

# A

الأمم المتحدة

Distr.  
GENERAL

الجمعية العامة



A/HRC/2/G/4  
25 September 2006

ARABIC  
Original: ENGLISH AND RUSSIAN

مجلس حقوق الإنسان  
الدورة الثانية  
البند ٢ من جدول الأعمال

تنفيذ قرار الجمعية العامة ٢٥١/٦٠ المؤرخ ١٥ آذار/مارس ٢٠٠٦  
المعنون "مجلس حقوق الإنسان"

رسالة مؤرخة ٢٠ أيلول/سبتمبر ٢٠٠٦ موجهة من القائم  
بأعمال البعثة الدائمة لأوزبكستان لدى مكتب الأمم المتحدة  
في جنيف إلى أمانة مجلس حقوق الإنسان

أتشرف بأن أوجه عنايتكم إلى المعلومات المحدثة المرفقة\* المتعلقة بما تم في أوزبكستان من تنفيذ توصيات السيد ثيو فان بوفن، المقرر الخاص السابق المعني بمسألة التعذيب.

وأكون ممتناً لو جرى تعميم المادة المرفقة كوثيقة من وثائق الدورة الثانية لمجلس حقوق الإنسان في إطار البند ذي الصلة من جدول الأعمال.

توقيع: بدر الدين عبيدوف

القائم بالأعمال بالإنابة

\* مستنسخة في المرفق كما وردت بالإنكليزية والروسية فقط.

(A) GE.06-14068 260906 260906

**Annex**  
**Information on follow-up and realization of the recommendations**  
**of Mr. Theo Van Boven, UN Special Rapporteur on Torture**

The UN Special Rapporteur on Torture Mr. Theo Van Boven visited Uzbekistan in November 2002 for the first time upon the invitation of the Government of the Republic of Uzbekistan.

During the visit he had a number of official meetings with high-ranking officials, representatives of civil society groups, international organizations and foreign embassies. He also visited a number of penitentiaries.

Mr. Theo Van Boven met with persons, who themselves or their relatives were allegedly victims of torture and other cruel treatment. He also received oral and written information from non-governmental organizations (NGO) and institutions of civil society, including human rights NGO "Mothers against death penalty and tortures", "Legal Aid Society", Human Rights Society of Uzbekistan, the Independent Human Rights Organization of Uzbekistan, "Freedom house", "Mazlum", Human Rights Organization "Ezgulik", Committee of legal aid to prisoners, Human Rights Initiative Group, Center of Democratic Initiatives and Tashkent human rights protection group. Moreover, he met representatives of the United Nations Development Program in Uzbekistan and the Tashkent office of the Organization for Security and Cooperation in Europe.

On February 2003 Theo Van Boven on results of his visit presented the report in which recommendations were specified to the Government of the Republic of Uzbekistan to improve measures to struggle against torture. On the basis of which National plan of action was elaborated, which was approved by the Government of Uzbekistan on March 9, 2004. All clauses of this Plan have been implemented.

**Recommendation "a"**

In accordance with the recommendations of Mr. Theo Van Boven, all three branches of power of Uzbekistan publicly condemned torture of all kinds.

**Legislative power.** In August 2003, the Parliament adopted amendments to the Article 235 of the Criminal Code of the Republic of Uzbekistan which stated that torture and other cruel, inhuman and degrading treatment or punishment on all phases of criminal proceedings are crimes and must be prosecuted by law", which correspond to Article 1 of the Convention against torture.

**Executive power.** Mr. A.Kamilov, the then State Adviser of the President of the Republic of Uzbekistan at the briefing to Diplomatic Corp and foreign journalists in March 2003 pointed out that state is going to fight against torture and other types of cruel treatment. In March, 2004 a special program of the Government to implement the Convention against torture was adopted.

Coordinating Council of law-enforcement agencies at the General Prosecutor's Office of the Republic of Uzbekistan in May 2004 considered the issues of strict obedience of law-enforcement agencies' officers to international commitments in line with the UN Convention against torture, discussed adherence to law during examination of claims and complaints from citizens on illegal actions of law enforcement and supervising bodies' officers.

The Board of the General Prosecutor's Office also discussed the issue of strengthening the prosecutor's control over respect to constitutional rights at detention, bringing to criminal liability and taking into custody.

On May 22, 2003 the Board of the Ministry of Internal Affairs of Uzbekistan raised the issues of legislation concerning the bodies of internal affairs and further ways of its improvement as well as human rights. Inadmissibility of any violation of law and human rights of any form in activity of law-enforcement agencies including prohibited methods of investigation and interrogation i.e. torture were included into the Resolution of the Board. This document highlights the necessity to increase attention to claims linked with torture and illegal actions of law-enforcement agencies' officers. It created an additional control on their examination and consideration.

**Judicial power.** On December 19, 2003 the Plenary Session of the Supreme Court of the Republic of Uzbekistan adopted Resolution # 17 "On implementation by the courts laws providing suspect or accused with right to defence", which provides interpretation of "torture" in accordance with the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. Moreover, the Resolution #12 of September 24, 2004 "On implementation of some norms of the Criminal Procedure Code on admissibility of evidences" points out that "evidences obtained by torture are unacceptable".

### **Recommendation "b"**

1. Recommendation "b" says that "the Government should amend its domestic penal law to include the crime of torture the definition of which should be fully in consistent with article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and supported by an adequate penalty".

Within its domestic legislation Uzbekistan has detached a crime connected with torture as an independent type of crime.

Article 235 of the Criminal Code of the Republic of Uzbekistan "Use of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment and Punishment" in a new edition is read as follows:

Use of torture and other forms of cruel, inhuman or degrading treatment and punishment i.e. illegal mental or physical coercion on a suspect, accused person, witness, victim or other participant of a criminal process, or a person serving punishment, his/her relatives by threats, hits, assaults, torture or other illegal actions, which are done by an inspector of inquiry, investigator, prosecutor or other official of a law-enforcement body, penitentiary institution in order to obtain from him/her information, confession on committing crimes, his/her unauthorized punishment for their crime, or their coercion to accomplish any action, - is punished for reformatory work up to three years or imprisonment up to three years.

The same actions done

- a) with the use of violence, which put in danger life and health, or threat of use of a such violence;
- b) under any motivation based on grounds of national, racial, religious or social discrimination;
- c) by a group of persons;

- d) repeatedly;
- e) with regard to a minor or a woman, knowing that she is pregnant, -  
is punished by imprisonment from three to five years.

The actions envisaged by the first and the second parts of this article, which cause serious physical injuries or other grave consequences are punished by imprisonment from five to eight years with disfranchisement”.

The Resolution # 17 (December 19, 2003) of the Plenary Session of the Supreme Court of Uzbekistan gives interpretation of “torture” in line with the Convention Against Torture.

On December, 18, 2003, Minister of Internal Affairs of the Republic of Uzbekistan issued the Instruction №334 with the announcement of the purposes and essence of introduction of the given article in the Criminal Code, and also the instruction on obligatory studying of the given norm and establishment of the special separate order of the account and control of complaints and claims of citizens on such facts.

2. All events, amendments to the legislation concerning the implementation of the Program are widely covered by Mass Media.

The articles with condemnation of any kind of tortures regularly appear in newspapers (*Khayot va Qonun, Golos Uzbekistana, Narodnoye Slovo, Pravda Vostoka*) and magazines (*Demokratizatsiya I Prava Cheloveka, Khukuk-Pravo-Law, Obshchestvennye nauki Uzbekistana, Advokat*).

Law amendments are published in periodical issue of Parliament ‘*Vedomosti Oliy Majlisa Respubliki Uzbekistan*’.

Mass Media constantly explain rights of citizens in dealing with law-enforcement officers.

3. On January 2004 "The Torture Reporting Handbook" by Camille Giffard (Center on Human Rights, Essex University, UK, 2000) was translated into Uzbek language and published with assistance of the British Embassy in Tashkent.

This handbook has been distributed among officials of law-enforcement agencies and non-governmental organizations.

During the session of Interdepartmental Working Group on observance of human rights by law-enforcement agencies on June 12, 2004, the results of work on translation and publishing of "The Torture Reporting Handbook” and its distribution among the officials of law-enforcement agencies were considered.

4. In accordance with new requirements, the Ministry of Internal Affairs regularly examines the practice of detaining of suspects by law-enforcement agencies as stated in the Article 225, and use of the right to appeal the measures of preventive punishment according to the article 241 of the Criminal Procedural Code of the Republic of Uzbekistan.

On the meeting of Board of General Prosecutor’s Office held on May 20, 2004, the results of examination of suspects detention practice by law-enforcement agencies according to the article 225 and use of the right to appeal the measures of preventive punishment according to the article 241 of the Criminal Procedure Code were discussed.

The corresponding resolutions concerning these issues are adopted by the Board of General Prosecutor's Office and Coordinating Council of law-enforcement agencies.

### **Recommendation "c"**

1. On August 8, 2005 the Presidential Decree "On Transfer of the Right to Issue Sanction on Detention to Courts" (introduction of "Habeas Corpus") was adopted. According to the Decree, starting from January 1, 2008, the right to issue sanctions on detention of persons suspected or accused of committing crimes will be transferred to courts. Amendments and additions into the Criminal Procedural and Criminal Executive Codes as well as the Laws of the Republic of Uzbekistan "On courts", "On the Office of the Prosecutor" are being prepared.

2. On October 20-21, 2003, the round table on "Right for Fair Trial and Introduction of "Habeas Corpus" was held in Tashkent. It was organized by American Bar Association, OSCE ODIHR, UNDP and National Human Rights Center of the Republic of Uzbekistan. Steven Taman, American professor on criminal procedure, attended the round table.

3. The session of Interdepartmental Working Group on monitoring the observance of human rights (24 August 2004) discussed results of the round table on implementation of "Habeas Corpus" in accordance with national legislation of foreign states and international practices, and it decided:

1) To note that the Ministry of Internal Affairs, together with the National Human Rights Center, with support of the American Bar Association, held the round table discussions with participation of foreign experts on implementation of "Habeas Corpus" in light of national legislation of foreign states and international practice.

2) To note that all requirements on this clause of the Plan on realization of the Convention against torture are implemented. The Brochure on international agreements on human rights is translated and, in the nearest future, will be published and distributed among law-enforcement agencies.

4. The Program on improvement of material, technical and financial support to courts, judges and court clerks has been developed and approved by the Department on Execution of Courts Decisions, Courts Material and Technical Support.

Implementation of the Program is regularly evaluated by the Interdepartmental Working Group on monitoring the Action Plan. Thus, all courts are fully equipped with computers and transport. New court buildings have been put into operation, construction of new buildings and renovations are continued in the Republic of Karakalpakstan, Tashkent, Ferghana, Samadkand, Syrdarya and others.

5. Scientific Conference on the theme "Interrelation between judicial and extrajudicial protection of human rights: international practice" took place on September 10, 2004.

Subsequent to the results of the Conference, resolution "On cooperation between Ombudsman and law-enforcement agencies" was adopted. Moreover, taking into account the participant's recommendations, the Concept of Cooperation between Ombudsman and Law-enforcement Agencies was elaborated.

6. During 2005-2006, a number of international conferences on study and introduction of «Habeas corps» principles into the national legislation of Uzbekistan was held. Thus, with the

assistance of F.Ebert Foundation 4 seminars on the issues of the independence of judges were held in various cities of Uzbekistan (Tashkent, Bukhara, Samarkand, Nukus, Urgench) in which the member of the Bundestag, former Federal Minister of Justice of Germany Mrs.G.Doybler-Gmelin participated. A number of international seminars on the legal issues of transferring the right to issue arrest warrants from the office of the prosecutor to courts was held in Tashkent State Juridical Institute with the assistance of American Bar Association.

On April 25, 2005 the Committee on Legislation and Court-legal Issues of the Legislative Chamber of Oliy Majlis of the Republic of Uzbekistan arranged a Conference on the theme «Further perfection of the legislative basis for ensuring the efficiency of the judicial system and rule of law».

This event was widely covered by the national mass media.

7. Center of public opinion study “Ijtimoiy fikr” undertook survey on torture and similar cruel treatment during interrogation, investigation and imprisonment among:

imprisoned individuals;

previously imprisoned persons.

#### **Recommendation “d”**

On August 8, 2005 the Decree of the President of the Republic Uzbekistan «On Transferring to Courts the Right to Issue Sanctions for Taking into Custody» was adopted.

For the last years a significant work was carried out to ensuring legality in activity of law enforcement bodies, strengthening the authority of judiciary as a major guarantee of effective protection of human rights, ensuring true independence of courts, strengthening their role in construction of a democratic state and a strong civil society.

Specialization of courts on criminal, civil and economic affairs is legislatively fixed. This allowed to improve the examination quality of legal proceedings and to strengthen the guarantees of rights and freedom protection of citizens. The procedure of appeal order for proceedings in a case was introduced as important guarantee of duly correction of miscarriages of justice and prevention of procrastination in legal proceedings. The cassation instance has been reformed and citizens have an opportunity personally and directly to protect his rights in this instance in case of disagreement with a court verdict entered into force. The legal mechanisms providing equality of defense and prosecutor’s rights in trial proceedings, as well as realization of a principle of their competitiveness were created.

Terms of preliminary investigation are reduced from two years to one, and keeping accused under custody from 1.5 year to 9 months and in exclusive cases – up to 1 year. Also the sphere of application of this preventive punishment is limited.

The specified measures on liberalization of the legislation, application of law provided increase of efficiency and quality of pre-judicial investigation, administration of justice, expansion of guarantees of ensuring the rights of trial proceedings participants.

Due to liberalization of pre-judicial investigation, implementing the application of such preventive punishment in the country as taking into custody reduced more than twice for last 4 years.

The major task of the further liberalization of judicial-legal system is expansion of powers of court on realization of effective protection of the rights of citizens at a stage of pre-judicial investigation and, first of all, transfer the right to issue sanctions for taking into custody from prosecutor office to courts. The specified measure will allow improving considerably the efficiency of protection of citizens' constitutional rights on freedom and personal inviolability. Thus, it fully corresponds to the Constitution of the Republic of Uzbekistan, to universal principles and norms of international law establishing that rights and personal freedoms are firm and nobody has the right to deprive or limit them without court.

At the same time transfer of right to the competence of courts should be carried out consistently after deep studying and introducing relevant modifications and additions in Criminal Procedure, Criminal Executive Codes of the Republic of Uzbekistan and other legislation acts; studying foreign experience in this area, developing organizational and legal, procedural mechanisms of realization by courts the right to issue sanctions for taking into custody, preparing and retraining of personnel of judicial and law enforcement bodies and implementing other preparatory measures.

With a view of further liberalization of judicial and legal system, ensuring gradual and consecutive transfer to courts the right to issues sanctions to apply measures of the preventive punishment connected to restriction of constitutional rights and freedoms of person, and also according to articles 19, 25 and 44 of the Constitution of the Republic of Uzbekistan, establishing rights of citizens on judicial protection, it was decided:

To transfer to the competence of courts, from January 1, 2008, the right to issue sanctions for taking persons suspected or accused for committing crimes into custody.

To define that conclusion under custody should be carried out in exceptional cases when use of other preventive punishment established by the law appears inefficient and only by the decision of court on criminal cases or martial courts according to their competence.

With a view of ensuring true independence of judicial authority, further democratization of principles of selection and appointment of the judicial staff, as well as submitting relevant proposals on the persons nominated for judges' post, in accordance with the Order of the President of the Republic of Uzbekistan of July 30, 1999, the Commission on Consideration of the Issues Connected to Appointment and Discharge of Judges was established under the President of the Republic of Uzbekistan.

In order to improve the work on selection of candidates and appointment of judges and observe requirements of the legislation while making recommendations on qualified, erudite and highly moral experts for judicial posts, the given Commission was transformed by the Decree of the President of the Republic of Uzbekistan of May 4, 2000 into the Supreme Qualifying Commission on Selection and Recommendations for Judges Posts under the President of the Republic of Uzbekistan. The composition of the Commission is formed of judges, members of Parliament, representatives of qualifying judges boards, public associations and highly skilled experts in the field of the right.

Thus, functions of making proposals for judges posts, suspension or ahead of schedule termination of their powers which before assigned on the Minister of Justice are now transferred to the Supreme Qualifying Commission under the President of the Republic of Uzbekistan.

At the same time, the issue of judges' terms of powers is being considered in the framework of the judicial-legal reform implementing in Uzbekistan.

### **Recommendation "e"**

1. The General Investigation Department of the Ministry of Internal Affairs jointly with Uzbekistan Bar Association has elaborated and put into practice the Regulation "On Order of Ensuring the Rights of Detained, Suspected and Accused Individuals for Defense during Preliminary Investigation and Interrogation". With introduction of this regulation, due control over behavior and professional conduct of law-enforcement officials is established. This Order allows fully prevent their illegal actions towards detained, suspected and accused.

The implementation of action plans for control of law enforcement officials activities in order to prevent torture and other cruel treatment enabled to develop the Instruction for Prosecutors on the implementation of Article 243 of the Criminal Procedure Code of the Republic of Uzbekistan. According to this instruction prosecutors must personally examine suspected or accused persons about the treatment exercised in relation to them during the investigation. Thus recently the Prosecutor carries out the interrogation of suspected or accused minors and women on criminal cases personally.

It is envisaged a centralized system of registration of applications and complaints of this kind, their periodic summarizing and taking duly administrative decisions.

In October 2005 the Committee for International Affairs and Inter-Parliamentarian Relations of the Legislative Chamber of Oliy Majlis (Uzbekistan Parliament) conducted activities on parliamentary control on implementation of UN Convention against Torture. In the frame of the parliamentary control a number of preliminary confinement sites and prisons were visited in Tashkent province (Zangiota district, towns of Chirchik, Olmalyk, Bekabad), activities of lawyer collegiums, bodies of internal affairs, national security service, and prosecutors' office as well as courts were reviewed and analyzed. Particular attention of parliamentarians was paid to review the activities of law enforcement agencies in light of recommendations of Special Rapporteur of UN Committee Against Torture Mr.Theo van Boven and Independent Expert Mr. Latif Huseynov. A video film was developed on the results of the parliamentary control.

A seminar organized by the Legislative Chamber of Oliy Majlis with a support of UNDP was conducted in June 2006 with participation of representatives of law enforcement bodies and members of Parliament. The seminar was dedicated to implementation of provisions of Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by UN in 1984.

Another very important tool to review the citizens' complaints is Ombudsman who, starting from 2005, acts on the basis of the Law «On Authorized Person for Human Rights of Oliy Majlis (Ombudsman)» in a new edition. The new Law gives all legal grounds for carrying out independent investigations over facts of torture and other abuses by official authorities. According to Article 10 of the Law, Ombudsman examines complaints about actions or negligence of authorities or officials, which violate rights, freedoms and interests of citizens, and also has the right to initiate its own investigations.

Adoption of the new Law «On Ombudsman» guaranteeing independent investigations, testifies that this institution purposefully introduced into the criminal and procedural practice of Uzbekistan. The Government and its law enforcement agencies are ready to cooperate in carrying out independent investigations of complaints and other appeals on torture that received a negative public and international resonance.

Order of Carrying Out So-Called «Independent Investigation» on Facts of Death of Suspected and Accused Persons is developed. In particular, involving authoritative public figures, human rights activists and relatives of deceased is foreseen into the process of investigation on the abovementioned facts by respective authorities. In our opinion, it will also provide impartiality and legitimacy of the results of examination.

2. Recently the draft of the Law «Detention of Suspects and Accused Individuals» is developed in the Republic of Uzbekistan. The document provides the legal status of these individuals, their rights and responsibilities, the order and conditions of keeping in preliminary detention places, the order of the organization of the public control on observance of guarantees of the rights and freedoms of the persons under the custody.

#### **Recommendation “f”**

In accordance with articles 256, 257, 266 of Criminal Procedure Code, it is put in practice dismissal of officials accused in use of torture.

89 complaints on actions of internal affairs operatives on the issue of tortures had been received in the MIA from October 2004 to November 2005.

Conducted investigations have proved that one case (in 2004) and ten cases (in 2005) of unlawful actions of internal affairs operatives took place. Thus five of these events were forwarded to prosecutor office for criminal investigations. Guilty participators of two criminal cases were sentenced to prison.

#### **Recommendation “g”**

1. On 24 June 2004, based on the decision by the Collegium of the Ministry of Internal Affairs (MIA) of the Republic of Uzbekistan dated 22 May 2003, MIA issued the Order № 187 «Formation of the Central Commission on Observing of Human Rights». As an Annex to that Order, the Program of Actions had been developed and approved. This Program is focused on strengthening of lawfulness and ensuring observance of human rights within Internal Affairs Bodies. Additionally, a draft of Concept of further development and improvement of the MIA penalty execution system for the period till 2010 had been developed.

Based on this Order, the mentioned Commission chaired by the Minister of Internal Affairs had been created. It has been instructed that information on work carried out on the ground is to be provided to the MIA Central Commission on a monthly basis in order to be analyzed and summarized.

In accordance with functional tasks a revision of complaints on events of tortures in the system of MIA is assigned on special units of internal security (special inspections on personnel) that are directly subordinated to the Minister of Internal Affairs.

These units are practically independent ones, because they are not dealing with combat with criminality and they are not subordinated to departments that are dealing with combat with criminality.

Representatives of public, institutions of civil society, and in some cases foreign experts are invited to participate in investigation of events of torture, especially related with death of detainees and arrested, or the events caused publican echo. Senior officials of the Ministry of Internal Affairs review every event of unlawful actions. The convicted are usually dismissed from office. But under

the provisions of Article 235 of Criminal Code of the Republic of Uzbekistan 2 internal affairs operatives were sentenced to prison for such unlawful actions during 2004-2005.

On September 30, 2005 a new Cell on Human Rights protection and relations with international organizations and public was created by the Order of the Minister of Internal Affairs, and it dedicated to encourage a legal literacy of people and provide they legal assistance. The officers of this Cell are authorized to review and investigate complains of people on unlawful actions of internal affairs operatives, including events of torture.

In 2003 the National Security Service (NSS) sent to all its divisions an instruction with indication that in case of violation of citizens rights by the NSS personnel not only guilty officers but also their supervisors would be punished.

2. The MIA representatives are regular participants of conferences and round tables organized by the National Human Right Center of the Republic of Uzbekistan, Ombudsman, UNDP, OSCE and other international organizations.

In December 2003, the MIA representative participated in the International Workshop on «Fight Against Torture» held in Almaty with financial support of the UK Foreign Office and in cooperation with the International Bar Association.

In July 2003, 10 officials from the General Directorate on Execution of Penalties of the MIA went through Improving Effectiveness of Central Asian Penitentiary Bodies special training at the Summer School organized by the OSCE.

In the frame of realization of the Implementation Plan of the recommendations of the UN Committee Against Torture, the OSCE Center in Tashkent along with the GDEP is executing the Project aimed at increasing the level of legal competence among penitentiaries personnel and inmates, and their familiarization with the basic international standards in the field of human rights. Within the Project, the GDEP established its own Training Center to retrain and improve skills of the penalty execution personnel.

In August 2003, in the framework of a training program proposed by the OSCE Center in Tashkent for penitentiary system personnel 3 regional seminars on human rights and international standards on treatment of inmates were conducted in the cities of Tashkent, Navoi and Karshi.

Seven officials from the penalty execution system with assistance of experts from the Helsinki Human Rights Foundation underwent «train-the-trainers» program on human rights in Poland in October 2003.

Another seven officials from Uzbekistan MIA penalty execution agencies participated in the Summer School on human rights organized by the Pavlodar Law College, Committee on Penalty Execution System, Ministry of Justice of the Republic of Kazakhstan in May 2003.

Uzbekistan with support of Konrad Adenauer Foundation hosted regional seminars on Liberalization of the system of penalty execution in 2004.

The UNDP along with Freedom House and US Embassy in Tashkent assisted in running the training tour to Slovenia (from 23 October to 2 November 2004) with participation of five Government officials (from the MIA, NSS and Prosecutor's Office) and four human rights activists. The aim was to share experience in introduction of human rights standards into the work of law-enforcement agencies as well as to establish contacts between them, which allow

considering creation of the Permanent Commission authorized to monitor human right violations and cases of death in detention and custody. After these joint events a number of discussions on different human rights issues and concrete cases among the appropriate authorities, human rights activists and representatives of donor community were conducted under auspices of Freedom House.

In 2004, the MIA officially requested the UNDP to train mid-level officers for monitoring of human rights, observing the situation and drafting documentation. Twenty officials had gone through such training.

Three small grants were allocated to implement human rights joint initiatives of the Government and NGOs. One of the projects is a joint project developed by the Jizak Department of Internal Affairs and NGO «Istiqboli Avlod» aimed at creation of the Legal Training Center for officers of law-enforcement agencies to provide consultations and educate on human rights. 120 MIA officers from Jizzak province had gone through the training on human rights and related issues.

The MIA officials have also visited the United States, Turkey, Japan, United Arab Emirates, Bahrain, Austria and other countries to study international experience in observance of human rights by law-enforcement agencies.

#### **Recommendation «h»**

The General Directorate on Execution of Penalties (GDEP) of the Ministry of Internal Affairs of the Republic of Uzbekistan ensures an unimpeded access to penalty execution sites for representatives of diplomatic corps, international nongovernmental organizations, local nongovernmental and noncommercial organizations, and mass media.

Moreover, the Ministry of Justice has developed and registered the Instruction «On the Order of Visits of Diplomats, Representatives of International and Domestic NGOs, and Local and Foreign Journalists to the Penitentiaries».

This Instruction was published in the Collection of the Legislation of the Republic of Uzbekistan – the bulletin of the Ministry of Justice. The GDEP distributed the Instruction among international and domestic NGOs.

The Government is developing the system of access to penitentiary institutions for representatives of civil society groups. In this regard, the GDEP elaborated a new standard agreement on access of NGOs to the places of detention.

Uzbekistan had established cooperation ties with the OSCE that for the last few years had organized special trainings on monitoring and drafting of reports on human rights.

In 2002-2004 experts of the OSCE/ODIHR had visited a number of penitentiary sites in Tashkent City as well as Tashkent, Samarkand, Bukhara, Navoi, Khorezm and Kashkadarya provinces.

On the basis of the Agreement between the Government of Uzbekistan and the International Committee of Red Cross “On humanitarian activity in places of detention” the ICRC representatives conducted 4 visits to penitentiaries in 2001, 5 – in 2002, 33 – in 2003, over 50 – in 2004.

With the assistance of the GDEP of the Ministry of Internal Affairs of the Republic of Uzbekistan, representatives of the ICRC had private conversations with 893 prisoners discussing the conditions in prison and whether they have been subjected to torture and other kind of cruel or degrading treatment. The GDEP officially declared its readiness and intention to establish and develop constant dialogue organize meetings and take other measures to monitor human rights practices in prisons.

In 2003, the OSCE experts visited 6 prisons and other penitentiary sites, the representative of «Prison Reform International» (PRI) (Baroness V.Stern - 2 prisons) and the Head of «Freedom House» Office in Tashkent (1 prison). The EU experts, diplomatic representatives of the United States, France, Germany, Great Britain, Italy, the Netherlands, Russia, Iran, and other countries, journalists of «Reuters», «France Press», «Associated Press», «BBC» and others frequently visited prisons and other penitentiary sites.

On June 2004, top authorities of the «Freedom House» Office in Tashkent Ms.M.Sever and adviser of the US Ambassador to Uzbekistan on socioeconomic and political issues Ms.S.Kurran visited prison located in Zhaslyk, the Republic of Karakalpakstan.

International and local nongovernmental organizations conducted 9 visits to penitentiary sites of MIA of Uzbekistan during 2005. Including 2 times of monitoring of punishment execution sites:

On February 3, 2005 in the framework of Program on Fighting with Tuberculosis there was a visit of representatives of KFW-Bank in Central Asia to punishment execution sites 64/75 (Pskent town).

From March 10 to May 10 2005 local Nongovernmental and Noncommercial Organization «Legal training center» (Tashkent city) conducted a monitoring on the topic «The Right of Access to Emergency Medical Aid» to punishment execution sites 64/3 (Tavaksai village).

During the period from March 10 to June 10, Nongovernmental Organizations «The Regional Center of Social Adaptation and Reproductive Health of Women» (Chirchik), Information-Educational Center "Intilish" (Aspiration) and «Institute of Woman and Society» carried out monitoring on a theme: «Implementation of the Norms of International Law into the National Legislation Concerning the Women, Who Are Serving Their Sentences in the Republic of Uzbekistan».

On March 17, 2005 the editor of the "Tashkent" channel of the State broadcasting company of the Republic of Uzbekistan T.A.Haljakina interviewed convicts in the penitentiary establishment UJA-64/7 (Tashkent) with the purpose of propagation a healthy way of life, refusal of harmful habits, preventive maintenance of AIDS and drug addiction in the system of punishments' execution.

On April 27, 2005 an expert of the International NGO "KFW/EPOS" A.Nejer visited the establishment UJA-64/18.

On June, 22, 2005 the representatives of the International Rehabilitation Council for Torture Victims (Copenhagen, Denmark) visited the establishment UJA-64/1.

On September 20, 2005 the representative of the German Association of Public Universities visited the establishment UJA-64/3 with a purpose to assess the requirements for training convicts

to professional skills in the field of education. On September 21 they visited the establishment UJA-64/3BK and on September 26, 2005 - UJA- 64/T-1 (Andizhan).

In October 2004 the Independent Expert of the United Nations Human Rights Commission Mr. L.Huseynov visited a number of penitentiary institutions, including prisons and detention centers.

The basic purpose of all specified visits was acquaintance with a practice of the convicts' treatment, their living conditions, revelation of any cases of tortures or other kinds of the degrading treatment and punishments.

#### **Recommendation "i"**

Implementation of efforts to ensure control on actions of the law-enforcements agencies' officers and prevent torture and other cruel treatment enabled to elaborate the Instruction for Prosecutors on the Implementation of Article 243 of the Criminal Procedure Code of the Republic of Uzbekistan. According to this instructions prosecutors personally examine suspected or accused persons about the treatment exercised on them during investigation. Therefore nowadays the interrogations of suspected or accused minors and women on criminal cases is carried out personally by the Prosecutor. This corresponds also to the recommendation "i" of the Special Rapporteur.

#### **Recommendation "j"**

The Plenary Session of the Supreme Court examined the enforcement of the Articles 85 and 95 of the Criminal Procedural Code of Uzbekistan, according to which evidences received through unauthorized methods of investigation are considered as unacceptable.

On December 19, 2003, the Plenary Session of the Supreme Court of the Republic of Uzbekistan adopted Resolution №17 "On application by courts the laws providing suspect or accused with right to defend". Article 19 of this document provides that the evidence received through torture, coercion, deceit or any other cruel or degrading treatment and unlawful measures, as well as thorough violation of rights of the suspect or accused, cannot be used as a base in bringing charges against a person.

This resolution provides that the evidence received in violation of provisions of the Criminal Procedure Legislation is considered unacceptable and invalid.

The same requirement is stipulated in article 3 of the Decision of Plenum of the Supreme Court of Republic Uzbekistan №12 of September 24, 2004 "On some issues of application of norms of the criminal laws on inadmissibility of evidences".

#### **Recommendation "k"**

Recommendations of the Special Rapporteur indicate that "judges must always ask persons delivered from the Ministry of Internal Affairs' or National Security Service' custody as to how they have been treated, pay special attention to their condition, and, if needed, to order to carry medical examination of their physical condition, even though there are no complaints from detainees.

Article 19 of the Decision of the Supreme Court of Republic Uzbekistan #17 of 2003 also stipulates that "Investigator, inspector, public prosecutor, judge must always ask persons delivered from custodies, as how they have been treated during questioning and investigation as well as to inquire about their detention conditions. On each facts of torture or other illegal methods of inquiry, there must be conducted careful investigation, including medical examination". Officials found involved in using any illegal ways of investigation, including torture and other cruel or humiliating treatment become subject to remedial or criminal prosecution.

### **Recommendation "l"**

1. Ministry of Internal Affairs in collaboration with Uzbekistan's Bar Association developed and introduced Regulations "On the order of the invitation of lawyers and their participation in a pre-investigation stage, in preliminary investigation on the protection of rights and interests of suspects and accused, especially in the initial stage of investigation. Based on these Regulations, a suspect or accused have the right to have a defense lawyer who can represent his/her client from the moment of detention (not later than first 24 hours) and meet with him/her in private.

According to the Regulations, each investigatory division has a concrete legal round the clock working consultation office, where round the clock duty of lawyers is organized and they must be available on first call to represent the interests and rights of detained persons.

2. Based on a Plan of measures of the General Prosecutor's Office for the first half of 2004 the Coordination Council of law enforcement bodies discussed issues of observance of the law when considering complaints and applications of citizens and wrongful actions of law-enforcement officials and supervising bodies.

Also, the Board of the General Prosecutor's Office discussed measures on strengthening public prosecutor's supervision of observance of the citizens' constitutional rights during detention, bringing them into criminal liability and taking into custody.

3. Mass Media constantly covers the right of detained person to defense. The instructions booklet on the rights of all parties in criminal process has been developed, which is distributed among the employees of law-enforcement bodies. Such instructions are accessible to all citizens. Besides, these booklets are officially handed over to arrested or detained persons. The booklets explain their right to defense.

### **Recommendation "m"**

1. Within the framework of the project of the continuous juridical education the Center of Continuous Education of Lawyers was established. In 2004, more than 60 lawyers received first technique training at the center, and all other lawyers of Uzbekistan continue receiving training on the second technique. Since 2003 Association of lawyers together with the Ministry of Justice has been conducting training courses at the Training Center of Lawyers. In 2005, it was planned to train 90 lawyers at the Center. 60 of them have attended professional development courses. In 2006, it is planned to train 32 lawyers at the Center. So far, 21 of them have already completed their training at upgrade qualification courses. In 2005, at the educational centers of the Uzbekistan' Bar Association 107 lawyers attended training courses.

In 2006, for the first time the manual "Lawyers' Rights" was published.

2. Now the Association of lawyers and the Ministry of Justice of Republic Uzbekistan is developing a draft of the Concept of Reforming Bar, which will create basis for adopting a new law on bar, improving legislation on judicial system and the further realization of the Convention Against Torture.

3. Mass Media constantly covers legal aid practices. The Bar Association has its own "The Lawyer" magazine published in Uzbek and Russian languages.

The Bar Association has its own web-site ([www.advocates.uz](http://www.advocates.uz)). This web-site is a platform for the lawyer, that provides any necessary information, court discussions. This activity was financed by the Government of the Netherlands under the Umbrella Project Program for human rights.

4. Ministry of Health and Ministry of Internal Affairs composed training program on medico-biological issues of torture and its consequences for doctors of penitentiary system.

In 2004 on the base of the Main Bureau of court-medical examinations of the Ministry of Health of the Republic of Uzbekistan 90 doctors of the system of execution of punishments in finding the ways of revealing the residual phenomena of physical tortures or other kinds of cruel treatment took training course, and were hand with appropriate certificates. Process of the training is still in proceeding.

#### **Recommendation "n"**

1. In April 2003, the Ministry of Internal Affairs issued a decree on rules of activity of the temporary detention cells of the internal affairs bodies and their medical maintenance. In accordance with requirements of this order any person who is brought to cell is subject to pass the medical examination, results of which are fixed and reported to officials. Similar requirements are observed investigator isolators.

2. With a view of strengthening prison and public health services cooperation, as well as improving the quality of health services of the convicts who are under the custody, with the assistance of Regional Representation of "International Prison Reform" the Republican Coordination Council on problems of prison health services which includes experts from the Ministry of Health, medical workers of the Ministry of Internal Affairs and representatives from NGO's is organized and functioning well. The Council holds its meetings on prison health service questions with a participation of the international experts. The General Secretary of International Prison reform, lifelong peer of chamber of Lords of the Great Britain, baroness Vivien Stern visited Uzbekistan.

#### **Recommendation "o"**

1. The Government of Uzbekistan actively carries out the distribution of information and educational materials concerning the prohibition of torture. Many official bodies, nongovernmental and international organizations are involved in this work. During the period 2002-2004, a collection of main international documents of the UN, OSCE and UNICEF were published in a state language three times, about 10 thousand copies, including 5 thousand copies specially intended for law enforcement bodies. Other editions were distributed among the high educational institutions of Republic Uzbekistan, first of all among the all juridical.

Besides in January 2004 with the support of the Embassy of the United Kingdom and Northern Ireland in Tashkent "The Torture Reporting Handbook"<sup>1</sup> was published in the state language. It is necessary to note that the financial support of different international organizations such as the United Nations Development Program (UNDP) and its Program of assistance for purpose of development (DSSP), the OSCE and others enabled the publications of the said editions.

The curs plan of the Republican training center for improving the qualifications of lawyers includes training programs such as: "The National Law of the Republic of Uzbekistan and the international standards in sphere of justice", "Bases of the international humanitarian law", "Legal bases of struggle against the international criminality", "The place and a role of the international standards in activity of law enforcement bodies", "The national law of the Republic of Uzbekistan and international law for human rights". During the courses the participants (regional judges nominees, employees of the Ministry of justice, lawyers) are informed about international standards in the sphere of human rights and Convention against torture.

Special lectures and practical trainings on revealing during trial proceedings the facts of infringement of the rights and freedoms of the citizens in compliance with requirements of articles 17, 46, 48 of the Criminal Procedural Code of the Republics of Uzbekistan UPK, i.e. to reveal the cases of application by inquiry and investigation bodies of illegal, unlawful and forbidden methods of suspected and accused treatment are included in curriculums for the groups, consisting of newly appointed judges, as well as for judges on criminal cases of regional and district levels. Besides courses on thoughtful examination by the courts the complaints and petitions on application of tortures and other unlawful methods from participants of litigations are being organized.

In November 2002, a training for trainers "The International human rights standards in field of criminal law proceedings" was held. Initiators of this event were the American Bar Association (ABA), OSCE ODIHR and the National Center for human rights. Judges, lawyers, prosecutors, internal affairs bodies and National Security Service officials participated in the seminar.

The aim of this event was a preparation of the national trainers, teachers and specialists in order to make them capable to further training of students, cadets of this educational institutions and those of professional development courses. The main document, the provisions of which are taught during such trainings, was the International Covenant on Civil and Political Rights that Uzbekistan ratified in 1995. The provisions of the International Covenant on Civil and Political Rights and the UN Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment and Punishments were in the limelight of the seminar.

In Uzbekistan in the framework of realization of the Plan on Implementation of the Recommendations of the UN Committee Against Torture, the OSCE Center in Tashkent along with the is executing the Project aimed at increasing the level of legal literacy among penitentiaries personnel and inmates, and their familiarization with the basic international standards in the field of human rights. Within the Project, the General Directorate on Execution of Penalties of the

---

<sup>1</sup> By Camille Giffard, the University of Essex, 2000

Ministry of Internal Affairs established its own Training Center to re-train and improve skills of the punishments execution system' personnel.

International Law was introduced as a compulsory subject to the educational institutions of the law enforcement agencies (the Academy of the Ministry of Internal Affairs, the Institute of the National Security Service, the Lawyer's Professional Development Center of the Ministry of Justice, Professional Skills Excellence Center of the General Prosecutor's Office).

The General Investigation Department of the Ministry of Internal Affairs submitted for consideration to its superiors the proposal to introduce a practice of examination of officers on international human rights standards during certification of their skills and promotion to new position or rank. This proposal received backing from the Ministry of Internal Affairs' top administration. In the event of a proper decision's adoption on it, this initiative will be used in respect of other law enforcement agencies of Uzbekistan.

2. The Ministry of Internal Affairs with a financial support of the UNDP Office in Tashkent and in collaboration with the National Center for Human Rights of Uzbekistan and other relevant government agencies published in Uzbek a compilation of the international human rights documents ratified by Uzbekistan and pertinent to the activities of the law enforcement agencies.

3. The Main Investigation Department of the Ministry of Internal Affairs along with Uzbekistan Bar Association developed and put into practice from October 1, 2006 onward the Regulation "On order of ensuring protection of the rights of detained, suspected and accused individuals during preliminary investigation and interrogation". Moreover, with a purpose of further familiarizing the parties to the legal/criminal proceedings about their rights and duties, and improvement of legal literacy and awareness of the population together with the personnel of all internal affairs departments and penitentiary establishments, the information boards and posters on human rights were printed and posted up in all departments and divisions of the MIA.

In September 2004 with assistance of the American Bar Association (ABA) and Embassy of Switzerland a brochure "What should you know about your rights?" was published (100.000 copies). This brochure is given to every individual in detention. All copies are published for the Ministry of internal affairs, however, issuing of the similar brochure is to be done for the prosecutor's agencies and National Security Service (SNS).

4. The brochure "Prison management with respect to human rights" was published recently. Results of implementation of this clause were discussed at the meeting of Interdepartmental Working Group (November 18, 2004).

### **Recommendation "p"**

According to this clause the expert group was established including representatives the Ministry of Justice, Ministry of Internal Affairs, General Prosecutor's Office and Ombudsman. The group worked out "Concept of the further development and improvement of punishments execution system of the Ministry of Internal Affairs of the Republic of Uzbekistan for 2005–2010". This document envisages the consideration of taking the criminal-executive system from the authority of the Ministry of Internal Affairs of the Republic of Uzbekistan.

### **Recommendation “q”**

Consideration of practice of application articles 985-991 of the Civil Code of the Republic of Uzbekistan, providing the order of compensation for moral and material damage incurred to persons who was subjected to torture or other cruel treatment.

The given right is fixed in the Decision of the Plenary Session of the Supreme Court of the Republic of Uzbekistan dated April 28, 2000 “On some questions of application of the legislation on compensation of moral harm”.

Moreover, with purpose to improve the system of compensation or rehabilitation of torture victims within the framework of the Plan on Implementation of the recommendations of the UN Committee against torture, and due to high its urgency the problem is under constant control of the Interdepartmental Working Group. In this direction there are some positive moments. In particular, according to data of the National security service, the damage in amount of 490 million sum (national currency of Uzbekistan) was compensated in 2002, and reached to 850 million sum and 450 thousand US dollars in 2003.

### **Recommendation “r”**

The new edition of the law "On Authorized Person for human rights of Oliy Majlis (Ombudsman)" was adopted in August 2004. On September 30, 2004 this law was published in all newspapers nationwide.

Article 13 of this law describes the rights of the Ombudsman including the right to consider the complaints.

Article 14 stipulates the right of Ombudsman “to meet and talk to detained or under custody persons”. By the same article Ombudsman is entitled to apply to the relevant agency on bringing to account the officials whose actions contain the facts of infringement of human rights and liberties.

The guarantees of protection of human rights during the investigation of complaints by Ombudsman are also ensured. Thus, Article 19 states that “the complainant to the Ombudsman, and also the person appointed by the Ombudsman to collect and analyze the data and to conduct the expert evaluation, can not undergo persecution or be restricted in rights for the undertaken actions”.

So far Ombudsman representatives visited all establishments of punishments execution system.

The Agreements on cooperation in the sphere of securing human rights and liberties were signed between Ombudsman and Ministry of Internal Affairs of the Republic of Uzbekistan on December 10, 2004, as well as the Memorandum on cooperation between Ombudsman and Ministry of Justice of the Republic of Uzbekistan on September 28, 2005.

At present the issue of establishing an Ombudsman of prisons is under consideration.

### **Recommendation “s”**

In accordance with the Resolution No.239-33 of the Cabinet of Ministers of the Republic of Uzbekistan "On measures of protection of state secrets of the Republic of Uzbekistan" dated May 5, 1994, the information on date of execution of death penalty and burial place of the convict sentenced to a capital punishment, is classified as a state secret and completely confidential. This norm is also legislatively fixed in Article 140 of the Criminal Executive Code of the Republic of Uzbekistan.

At present the MIA in accordance with the international standards develops instruction on informing the relatives of the convicts sentenced to a death penalty.

As for today appropriate proposals of the General Prosecutor's Office, Ombudsman, Ministry of Justice are received and summarizing by the MIA.

After completion the draft of Law will be submitted to the Parliament of the Republic of Uzbekistan.

The major direction of the judicial and legal system, as well as criminal punishment liberalization processes in the Republic of Uzbekistan was gradual narrowing a sphere of application of a death penalty. At the moment of obtaining independence the criminal legislation of Uzbekistan contained more than 30 articles providing punishment as a death penalty. In the Criminal Code of the Republic of Uzbekistan of 1994 the quantity of these articles had been reduced up to 13, in 1998 - up to 8, and in 2001 - up to 4. Now, after realization in 2003 a complex of measures on liberalization of the criminal legislation, the death penalty is provided only for two crimes - deliberate murder under aggravating circumstances and terrorism.

In the criminal legislation the quantity of crimes for which death penalty can be appointed makes less than one percent from total of penal acts. Irrespective of gravity of committed crime, application of this kind of punishment to minors, women and persons older than 60 is forbidden by the legislation.

It is worthy to note that the quantity of death sentences execution is decreasing annually. If to compare figures of 2000 to a similar figures of 2004 than it becomes clear that the quantity of death sentences execution, has decreased almost in 9 times. During the period of 2002-2004 death penalty in regard of 32 persons has been replaced with imprisonment.

The issue of death penalty became a subject of constant discussion among the public and mass media. Thus, 238 tele-programs, 463 broadcasts-programs, more than 270 newspaper and journal publications have been devoted to discussion of provisions of the Decree «On Abolishment of Death Penalty». Moreover 23 scientific-practical conferences, 148 seminars, 265 "round tables" were held on this issue. For example, during 2005-2006 with assistance of F.Ebert Foundation 4 seminars were held in various cities of Uzbekistan (Tashkent, Bukhara, Samarkand, Nukus, Urgench) on this theme with participation of the Bundestag member, former Federal Minister of Justice of Germany of Mrs.G.Dojbler-Gmelin.

The modern criminal policy of Uzbekistan regarding application of a death penalty fully complies with world tendencies and reflects principles of humanism and justice proclaimed by the Constitution of the Uzbekistan.

On August 1, 2005 the President of the Republic of Uzbekistan issued the historical Decree «On Abolishment of Death Penalty». Thus, Uzbekistan became one more state in the world cancelled a death penalty.

It is necessary to note that the matter is not the moratorium on a death penalty as it is done in some countries, when sentenced waits for years, but it is about its full cancellation.

Thus from January 1, 2008 a death penalty will be abolished as a criminal punishment and instead of it a life or long-term imprisonment will be introduced.

At present a wide range of legislative, informative and organizational works in three directions, directed at canceling of death penalty.

1. Amendments and additions are being prepared to three codes: Criminal, Criminal Procedure and Criminal Executive, connected with cancellation of a death penalty and introduction of life imprisonment or long-term imprisonment.

On June 29, 2006, in order to intensify works to prepare the legislative and normative acts that are necessary for abolishment of death penalty the President of Uzbekistan issued an order "On Additional Measures to Prepare Legislative and Normative Acts that are subject to adoption in virtue of abolishment of death penalty in the Republic of Uzbekistan".

2. The cancellation of a death penalty will demand to carry out a wide explanatory work among the public, first of all, clarify in people's attitude an understanding of necessity of death penalty abolishment. As it shows annual sociological survey of the population by the nongovernmental Center of Public Opinion 'Ijtimoiy Fikr' more than 75% of respondents oppose cancellation of a death penalty.

3. It is necessary to carry out the organizational - preparatory measures, connected with construction of premises, creating conditions for keeping people in detention, whom life imprisonment or long term of imprisonment is applied instead of death penalty, preparation of personnel to work in these establishments.

Therefore for a full cancellation of a death penalty it is required more than two years. The death penalty will be completely cancelled from January 1, 2008.

Thus, full cancellation of death penalty as an exclusive criminal punishment will correspond to universally recognized principles and norms of international law and provisions of the Constitution of Uzbekistan proclaiming the right to life.

### **Recommendation "t"**

In 2003 the representatives of EU embassies (Italy, France, Germany, UK and the Netherlands) in Uzbekistan twice visited the Prison UJA 64/71 (Jaslik Village).

Moreover, in 2003 journalists from France-Press, Associated Press, Reuters, and BBC Radio also visited the Prison.

From 25 to 28 July 2004, the Republican Commission, representing of the General Prosecutor's Office, Ombudsman, Ministry of Justice, National Center of the Republic of Uzbekistan on Human Rights and the MIA assessed living conditions in the prison UJA-64/71.

The Commission recognized that the conditions of this penitentiary were up to the standards. At the same time, the meeting of the Interdepartmental Working Group decided that imprisonment conditions to be improved and monitored on the regular basis.

In 2004, Ms. S.Kurran, Adviser on Socio-Economic and Political Issues, US Embassy in Uzbekistan, and Ms. M.Server, Director, Freedom House in Uzbekistan, visited the prison.

In October 2004, Mr.R.Mullerson, Regional Advisor of the UNHCR Regional Project on human rights in Central Asia, and Deputy Director of the National Human Rights Center of the Republic of Uzbekistan visited it.

The visitors positively assessed the activity of the establishment and expressed readiness to continue and strengthen cooperation.

### **Recommendation “u”**

During 2003-2004 the General Directorate on Execution of Penalties of the MIA of the Republic of Uzbekistan received from the MFA 18 appeals of the UN Committee on Human Rights concerning 31 people sentenced to death, whose cases are under examination of the Committee.

From the mentioned number of people, the death penalty was executed towards 15 convicts (Sh.Andasbaev, U.Eshov, I.Babajanov, M.Ismailov, M.Mirzaev, A.Uteev, O.Ruzmetov, U.Ruzmetov, O.Makhmudov, N.Bazarov, O.Kupalov, B.Yusupov, J.Madrakhimov, I.Sunnatov, A.Karimov) before the appropriate appeals have been received.

Towards 7 of them the death penalty was replaced by different terms of imprisonment (A.Kornetov, A.Isaev, N.Karimov, E.Gugnin, F.Karaev, I.Karimov, S.Alisov).

Execution of sentences towards 8 convicts (F.Nasmbulin, I.Khudaiberganov, Sh.Juraev, F.Alimov, A.Buryachek, I.Ibragimov, Sh.Baibulatov, S.Kadirov) were suspended due to examination of their petitions by the Pardon Commission under the President of the Republic of Uzbekistan.

During the mentioned period, execution of penalties towards people whose cases admitted for consideration by the UN Human Rights Committee was suspended after the appeals were received.

In accordance with Recommendations of the UN Special Rapporteur, the practice of State agencies reaction to temporary measures recommended by UN Human Rights Committee was introduced, namely, suspension of death penalty execution towards people, whose cases are under consideration of the UN Human Rights Committee and there is a relevant appeal from the Committee to the Government.

The draft Law «On Modifications and Additions in the Criminal Executive Code of the Republic of Uzbekistan» is prepared. According to this draft Low, the basis to suspend the execution of punishment in the form of death penalty is a formal notice of the UN Human Rights Committee that the case of concrete person condemned to death penalty is admitted for consideration by the Committee.

### **The recommendation "v"**

At present the Interdepartmental Working Group develops proposals on implementation of the Article 22 of the Governmental Action Plan as well as practice of submitting reports to the UN Committee Against Tortures, is stipulated by Article 22.2 of this Action Plan.

-----