usupov Azam Rakhimbayevich;
4. Ekubov Rofe Nazhmiyevich;
5. Ibodullayev Azam Hikmatullayevich;
6. Dadamirzayev Ibrokhim Akhmadzhanovich;
7. Batyrov Ilkhom Rakhmanovich;
8. Gaphurov Sobir Uktamovich.

Each person was charged with violating the following articles of the Criminal Code: article 159 (Encroachment on the constitutional status of the Republic of Uzbekistan), 244-1 (Production and distribution of materials against public security and public order), 242 (Organizing a criminal association), 165 (Extortion), 189 (Violation of trading and servicing rules), 190 (Practicing business without a license), 209 (Official forgery).

In April 29, 2006 after warrantless searches conducted in the houses and places of work (trading posts) of the eight alleged victims and their families, about 20 people were taken to the Samarkand oblast Department on Internal Affairs. The arrested people were kept there for 3 days without registration.

Arresting officers also violated article 225 of the Uzbek Criminal Code requiring law enforcement agents to immediately record the following information: the names of the arrested, the names of those who undertook the arrest, when the seizure took place, and other details about the arrest. From the moment of arrest, the eight young men were not allowed to consult with the attorneys their parents had hired, pleas from family members notwithstanding. Three days later, May 1, 2006, they were provided with state attorneys.

Employees of the Samarkand oblast Department of Internal Affairs tortured and applied other illegal interrogation methods to elicit false evidence and confessions from the eight prisoners and their family members. Every detainee was subjected to torture; however, three examples demonstrate the nature and extent of abuse.

G. Akhadov was arrested in April 29, 2006 at 5 p.m, although the arrest is officially recorded on April 30. Policemen beat his heels with a baton, sent electric shocks through parts of his body and drove in needles under his nails. Mr. Akhadov fainted several times during his examination. A forensic medical examination's recorded that the injuries and bruises throughout his body and under his eyes, noticeable even after 6 months of the interrogation, resulted from "falling off a mulberry tree". Policemen tortured Mr. Akhadov until he signed a criminal confession. A year later, Mr. Akhadov continues to demonstrate extreme anxiety when questioned about these events.

G. Akhadov was accused of associating with Sherzod Aminov, an alleged member of "Hizb Ut-Takhrir", convicted in March 18, 2004, not long before G. Akhadov had been released from the prison. The two did not have time or the opportunity to meet. Multiple members of the local community an RRG representative interviewed claim with certainty that none of the arrested, including Mr. Akhadov, were ever associated with a religious extremist organization.

Another detainee from the Urgutsk region, D. Aliyev, was arrested at 4 p.m. in April 29, 2006, at his work place at the trading point. Policemen beat him with a baton on his heels and throughout his body.

They also tortured him with electric shock. The forensic medical examination explains the injuries and bruises on his body were "the results of falling from the roof". When he refused to sign a confession, the detectives threatened to throw him out of the third story window of the Department on Internal Affairs and register his death as suicide "during an effort to escape". Mr. Aliyev signed a confession.

A. Usupov was seized at 4 p.m. in April 29, 2006 in his store. The police report of the arrest is dated May 1, 2006. He was also tortured. His feet and his whole body were covered with bruises six months after the interrogation. Forensic medical examination indicated that "the bruises on the body of the defendant resulted from falling from a hill". The trauma of his torture caused Mr. Usupov to urinate in his pants several times during his trial.

A. Usupov was accused associating with a local resident, Nizam, who allegedly introduced children to religiously extremism "Hizb Ut-Takhrir" teachings. Nizam was recently imprisoned. Mr. Usupov claims to have visited him twice for prayer study. When A. Usupov learned about Nizam's alleged ties with "Hizb Ut-Takhrir", he has stopped all visits.

Our interviews in and around Urgutsk found that 28 out of 40 witnesses claimed to have been tortured or subjected to other cruel, inhumane or humiliating methods during their interrogations. All relatives of the convicted were interrogated without their consent, in violation of article 116 of the Criminal Code of the Republic of Uzbekistan. Their testimonies also are violation the clauses 3-3 b, c, d, e of the Resolution from Plenum of the Uzbek Supreme Court as of September 24, 2004 № 12 "On some issues of application of the criminal law, on admissibility of evidence". Although the RRG collected evidence of multiple violations, three examples demonstrate the pattern of abuse of the part of law enforcement officials.

One witness, 14 years old A. Latipov, was arrested on April 29, 2006, when he and his mother, Gulchekhra Aliyeva, were in the store owned by G. Akhadov. The police report dates his arrest May 3, 2006. He was interrogated alone, without the presence his attorney, his parents or his teachers. As a witness, Latipov was beaten on his head and heels with a baton, causing contusions on his head and severe bruising on his body. He was pressured to confess that his uncle, D. Aliyev, had taught him extremist prayers. As a result of his traumatic experience, A. Latipov does not remember when and under what circumstances he signed the false testimony against his uncle.

The witness Rakhilya Aliyeva was also subjected to various humiliations and acts of torture. Completely naked, she was beaten with a baton until she lost consciousness. She came back to consciousness only after being doused with water. In semi-consciousness, she overheard the policemen discussing whether or not she was still alive. R. Aliyeva does not remember when and under what circumstances she signed the testimony he torturers had composed on her behalf. She was forced to sign a document promising to maintain "the secrecy of the investigation", with a disclaimer forbidding official complaints.

Another witness, Gulchekhra Aliyeva, also arrested in April 29, 2006, was beaten with a baton on her heels, and forced to sit wearing only her underwear in the presence of 15 to 20 people. She does not remember when and under what circumstances she signed a false testimony against G. Akhadov. Aliyeva also claimed she was forced to sign a pledge to keep "the investigation a secret" and a statement promising not to file complaints with any organization. She was threatened with more severe punishment if she did not honor her pledges.

(2) On March 1 2007 at 21:30 at night Ablyamitov Server was detained in his house in Yangiyul district of Tashkent region by Rustam, an operative officer of Mirzo Ulugbek district of Tashkent city followed by another unknown operative and a police driver. His relatives were told he would be taken to Tashkent for an interrogation as a witness on one of the criminal cases. At about 22:30 A.S. was brought in to one of the rooms of Mirzo Ulugbek district Interior department. He was hand-cuffed in a sitting position to a heating system of the room near an open window. He had to remain in this position sitting hand-cuffed on the concrete floor near an open window till 15:00 p.m. March 2 2007. A.S. was denied access to bathroom facilities, food and warm clothes. He was interrogated for more than 5 hours. The investigators pressed him and asked him to provide testimonies against two suspects whom he allegedly knew. He was threated with being charged as an accomplice of those suspects. One of the suspects unknown to A.S. were brought in to the room and severely beaten by the operative of Mirzo Ulugbek district Interior department with fists in the face and body. After this the investigator again pressed A.S. and demanded to

testify against the two suspects. As a result of long hours spent on the concrete floor and near the open window A.S. has got a kidney disease.¹⁵

The Uzbek CPC prohibits arrest and detention of a witness. After the detention of A.S. the inquiry officers of Mirzo Ulugbek Interior department failed to fill in a protocol of detention, and explain procedural rights of a detainee to A.S. While this report was being prepared, A.S.'s public defender and lawyer have submitted appeals to Mirzo Ulugbek district procurator asking him to open a criminal case against unlawful actions of the inquiry officers of Mirzo Ulugbek district Interior department.

(3) Around 8:00 pm on March 27, 2007, Bahodir Abduzhabbov, an Inspector with the Ferghana city Internal Affairs Department (FCMI), approached Mr. Shokhrukh Ismoilov at the latter's computer store on Hasanov Street and demanded that Mr. Ismoilov copy pornographic material onto a DVD disk. Upon Mr. Ismoilov's refusal, Mr. Abduzhabbov struck Mr. Ismoilov in the head, verbally insulted him, and threatened to return later for further retaliation.

At about 9:00 am the following day of March 28, Mr. Abduzhabbov and five local policemen returned to Mr. Ismoilov's place of work in a "Damas" vehicle. The group demanded that Mr. Ismoilov travel with them to the FCMI. After he refused, the policemen began to assault Mr. Ismoilov inside his store. When the resulting noise attracted potential witnesses from the surrounding businesses, the policemen twisted Mr. Ismoilov's arm and lead him to their car. On the way to the FCMI, Mr. Ismoilov managed to yell his intended destination to an acquaintance through the car window; this acquaintance later informed Mr. Ismoilov's father about his son's whereabouts. On the way to their destination, the policemen continued to hit Mr. Ismoilov in the head and the trunk of his body.

Upon arriving at FCMI, the policemen holding Mr. Ismoilov led him to a room on the fourth floor. The policemen then stripped him naked, handcuffed him, and for almost an hour proceeded to beat him. The beating primarily consisted of close fist strikes to his face and stomach as well as kicks to Mr. Ismoilov's legs, head and stomach. They also picked him up by his arms and legs and threw him to the floor. Realizing the beatings had caused him acute nausea, the policemen released Mr. Ismoilov but with threats of further reprisal.

Mr. Ismoilov struggled to return to his computer store, where his father and many of the original witnesses were waiting. Entering the store, Mr. Ismoilov crawled to his father, severely injured. Mr. Ismoilov's father then drove him to the Fergana regional Bureau of Forensics, where he was refused entry on the basis of the lack of an official directive (in Uzbekistan, forensic professionals only conduct examinations with the permission and upon official directive from a government agency). Other relatives drove Mr. Ismoilov to the regional medical center, where he was immediately accepted for emergency treatment.

Mr. Ismoilov's father filed an official complaint with the head of the FCMI later that same day. Judging that this official had little inclination to take remedial action against his subordinates, Mr. Ismoilov's father on March 29 with a shadow report team member jointly filed an official complaint with the Ferghana city procurator's office (FCP). The complaint asserted that twelve Fergana City policemen had violated Articles 206 (Exceeding Statutory Authority) and 235 (Application of Torture and other Harsh, Inhumane, or Degrading Forms of Punishment) of the Uzbek Constitution in the detaining and beating of Mr. Ismoilov. The FCP officers accepting the complaint refused to recognize the possible Article 235 violation, leaving only the potential Article 206 violation for consideration.

On the same day, the FCP ordered a forensic test to identify the causes and severity of the bodily injuries Mr. Ismoilov had incurred. The resulting report is attached with the forensic analysis finding that Mr. Ismoilov's ill-treatment was directly responsible for the following health complications: brain contusions, a concussion, and tissue damage around the head, face, neck, chest, arms, and legs. The examination concluded that Mr. Ismoilov was in stable condition.

¹⁵ Information on A.S.'s case was provided by his public defender.

At the time of this written submission, the shadow report team together with Mr. Ismoilov's attorney are attempting to prosecute the at issue policemen for violating Articles 235 (cited above), 234 (Illegal Detention under Duress) and 205 (Abuse of Authority). The principle offenders are Mr. Abduzhabbov, Azizhon Soliyev, Criminal Investigation Officer and Ulugbek Mirzaakhmedov and Akmalzhon Komilzhonov, FCMI staff members. According to the human rights activist who protected Sh.I.'s rights, at the time of writing a criminal case against the officers of Ferghana city Interior department is opened and being heard in the court.¹⁶

(4) Ikrom Yakubov was detained back in January 2006 charged by aggravated murder (article 97 part 2 of the Criminal Code of Uzbekistan) by Djomboi district Interior department and district procurator. The investigators alleged that I.Y. out of revenge murdered a husband of his former girl-friend. I.Y. was placed in the district police pre-trial detention custody where he was severely beaten. The district police also administratively charged his five relatives including his father M.Y., and locked them up in neighboring with Ikrom's detention cells in the building of the district police. The procurator also brought in Ikrom's mother and threatened she will also be detained if I.Y. didn't confess to the committed murder. I.Y. had to confess to the murder. To date he remains in the investigation custody of Samarkand regional Interior department. Samarkand regional court on criminal cases is hearing his case. Djomboi district Interior department and district procurator, Samarkand regional procuratura are immensely pressing I.Y.'s lawyer and his family trying to make them give in.¹⁷

(5) The following case perfectly illustrates how on politically motivated cases torture and similar ill-treatment continues even in prisons. On October 5th 2007 Ulugbek Haydarov, an outspoken Uzbek human rights activist and independent journalist from Djizzakh region, was sentenced to six years of imprisonment for „extortion” (article 165 of the Criminal Code of Uzbekistan) on a trumped up case. Right after arriving to the penitentiary facility # 64/29 in Navoi region of Uzbekistan U.H. had to undergone a first series of torture by a group of inmates called „gady” („shit” in English), inmates cooperating with the prison administration and who are given some official supervisory authority over other fellow inmates. The „gady” made him and several other new inmates to sit on knees for several hours with the hands bent behind the head. Those inmates who could not endure such exercise were severely beaten by fists and kicked with feet by the „gady”. U.H. was forced to sit down on his back, with his shoes off both feet pulled forward. The „gady” have beaten him under the feet with rubber clubs almost twenty times causing immense pain. As a result the bones of U.H.'s feet have got fractures after this. U.H. was forced to climb to the third floor moving exclusively in a sitting position (such a treatment is called „gusiniy shag” in Russian or „duck-walking” in the prison) and come back. U.H. and some other inmates were also forced to sit down and stand up under the counting of the „gady” for about one hundred times in a row without stopping with eyes closed and hands pulled forward. While counting the „gady” continued beating them on the head or body with plastic bottles filled in with sand or water.¹⁸

¹⁶ Interview with a human rights defender from Ferghana city, April 28 2007.

¹⁷ Information on I.Y.'s case was provided by “Veritas” Human Rights Movement and I.Y.'s lawyer.

¹⁸ Information was derived from written confessions of U.H. published by him after he was released.